

Witness Name: Andrea Sutcliffe  
Statement No.: 3  
Exhibits: 5  
Dated: 07/05/2024

## THIRLWALL INQUIRY

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### THIRD WITNESS STATEMENT OF ANDREA SUTCLIFFE

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I provide this statement in response to a request from the Inquiry solicitors received on 16 April 2024. I am authorised by The Nursing and Midwifery Council ('the NMC') of 23 Portland Place, London, W1B 1PZ to provide this witness statement. I, Andrea Sutcliffe of the NMC will say as follows:

1. The purpose of this witness statement is to provide the Inquiry with documents referred to in the witness statement of Dame Ruth May, Chief Nursing Officer for England, and to provide some context in relation to those documents.
2. The first document is a letter dated 1 October 2023 from the NMC's Executive Director of Professional Practice, Sam Foster, to David Warren, the NMC's Chair of Council, copying in the NMC's then Vice-Chairs Ruth Walker and Derek Pretty and the Chief Nurses for England and Wales, Dame Ruth May and Sue Tranka (**Exhibit AS/107**). This letter raises concerns about some aspects of the NMC's handling of fitness to practise cases, including our handling of and process for self-reflection and learning on the Lucy Letby (LL) and associated cases which fall within the Inquiry's terms of reference.
3. The second is a letter dated 14 November 2023 from Sir David Warren to Sam Foster copying in those listed above, providing a response to the concerns raised. (**Exhibit AS/108**). [INQ0018086]
4. I am also providing the Inquiry with a subsequent email from the NMC's Executive Director of Professional Practice to the NMC's Chair of Council dated 19 March 2024 (**Exhibit AS/111**) which refers to LL and Alison Kelly ('AK'). [INQ0018087]
5. At the request of the Executive Director of Professional Practice, this correspondence was originally treated as strictly confidential. For that reason, the correspondence was only recently shared with me on 25 March 2024, and then the Executive Board shortly afterwards.

6. Below, I set out a number of activities underway to address the concerns raised in the letter. Some of these were outlined in my first statement of 2 February 2024. This statement should be read in conjunction with that statement.
7. In my witness statement of 2 February 2024, I outlined our approach to handling the LL and associated fitness to practise cases, and the steps we have already taken to reflect on our approach. The sections of that statement which deal with our consideration of, and approach to, some of the concerns raised in **AS/107** are:
  - i. Paragraphs 235 - 267 headed "Learning Lessons". These summarise our reflections as of that date on our handling of the LL case and associated issues. These paragraphs describe the internal working group we set up at the end of 2022 to prepare for the end of LL's criminal trial and consider what lessons we could learn. They provide an outline of our areas of focus as of 2 February 2024. Areas included our assurance on nurses' education, our registration and revalidation processes, the work of our Employer Link Service, our handling of LL's fitness to practise case including our interim order risk assessment process, the role of clinical and safeguarding advice in fitness to practise and the governance processes for ensuring the accountability of senior management within the nursing profession.
  - ii. Paragraphs 198 - 210 of our witness statement details our handling of press inquiries in relation to LL and AK.
8. In paragraph 191 of my 2 February 2024 statement, I outlined the key dates and activities of our ongoing fitness to practise investigation into Alison Kelly. We placed our investigation on hold on 15 February 2021 following advice from the police. In order to progress our investigations after the end of the criminal trial, we sought disclosure from CoCH on 21 August 2023. We were sent a significant volume of disclosure from the CoCH on 9 October 2023 and following a review of the documentation, we decided to apply to the Investigating Committee for an interim order. An Investigating Committee panel heard our application for an interim order on the 27 and 28 March 2024. The panel decided on 28 March 2024 not to impose an interim order restricting AK's practise. Our substantive investigations are continuing.
9. We have a number of activities underway which will address the concerns raised in the correspondence exhibited to this witness statement:
  - i. We have sought legal advice to review our handling of the LL and associated cases with a view to gaining further insights and learning.

- ii. In October 2023 we appointed Ijeoma Omambala KC to investigate whistleblowing concerns that were raised in September 2023 about our handling of some of our fitness to practise cases which includes our approach to safeguarding. The terms of reference are published on our website and exhibited (**Exhibit AS/109**). [INQ0018083]
  - iii. In February 2024 we appointed Nazir Afzal and Rise Associates to review our organisational culture. We are committed to ensuring that we learn from issues raised and make changes where needed. Terms of reference for the culture review are available on our website and are exhibited to this statement (**Exhibit AS/110**). [INQ0018084]
  - iv. On 27 March 2024 our Council approved the Fitness to Practise 18-month plan. This is the biggest additional investment we have made in our fitness to practise process in more than a decade. Its aim is to ensure that we can continue to make decisions that keep people safe, but in a more timely and considerate way. The workplan includes several workstreams focused on improving timeliness and quality within our handling of fitness to practise cases. One of the workstreams will undertake a review of how we apply safeguarding and clinical advice across the fitness to practise process and consider what we need to improve. Another of the workstreams will conduct a quality assurance review of whether we have sought interim orders on the right cases.
  - v. We have included a separate corporate risk on our approach to safeguarding and are taking steps to put in place mitigations which will address the concerns raised.
10. We intend to provide the Inquiry with a further witness statement providing more detailed learning and reflections towards the end of July 2024. This will include our learning and reflections from the review of our handling of the LL and associated cases, the Ijeoma Omambala KC investigation and Nazir Afzal and Rise Associates review where relevant to the Inquiry and the progress of our fitness to practise improvement activities. It will also include reflecting on the issues raised in the letters of 1 October and 14 November 2023 and the email of 19 March 2024.

**Statement of Truth**

I believe that the facts stated in this witness statement are true. I understand that proceedings may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief of its truth.

Signed:

**Personal Data**

Dated: 7 May 2024