

THIRLWALL INQUIRY

FOURTH WITNESS STATEMENT OF JANE TOMKINSON

I, Jane Tomkinson, will say as follows: -

Personal details

1. My full name is Jane Tomkinson. I was appointed as Acting Chief Executive Officer of the Countess of Chester Hospital NHS Foundation Trust ("the Trust") in December 2022. At that time, I held the post concurrently with my role as Chief Executive Officer of the Liverpool Heart and Chest Hospital NHS Foundation Trust, which is a post I held between 2013 and 31 January 2024. I have been appointed as the substantive Chief Executive Officer of the Trust from 1 February 2024. Full details of my professional qualifications and experience are set out in my first witness statement.
2. I make this supplementary statement following receipt of a Rule 9 request from the Thirlwall Inquiry dated 4 December 2024.

Letby's involvement in the Babygrow Appeal

3. I was not employed by the Countess of Chester Hospital NHS Foundation Trust during the time period of the Babygrow Appeal. In providing this statement, I am reliant upon the information the Trust has been able to locate through searches of corporate records.
4. The Babygrow Appeal was officially launched at the Countess of Chester Hospital in December 2012 to raise £ [I&S] for a new Neonatal Unit to be developed. Exhibit [JT/01] [INQ0108678] is a document which I understand was produced at the time of the launch of the Babygrow Appeal to raise awareness and it sets out the aims and objectives of the Appeal. Exhibit [JT/02] [INQ0108679] is a PowerPoint presentation which I understand was produced by Lesley Woodhead, Corporate and Events Fundraising Manager. The Trust has been unable to confirm who this presentation would have been delivered to, whether this was internal and/or external, and the date on which it would have been delivered. The PowerPoint specifically identifies what the money raised by the Appeal would be spent on, for example,

a unit with more space for parents and babies, newer equipment, lockers to prevent clutter around incubators and a play area for siblings of babies receiving neonatal care.

5. I note that in Simon Holden's oral evidence to the Inquiry, he stated that Letby was the 'face of the appeal'. I was not working at the Trust at the time of the launch of the Babygrow Appeal so I cannot say with certainty whether or not Letby was specifically designated as the 'face of the appeal'. However, her photograph and profile, along with those of other neonatal nursing staff at the time, was included in promotional materials about the Babygrow Appeal.
6. The Trust has undertaken searches of material held by the Trust about the Babygrow Appeal to locate and identify photographs, details and press releases that relate to or refer to Letby and I summarise below the information gathered.
7. The Inquiry has provided copies of articles from the Chester Standard which were published on 28 March 2013 and 6 August 2015. These are appended to my statement at Exhibit **JT/03** and **JT/04** respectively. Within both articles, pictures of Letby can be seen. [INQ0108680] [INQ0108681]
8. I understand that Janet Ratcliffe, Head of Fundraising at the time of the launch of the Appeal, had an arrangement with the Chester Standard, a free of charge paper to the community, that they would run weekly publicity articles in respect of the Trust's fundraising activities at no cost. The Chester Standard would be available free of charge across the hospital in specific paper holders, in outpatient departments and outside the fundraising office in main reception.
9. The first article from 2013 includes a 'staff profile' about Letby, with her photograph, and details of her career on the NNU at the Trust. The photograph used for this is exhibited at **JT/05**. I understand that Letby came to be involved in this article and promotion piece for the Babygrow Appeal, **I&S** following email requests from Janet Ratcliffe, Fundraising Manager. Janet initially emailed Eirian Lloyd-Powell on 19 February 2013, to request some information for potential PR stories for the Babygrow Appeal (exhibit **JT/06**). [INQ0108682] [INQ0108683] In this email she refers to preparing some articles on staff members.
10. Janet Ratcliffe emailed Eirian Lloyd-Powell again on 27 February 2013 (exhibit **JT/07**) [INQ0108684] advising her of a positive meeting she had had with Chester Standard and stating that Janet needed to have the articles ready 3 to 4 weeks in advance. Janet confirmed to Eirian

that the Chester Standard were interested in running a short article with a photo on various staff members and asked Eirian to ask around to see who would be prepared to do this.

