

STRICTLY CONFIDENTIAL

**Dr SQM Tighe, MRCS, LRCP, MBBS, FRCA
Consultant Anaesthetist**



*Dr Ravi Jayaram
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Dear Ravi,

Unexpected deaths on the neonatal unit

After our meeting on Friday, I am now feeling as uncomfortable as you probably are! I have done some background reading and there are disturbing similarities with the Beverley Allit case and others. I hope you will forgive me for commenting further and do not think I am being patronising by making the following observations, or am stirring things up unnecessarily.

1. There are two possibilities. Either you all agree that the Trust Board are correct, or you still have significant doubts after reading the reports.
2. If you really consider that there is a significant risk that The Trust is wrong, having read the reports and considered them as impartially as you can, you cannot agree to "draw a line under this", because there is by definition, a significant risk that serious crimes have been committed and therefore could be committed again, if not in this Trust, then in another. Regardless of the emotional issues and the risk of causing further upset and perceived injustice, the public interest is over-riding if you have significant concerns. You are the experts, not the nurses, the MD or the Trust Executives.
3. However if, after reading the reports, you agree that the Trust has done everything reasonable to allay your concerns, and that therefore you no longer have significant concerns, you could agree to "draw a line" and accept the person back onto the unit, with or without stating any remaining concerns you may still have.
4. I hope you have now been able to read the reports. You will note that there is very little reference to the specific problem you suspect you might have been faced with in the RCPCH report. I have not seen the pathology report.
5. At our recent meeting, I said I thought it would be acceptable for you to agree to draw a line and accept the excluded person back, whilst registering your continuing concerns, if you still have any. However, I now think differently, if you still have significant concerns. Before you agree with the Trust Board to "draw a line" under this and take this person back, I think you must seek

specific *written* assurance that;

1. The RCPCH report considered carefully the rota evidence and any other circumstantial evidence that Steve or other neonatologists provided and that they were aware of your specific concerns about the possibility of deliberate harm.
2. All the deaths, or as many as possible, have been subjected to detailed *forensic* pathology and toxicology, including all remaining infusions, blood samples, etc, that no concerns have arisen and that there are no recommendations to pursue further more specialised forensic examination, including unusual drug assays (muscle relaxants, lignocaine, bupivacaine, cyanide, insulin etc) and exhumation. In this respect, you may wish to see the detailed test results that have been carried out so far, if not included in the pathology report.
3. That in the latter respect, the pathologists were fully aware of your specific concerns and carried out their examinations with these in mind.

6. Hopefully, this will allay your remaining concerns and you can then act as suggested in para 3 above. However, if the Trust cannot give you the above assurances with sufficient confidence, I think you should consider writing a joint letter (signed by all neonatologists and preferably the network lead) to the CEO that states;

1. You cannot accept the Trust Board's decision and you cannot accept this person back onto the unit. The public interest overrides all other concerns.
2. You believe that a full forensic examination must take place, this has not been adequately carried out and that this can probably only be done properly by the coroner and the police.
3. If they refuse to refer to the coroner or police, you will need to consider informing the coroner formally about your concerns, request him to open inquests and ask him to inform the police if he thinks it is appropriate. If you do, you should give the Trust reasonable notice of your intention, so they can prepare, and should inform your professional defence organisations beforehand.

7. Meanwhile, you should still write your letter of reserved apology for the perceived remarks made to the excluded person and state your intention to fully co-operate with the changes necessary to restore the unit status to its previous level, other than accepting this person back into the workplace, if para 3 above does not apply.

8. I further suggest that you all obtain transcripts of the evidence you provided to the RCPCH enquiry, to ensure that the appropriate evidence was supplied to them.

9. Please feel free to share this with Steve, but I would rather you did not copy or distribute it further.

Regards