

COUNTESS OF CHESTER NHS FOUNDATION TRUST

CONFIDENTIAL: Correspondence involving Lyn for the period September 2018

Date	From	To	Correspondence
19/9/18			<p>Telephone call held between Lyn Simpson and the Chair of Countess of Chester, Duncan Nichol</p> <p>Lyn Simpson (LS) advised Duncan Nichol (ON) that it was in no-ones interest to go ahead with the vote of no confidence against the CEO and that it would be helpful if it could be prevented. The following steps were considered on the call:</p> <ol style="list-style-type: none"> 1) LS suggested ON would need to identify someone to act up into the CEO post as it was recognised that Tony Chambers (TC) could not continue in his current role. LS advised to look for an alternative placement for TC but there would be an expectation that the trust (Countess of Chester) would fund this. 2) ON confirmed that 72 hours previous to this call the clinicians brought to his attention that they wished to press on with the vote of no confidence. ON convened the NEDs and they were made aware of the emerging position. LS was made to believe that there may be a secret ballot of the members this afternoon. 3) LS and DN agreed the suggested way forward was; <ol style="list-style-type: none"> a. to prevent the vote of no confidence and ON to take this forward b. to ensure that TC does not go back on site and perhaps works from home for the next week, whilst LS considers alternative options c. to agree that if an alternative option for 6 months could be found that TC would not go back to Countess of Chester d. that if a substantive post could not be found then TC would need to be made redundant from the trust e. for LS to secure some expert HR advice over the next few days to assist in the deliberations 4) LS would talk to TC to outline the conversation had as above 5) ON would let LS know the outcome in terms of whether he could avoid the secret ballot and advised he was keen to prevent this happening. 6) LS to contact Maria Robson to discuss ongoing HR advice.
19/9/18	Lyn Simpson	Ian Dalton	<p>LS text ID to advise of the conversation held with ON as above</p>
19/9/18			<p>Telephone call held between Lyn Simpson and the Chief Executive of Countess of Chester, Tony Chambers</p> <p>LS held a telephone call with TC to advise of the above call held with ON.</p> <p>LS informed TC that she had a call from Ian Dalton (ID) on Monday 17 September to advise that the situation at the Countess of Chester was getting difficult and potentially a vote of no confidence. ID asked LS to contact ON to outline a potential way forward.</p>

LS recognised that the investigation piece was going down its own route with the police involved etc. and that was separate to the vote of no confidence issue.

The paediatricians are keen to go down the route of a vote of no confidence and ON was trying to prevent this. DN advised LS that he was aware that TC would not be able to continue in the trust.

LS advised TC of the suggested next steps, which LS had shared with DN:

- 1) TC to work off site (Orking from home) over the next week or so, which would give LS time to look at alternative options for TC. (LS to talk to TC about this as not sure another CEO post would be right or bringing TC into NHS). LS to look at STP possibilities and somewhere in which TC could add value and additional high level support. LS agreed to look at this and come back to TC over the next week and ahead of the 28 September).
- 2) LS advised that the alternative role would be a staging post with the opportunity for TC to look at something else. It was agreed that TC would not go back to Countess of Chester.
- 3) TC confirmed he would step aside and be as flexible towards this as he can be, however TC advised he would not want this to be a cost towards his career and would want to maintain his status of CEO.
- 4) LS advised that DN has a meeting with the clinicians today and that he would be looking to get them to pull back from the vote of no confidence.
- 5) LS advised she would seek senior HR advice for both LS and TC as there would need to be clarity on next steps at the end of the time period if TC would not be going back to Countess of Chester.
- 6) LS has asked DN to arrange some acting arrangements in the trust in the meantime.
- 7) TC to discuss with DN and LS to follow up in the next few days.