11. Following Janet's email, as exhibited at JT/07, Eirian sent a request on 28 February to all NNU staff, including nurses and paediatricians, for volunteers. **I&S**

I&S Other email trails from later in the year, exhibit **JT/08**, also show that many of the NNU staff had agreed to take part and had put together their own staff profiles. I can therefore deduce from these emails that this was not a request specifically for Letby's involvement, but instead a request to all NNU staff and that Letby agreed or volunteered to take part. **INQ0108685**

12. Letby subsequently had her photograph taken (seen above at Exhibit **JT/05**) by Jenni Millard (nee Collins), COCH photographer, on 8 March 2013 **I&S** and

another student nurse, Sophie. Exhibit **JT/09** shows an email on 8 March 2013 from Janet **INQ0108686** Ratcliffe to Letby to gain her permission for the photograph to be used in the local papers.

Exhibit **JT/10** is a further email from 8 March 2013 in which Letby's 'staff profile' details **INQ0108687** are provided to Janet Ratcliffe **I&S** and I understand it was this information that was later published in the Chester Standard article of 28 March 2013.

INQ0108688

13. In exhibit **JT/11**, an email dated 4 April 2013, Janet Ratcliffe asked one of her volunteers, Andy Scargill, to keep a couple of copies of the Chester Standard featuring Letby and for them to be sent to Letby via the internal mail. **I&S**

I&S

14. The second article from August 2015, which it is understood was drafted by Janet Ratcliffe, included a photograph of Letby with other NNU staff - Dr John Gibbs, Laura Eagles, Caroline Oakley and mum **I&S** and her baby, celebrating the Babygrow Appeal

raising £ **I&S** This photograph is exhibited at **JT/12**. I have been unable to ascertain why Letby was in that photograph. **INQ0108689**

15. Although not associated with the Babygrow Appeal, Letby was also involved in an article which was sent to the Cheshire News to be published. The draft article was sent to Cheshire News by Janet Ratcliffe on 31 January 2012 in the email exhibited at **JT/13**. This **INQ0108690** was after a member of the public raised money for her 80th birthday and donated this to the Special Care Baby Unit. The article indicated that this money would be spent on a new apnoea monitor. There was a photograph of Letby holding a baby who had been cared for on the unit, with the member of the public; this is exhibited at **JT/14**. I understand from the

INQ0108691

INQ0108692

email exhibited at JT/15 that Janet Ratcliffe also asked for this to be published on the Countess of Chester Hospital website. I have been unable to ascertain the circumstances which led to Letby being in the picture.

INQ0108693

16. Letby's photograph also features in the Trust Annual Report 2012/13 (exhibit JT/16) on page 13. She is seen pictured with a baby in a cot. I have been unable to ascertain why Letby was in this picture, which was taken in February 2012 and unfortunately, I do not have any further information with regards to this photograph.

INQ0108694

17. I have been provided with the images of Letby at exhibit JT/17 held by the Trust's medical photography department. A number of these are the ones used in press and other articles referred to above. I have also been provided with photographs of Letby with other NNU staff by the Fundraising Team (exhibit JT/18); the Trust has been unable to ascertain the date these images were taken, as they were taken on staff mobiles. The Trust has been unable to locate any articles in the Chester Standard where these images have been used. Aside from these, I have not located any further photographs or press release articles that contain Letby's image or name.

INQ0108695

Discussions around ending the Appeal & senior management views on the continued funding

18. I have reviewed the document (INQ0015537) to which the Inquiry has referred me in the Rule 9 request, which is a page of Alison Kelly's handwritten notes of a meeting about the Babygrow Appeal which took place on 27 June 2016. I note that Dr Jayaram is recorded as raising the consultants' concerns about the increased NNU mortality rate and that it is later noted in that meeting that there were 'concerns over one nurse'.

