

Telephone Note In

Matter No: INP - I&S - Ian Pace
Client: Countess of Chester Hospital NHS Foundation Trust
Matter: Countess : General Employment 2016
Lawyer: Ian Pace
Date: 28 October 2016
Subject: Telephone in from client re Sue Hodgkinson re Lucy 1
Letby

Sue called and we discussed the current position regarding Lucy Letby. She remained redeployed elsewhere in the Trust. The draft external review has now been done. It said that it criticised not going down on a full process based on the various allegations that had been raised. It also criticised the Trust for not telling Lucy the comments and allegations that were raised at the time. Sue said that this was not done because of a formal date and time. There is a significant amount that needs to be done regarding staffing to reinstate the unit back to its previous standard. Failings found in terms of neonatal network. It will remain the same level for some time.

The is no suggestion in the external review that Lucy was involved. It did refer to the clinicians having a "gut feel". A further external review session is going to be undertaken to undertake a deep forensic analysis of the 13 neonatal cases. They are going to keep Lucy on the other external ward during this time. The Trust then had a decision to make as to whether or not it reinstates her back into a neonatal unit together with all the management issues that come with that if the forensic review does not reveal any evidence to substantiate her involvement or whether it tries to keep her away from the unit. I said that my preferred approach and probably the easiest approach would be to keep her away from the unit with her agreement if at all possible notwithstanding the outcome of the review. My ultimate concern was the potential for patient safety and the question of whether or not returning her back to the unit may place her at risk even if there is no evidence found as part of forensic review. There were also management issues arising from her return to the workplace because of the various clinicians concerned. She still may resign and claim constructive dismissal because we have excluded her from her duty. This type of claim will be capped unless she can show there is a whistleblowing element to it in which case exposure would be unlimited. I said that overall bearing in mind her salary the financial exposure isn't all too great for a constructive unfair dismissal only claim. On balance the Trust would rather this than potential patient safety issues and the reputation impact this would have. Sue agreed. She said that she would undertake the forensic review and keep Lucy updated and supported during this time to reduce the potential risks of this happening.

Time engaged including preparation of attendance note: 4 units

INP