19/9/18	Lyn Simpson	Angela Kings	<p>LS advised AK of an update on actions that needed to be taken by NHSI:</p> <ol style="list-style-type: none">1) Robin Scott to prepare a reactive brief for NHSI.2) LS to contact STPs to see if they need support for approximately a 6 to 12 month time period, to be paid by Countess of Chester.3) NHSI to make contact with the acting CEO re any support needed.4) LS to make contact with Maria Robson re HR support.5) LS to maintain contact with both the Chair and CEO re actions over the next week
20/9/18		<p>Telephone call held between the following people:</p> <ul style="list-style-type: none">• Lyn Simpson• Maria Robson• Mark Power• Jill Copeland• Graham Urwin	

- Robin Scott

The call was arranged to take stock and determine next steps. LS wanted those on the call to be aware of the current situation, which was now generally known across the trust. LS provided an update to colleagues :

- 1) Issues relating to the CEO of the trust were brought to LS attention around 72 hours ago by Ian Dalton who had been contacted by both the CEO and the Chair of the trust separately to advise that there was potentially going to be a vote of no confidence from the clinicians. The CEO advised he wanted to avoid this and would step aside from the organisation.
- 2) LS made it clear to the Chair that when looking at alternative arrangements this would not be a CEO post and not within NHS. Other options suggested could be HEE, AQUA and other organisations , where the CEO could add value.
- 3) The time period for this placement was not formally agreed and therefore could be something like, 3, 6 or 9 months. During this time period the CEO would remain the responsibility of the trust and would be funded by Countess of Chester. If at the end of the time period a substantive post could not be found the CEO would still be the responsibility of the trust and therefore could be made redundant.
- 4) LS discussed the above with ID, who was comfortable with the approach suggested.
- 5) LS discussed the above with the CEO and in the greater interest of the NHS and the organisation he confirmed he would be prepared to step aside but was keen to remain working within the NHS
- 6) Robin Scott and LS then worked on reactive lines, which were shared with Kathy Mclean. LS has briefed KM in full and the reactive lines are prepared and ready to be used when required. The private office have been briefed and Robin has a link into the trust comms team.
- 7) LS and the Chair of the trust spoke this morning, where LS advised she would be seeking HR advice.
- 8) LS to touch base with the Chair early next week to advise of any potential roles for the CEO.

Maria advised that if after the allocated time period within the new role the CEO did not secure substantive employment elsewhere the trust (Countess of Chester) would find it difficult to make him redundant as he would still be considered as the CEO post and the issue would be from what he is being made redundant from. It would be a case of terminating his

employment, therefore the suggestion would be to serve the CEO with his notice whilst he was on secondment for the time period confirmed. This could be written into the settlement agreement.

There would need to be an early discussion with the Chair to pull this together to confirm in writing the agreement as there would need to be a clear understanding that he would not be able to return to the trust and what the outcome of that would mean. Maria noted that once a post is agreed the salary would require approval.

Agreed to arrange a call for Friday 21 September between Lyn, the Chair, Maria and the trust HR Director to reinforce the message.

- b. Requested support from colleagues on the call on areas that could be considered for a new role for the CEO and the lines to take to secure this. LS would like to be able to secure a new role by the end of next week.

There is the police enquiry ongoing and Graham queried what would happen at the end of the enquiry if there was to be an accusation against the Senior Leadership. Confirmed that this would be one to think about when the investigation comes to a close, however the interim placement would not dissolve the CEO's responsibility. It was agreed that other organisations would be considered excluding NHSI and CEO posts e.g. NHS digital, NHSE, C&M STP.

Actions agreed:

- 1) Graham to contact colleagues in the M&E team and to give some thought around possible roles within NHSE.
- 2) Graham to contact the Wales Group and David Fillingham at AQUA.
- 3) Jill to contact Mel Pickup to discuss any opportunities/relevant work within the STP.
- 4) Lyn to discuss with the other STP leads in the North.
- 5) Maria to write out to NHSI colleagues across the region.
- 6) Follow up call to be arranged for Monday 24 September at 12.30pm to discuss the above contacts made.
- 7) Call to be arranged with the Chair, Lyn, Maria and the trust HRD for Friday 21 September.