19. As I was not in the senior leadership team at the Trust at that time, I do not know whether there were any private discussions amongst senior management about ending the appeal as a result of Letby's involvement. I do, however, note from meeting minutes prior to 27 June 2016 (outlined below) that the Babygrow Appeal had not been performing / raising funds in line with the targets set at the outset of the Appeal, which prompted subsequent discussions about the future of the Appeal and ending the Appeal. I have not seen any information to suggest that the concerns about Letby's involvement in the deaths of babies on the NNU were the reason for discussions around ending the Appeal.

20. The minutes of the Charitable Funds Committee (CFC) meeting held on 28 January 2014, exhibited at **JT/19**, note that income for the Appeal in quarter 3 had been 'disappointing' and was 'behind target with the total number of donations received'. It is noted that Janet Ratcliffe was to discuss with Ed Oliver, Chair of the Committee, regarding the Trust's vision for the Appeal and provide a strategy document subsequently. **INQ0108696**

21. In July 2015, a document prepared by Janet Ratcliffe, titled 'Babygrow Appeal – Mid Appeal Review', was presented to the CFC on 28 July 2015 (INQ0027176 with appendix INQ0027177). It sets out a chronology of the Appeal, highlighting the following issues with the financial position of the Appeal:

- October 2012 - more staff were recruited to the fundraising team at a cost exceeding the initial budget.
- March 2013 - the Appeal was almost £ **I&S** under budget.
- March 2014 - the cumulative income total was approximately £ **I&S** under budget.
- January 2015 – income targets were reforecast to extend the appeal by a further year to 2017/18.
- March 2015 - the annual income was almost £ **I&S** down from the annual target.

22. The Mid-Appeal Review set out 3 options which were discussed by the CFC: continue until the Appeal raises enough to cover the build cost (likely March 2018), stop the Appeal once the target of £ **I&S** is raised (likely midway in 2017/18), or end the Appeal early at the end of financial year 2016/17. I believe it is likely that this is where the initial suggestion to end the Appeal early came from, as opposed to being related to the consultants' concerns about Letby and her link to the Appeal.

23. The CFC received detail about the impact of the delay in raising funds and was advised that the time that the Appeal fundraising was taking would likely impact on future donations as there would be 'donor fatigue'. At this stage no major donor had been identified; however, there were a number of smaller but substantial donations. The minutes of the CFC meeting on this date (INQ0031367) record that Mr Oliver commented that the 'longer the appeal continues the slower the momentum will be but recommended that ending the appeal in 2016/17 would be the stronger option'.

24. The minutes also record that it was agreed Tony Chambers, Chief Executive Officer at the time, would discuss the build with the Executive directors and Kevin Eccles, the Head of the Development Programme, to move the project forward. I understand that following the meeting and review of the paper, the Head of the Development Programme, Kevin Eccles, was tasked with investigating what could be built in terms of a new NNU with a lesser sum than £ [I&S]. This was as per the conclusion of the paper (INQ0027176) that 'endeavouring to find a way to reduce the building cost and/or revising the design could reduce the target...and enable the Appeal to be completed sooner'.

25. There was a further CFC meeting on 27 October 2015 and the minutes record that the Babygrow Appeal was discussed (exhibit **JT/20**). It is noted that although the Appeal continued to receive a high number of donations, these were of fairly low financial value and would not significantly impact the total raised at the time of just over £ [I&S]. There were members of the Executive team present at this meeting, namely Stephen Cross, Tony Chambers, Ian Harvey and David Jago (Interim Chief Finance Officer). The minutes do not record any discussion relating to ending the Appeal early, nor to the link to Letby being on promotional materials. INQ0108697

