

## Telephone Note In

Matter No: INP - I&S - Ian Pace  
Client: Countess of Chester Hospital NHS Foundation Trust  
Matter: Advice regarding neonatal unit  
Lawyer: Ian Pace  
Date: 18 November 2016  
Subject: Telephone in from client re SH re update on current position re LL (Sue Hodkinson) 2

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I received a call from Sue Hodkinson. We discussed the current position in relation to Lucy Letby. She said that Lucy was fully engaged with them. They continued to engage her in the process and she had not taken any sick days at all. The external and internal reviews have both been completed and there is nothing to implicate her in any of the events. The board has decided that she should return to the neonatal unit. I said this all sounded very positive and we need to take steps to ensure that proper steps are made to reintegrate her back into the workplace. Sue said this was being done.

I did say that this was potentially still a live issue because of the consultant's concerns about her. We need to manage this carefully. We need to be careful that the consultant does not subject her to any different treatment which may amount to bullying and harassment as to do so may give rise to a further grievance and potentially further claims arising with constructive unfair dismissal from LL. I understood that the consultant had raised concerns previously relating to whistleblowing and said that these needed to be investigated and Sue said that the Trust had taken the view that the internal and external investigations have been sufficient and that we would provide the outcome of these investigations to the consultant who had raised a whistleblowing concern.

I explained that we need to be careful if we are going to be taking any disciplinary action against the consultant (for example he mistreats LL when she returns to work) because there potentially is a whistleblowing claim in the central whistleblowing claim. He may allege that he's been subjected to a detriment (disciplinary process) if we start taking disciplinary action he may say this because he has raised a protected disclosure.

We also need to be alive if we commence a capability process as the same sort of allegation may arise. Sue said that the reports had identified problems with the unit as a whole rather than individuals and noted my points and realised this was an ongoing matter which needed to be handled carefully. She said she would be back in touch with IP to manage this.

Time engaged including preparation of attendance note: 5 units

INP