26/9/18	Lyn Simpson	Duncan Nichol	<p>LS emailed DN: HiDuncan,</p> <p>Continued conversations with Tony this week to advise on where we are with a possible placement. Likely that we will direct him to an STP/ICS and I would like to land this by the end of the week. I have colleagues coming back to me with any opportunities by tomorrow and I have arranged to speak again with Tony on Friday lunchtime.</p> <p>I am aware that our HR advisor, Maria Robson, has been in touch with your employment lawyer and I am advised that it would be helpful to have;</p>
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			<p>Lyn subsequently responded and shared the note above (from 26/9) sent to Chair and asked MP and MR whether they should be sending anything more formal to the Chair at this stage? MP confirmed that, at this stage, there is really nothing else to add. Recognising the Trust's foundation status, our guidance/advice is just that, but we would hope it will be accepted and followed.</p>
26/9/18	Tony Chambe	Lyn Simpson	<p>TC shared his CV with Lyn, which Lyn shared with Maria and Mark.</p>

3/10/18			<p>FILE NOTE</p> <p>Call - 3 October 2018 at 13:30</p>
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Lyn Simpson / Sir Duncan Nichol / Sue Morrison / Mark Power

The purpose of the call was to update on the current position in relation to Tony Chambers and to determine the next steps.

The key points from the call were noted as follows:

- 1.) A placement was being sought for Tony Chambers and it had been made clear to him that this would not be in a chief executive capacity nor in a trust nor NHS as an organisation. This would be a programme officer / director type role within an STP/ICS.
- 2.) Two potential opportunities had been identified - one being South Yorkshire and Bassetlaw and the second being Cumbria. Lyn was of the view that Tony's preference was the Cumbria option.
- 3.) Lyn had requested a response from Tony outlining which option he'd prefer by lunchtime the following day in order to confirm this with Sir Andrew Cash and Stephen Eames as quickly as possible.
- 4.) Lyn would convey Tony's decision to participants on this call as soon as this is known to enable the necessary actions around paperwork etc to commence.
- 5.) This placement would be funded by the Countess of Chester for a period of six months, recognising Tony had hoped for a nine-month placement. The six months would commence once arrangements were finalised and the agreement would ensure protection for the trust at the completion of the placement or should the placement terminate earlier than planned.
- 6.) The agreement would include the need for Tony to secure further employment beyond this period.

The next action was for Lyn to advise of the outcome of Tony's decision. A further call would be scheduled for mid-end of w/c 8 October and would be stood down if there was nothing to update on.

29/11/18	Lyn Simpson	Duncan Nichol	<p>Lyn emailed Sir Duncan following text conversation with TC:</p> <p>"I have held off sending the below note until TC had the opportunity to speak to you and he advised that this would be the case on the 22 November. I have heard nothing further from TC and beginning to feel slightly concerned that we might be out of the loop a little.</p> <p>My email below remains relevant and I have copied to Maria in order that she is aware.</p> <p>I understand that TC is potentially looking to be seconded to a different organisation to that of our previous discussions, and for a longer period. While overall approval of the terms of his settlement sit with you and your Remuneration Committee, I would advise that rehabilitation periods linked to similar settlements in the NHS seldom last more than one year (especially where these are funded solely by the original employing trust). Please also remember that as his current salary is above £[I&S]a, the host organisation for his secondment will need to seek approval (if an NHS Trust) or comment (if an FT/CCG) for his salary while on secondment.</p> <p>Thanks,</p> <p>Lyn"</p>
3/12/18	Sir Duncan	Lyn Simpson	<p>Duncan responded to Lyn's email of 29/11 to advise: Tony had not kept him posted on his conversations leading to the change to his placement option, which I do not regard as a secondment. However the settlement terms agreed between the trust and TC had not changed and in particular Cote would cease paying TC salary on the 30 June 2019, when his statutory notice period expires. DN was not aware of the requirement on the host organisation referenced in the last sentence of your email. <i>(Please also remember that as his current salary is above £[I&S], the host organisation for his secondment will need to seek approval (if an NHS Trust) or comment (if an FT/CCG) for his salary while on secondment.)</i></p> <p>4112118- Ak has sent onto Maria Robson to ask if there is anything further NHS/ need to do with this?</p>