26. Following the presentation of the Mid-Appeal Review document in July 2015, the next record the Trust can locate where the Babygrow Appeal was discussed was at a meeting on 13 January 2016, at which members of the Executive were present. The attendees were Tony Chambers, Ian Harvey, Sue Hodgkinson, Stephen Brearey, Mark Brandreth, Lorraine Burnett, Alison Kelly, Janet Ratcliffe and Stephen Cross. I have located a note of this meeting on page 5 of Stephen Cross' notebook 9, exhibit **JT/21**. This is the first Executive meeting note that the Trust has located where the Appeal not meeting the target and the need to reconsider the build and staff and public perception on this was discussed. I believe this was a separate meeting to the Executive Directors Group meeting also on 13 January 2016, as the minutes of this (INQ0089027) do not record any discussion about the Babygrow Appeal. INQ0108698

INQ0108699

27. On page 7 of the same notebook (exhibit **JT/22**), there is a note of a 1 to 1 meeting with Janet Ratcliffe, where Stephen Cross feeds back that a paper should be prepared and presented to the Charitable Funds Committee on 26 January 2016. As per the request of Stephen Cross, a further paper was produced and circulated to the members of the Charitable Funds Committee in January 2016 by Janet Ratcliffe, and another member of the fundraising team, Lesley Woodhead. This is exhibited at **JT/23**. This paper confirms that the Appeal was discussed at the Executive meeting on 13 January 2016 and the INQ0108700

consensus was that, without a major donation, the amount initially planned to be raised by the Appeal would not be reached. It was also noted that it may not be seen to be the best use of £ I&S of public money to extend an already old building – the Women and Children’s Building – as planned. The recommendation from the fundraising managers in this paper was continue the Appeal until March 2017. This is in line with the third option presented in the Mid-Appeal Review document, i.e. to end the Appeal early.

28. The minutes of the Charitable Funds Committee on 26 January 2016 are exhibited at

INQ0108701

JT/24. The minutes record that following discussions with Rose Garrod, Chief Financial Accountant, it was proposed that the Trust continue fundraising for the Appeal only until March 2017 and the target be changed to £ I&S so that the build could commence at the earliest opportunity. It is also recorded that there was discussion around the proposals for the communication plan to the public, stakeholders and the staff on the neonatal unit. Stephen Cross is recorded as stating that ‘it is vital that this is handled in a sensitive and positive manner and that Mr Ian Harvey and Mrs Alison Kelly will give this message to staff at the appropriate time’.

29. The Babygrow Appeal is not recorded as being discussed within the notes of the Executive Team meetings on: 6 April 2016 (INQ0003966), 11 April 2016 (INQ0089056), 20 April 2016 (INQ0089059), or 27 April 2016 (exhibit JT/25). Likewise, I cannot see the Appeal was recorded as discussed in the Executive Directors Group minutes from 4 May 2016 (INQ0044803) or 11 May 2016 (INQ0089023). The Appeal is also not recorded as being discussed at the Finance and Integrated Governance Committee (FIGC) meeting on 5 April 2016 (INQ0047824).

INQ0108702

30. It is stated in the Executive team notes of a meeting held on 18 May 2016 (INQ0045278) that there was another discussion around the requirement for a good communication and engagement plan following the changes to the NNU plans. I understand that a paper prepared by Kevin Eccles and Lesley Woodhead, who had at that time taken over as Head of Fundraising, on the updated plans for the build had been presented at this meeting. This paper is exhibited at JT/26 and was circulated to the Executive team by Kevin Eccles and Alison Kelly (exhibit JT/27).

INQ0108703

INQ0108704

31. There was an action attributed to Stephen Cross in the notes of the meeting on 18 May 2016 to feed back to the Charitable Funds Committee. There was also an action for Alison Kelly and Ian Harvey to meet with the clinical leads to discuss the updated plans and commence co-designing the new space. This was also an action in the Executive team

notes of a meeting on 8 June 2016 (INQ0046026). Therefore, I assume that this is the basis upon which discussions were held between Alison Kelly and Ian Harvey and Dr Jayaram, with other members of NNU staff, on 27 June 2016 to end the Appeal.

