

I conclude that there was no personal investigation, but the Executive team have not been clear on what they expected the external review to demonstrate or not in relation to your situation, nor did they advise you of this.

4: I would like the Trust to outline to me how its values such as being 'open and honest' and we 'respect each other' have been adhered to in my situation

Whilst I recognise that the Board found themselves in a difficult position, I conclude that the trust have not been as open and honest with you as they could be, in relation to the circumstances.

5: I also wish to be informed of any evidence the Trust may have and the process they have followed.

During the course of this investigation I have not been made aware, nor has there been any allusion to, any evidence relating to any alleged wrongdoing by yourself. There has been repeated reference to a commonality between the dates and times that you were on duty and the collapse / deaths of a significant number of babies, but there is nothing to support that there is additional information or data beyond this, that has not been shared with you.

6: I would appreciate assurances from the Executive team that this has been dealt with appropriately and that my confidentiality is being maintained.

I conclude that the trust has not failed to protect your confidentiality with regard to the circumstances regarding your employment, that reasonable steps were taken to maintain confidentiality but as with any large organisation, employees do talk amongst themselves and will speculate, despite the best efforts of management.

7: I would like to know exactly what I have been accused of / what allegations have been made and by who and how the Trust has dealt with this.

I conclude that I fully support the conclusion that Chris Green came to and uphold this part of the grievance.

No party refutes that concerns were raised by the Consultants, in particular SB, to the Executive team around a perceived commonality between your presence on the NNU and the collapse/deaths of babies. I acknowledge that these concerns were raised through the appropriate channels in line with both the Trust Speak Out Safely Policy and the guidance proffered by the GMC (i.e. through the Executive team). However, I do not find that the consultants concerns, when reiterated to the Executive team were "clear, honest and objective" (GMC guidance). The evidence suggests that, whilst the Executive team acknowledged and appreciated these concerns, their preliminary fact-finding did not produce any information that prompted them to initiate either a formal internal or police investigation. I believe the intention was to continue to review this for the agreed 3 month period, prior to the loss of two triplets on the unit.



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I conclude that no formal allegations have been made with relation to you from any party. I have been unable to confirm the exact wording of any 'accusations' however the members of both the management team and the Executive team are clear that the accusations were, that there was a direct link between your presence on the NNU and the increase in deaths on the unit and that it was suggested by some of the paediatric consultants that that this link was due to *knowingly deliberate action by LL*.

In response to 'how have the Trust dealt with this', I conclude that the Trust have considered the concerns of the consultants in line with both the Disciplinary and Speak out Safely policies and believed that there was insufficient basis on which to undertake either a formal internal investigation or to initiate a police investigation.

I consider that there were a number of potential options available to the Trust:

- to initiate an internal investigation under the Trust Disciplinary Policy. I find that, given the nature of the allegations that this was not feasible as, if there was sufficient evidence the police should have been contacted in line with the Policy.
- to contact the police as above and request an investigation. I find that the Executive Board did not feel there was sufficient evidence to undertake this action.
- to exclude you from duty whilst the External Review and 'deep-dive' forensic review was undertaken.
- to redeploy you as an alternative to exclusion.

I conclude therefore the action of removing you from NNU while the External Review and 'deep-dive' forensic reviews were undertaken was within a range of reasonable responses available as it was believed that these reports would provide further information that would clarify any concerns regarding any deliberate action resulting in patient harm. Given the number of meetings in which these concerns are believed to have been discussed and the subsequent action taken by IH to address rumours coming from NNU, I believe it is inevitable that these accusations became known to you and I conclude that you should have been made aware from the outset. Furthermore, I find that you were not provided the opportunity to respond to the concerns as raised by the consultants, which I consider you had the right to do.

8: How will the Trust support me to return to NNU on a personal and professional level?

- The CEO and a Non-Executive representative, to apologise to you in the presence of your parents.
- After the final report is received and provided there are no references made to you, it is therefore put in writing that you have no case to answer.
- Mediation for you with both consultants, and also an apology from both consultants. This will provide support and reassurance to you when you return to your role in NNU.



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