32. On review of Alison Kelly's note of these discussions in the meeting on 27 June 2016 (INQ0015537), it is noted that Dr Jayaram was advised of the amount that could be spent on developing the new NNU and was informed that capital plans were to be developed with the clinical team. It is noted that it was discussed it was needed to improve the environment and that this would be a positive story for staff. The note then indicates that there was a plan for Dr Jayaram, Dr Brearey and Eirian Lloyd-Powell to meet with Kevin Eccles to start the process.

33. Between the Executive team meeting on 18 May 2016 and the discussions with NNU staff on 27 June 2016, there is only one record the Trust can locate of the Appeal being discussed, and this was on 8 June 2016, as referred to in paragraph 31. There is no record of the Babygrow Appeal being discussed within the minutes of the EDG meeting on 15 June 2016 (INQ0099198), or the notes of the Executive team meeting on 22 June 2016 (INQ0099199). The Appeal was also not recorded as being discussed at FIGC on 7 June 2016 (INQ0052755), nor at the Corporate Directors' Group (CDG) meetings on 25 May 2016 (INQ0046834) and 22 June 2016 (exhibit **JT/28**); **INQ0108705**

34. After the meeting referred to in paragraph 32 above took place on 27 June 2016, there is no record of the Appeal being discussed in the EDG minutes of the meeting on 29 June 2016 (exhibit **JT/29**), nor within notes of Executive team meetings on 12 July 2016 (**INQ0108706**) (INQ0089072) or 20 July 2016 (INQ0051459). There is also no record of the Appeal being discussed within EDG minutes of meetings on 27 July 2016 (INQ0089011) or 3 August (INQ0051463), or the notes of Executive team meetings on 12 August 2016 (INQ0051465), 17 August 2016 (INQ0050671), 24 August 2016 (INQ0051469) or 31 August 2016 (exhibited at **JT/30**); **INQ0108707**

35. There is also no record of the Appeal being discussed within minutes of CDG meetings on 27 July 2016 (INQ0050319) or 24 August 2016 (INQ0052515).

36. The next Charitable Funds Committee meeting was held on 7 September 2016 and the minutes can be found within INQ0056243 at page 59. At this meeting, Lesley Woodhead advised that she had written a communication plan regarding the changes in the Babygrow Appeal target. I understand that a draft version of this document is INQ0045817, but the

Trust has been unable to locate any further versions of this document. The metadata indicates this document was created on 2 June 2016. I note this contains actions for Stephen Cross to communicate the message internally to the Executive team, Ian Harvey and Alison Kelly, the Neonatal Unit and the Neonatal Consultants and the rest of the Trust, whilst Lesley Woodhead was to share the message externally to supporters of the Appeal and internally with the Fundraising Team, Babygrow Appeal Committee and Gill Galt, Communications Manager. This fits in with the timeline whereby Alison Kelly and Ian Harvey then met with Dr Jayaram, Eirian Lloyd-Powell and Anne Murphy on 27 June 2016 (INQ0015537), referred to in paragraph 32 above.

37. I can deduce from an email from Dr Jayaram to Tony Chambers dated 20 September 2016, exhibit **JT/31**, that Dr Jayaram and Dr Brearey met with Kevin Eccles the previous day. The email indicates there was a feeling of discontent from the clinical leads about the fact that the plans presented by Kevin Eccles at that meeting were 'far from what the aims of Babygrow had initially been'. **INQ0108708**

38. I cannot see that Stephen Cross fed back to the CFC at the meeting on 7 September 2016, as per the action set at the EDG on 18 May 2016. However, he is noted to confirm at the CFC meeting on 25 October 2016 (minutes at page 4 of INQ0107727) that meetings had taken place with neonatal representatives and that Mr Harvey and Mrs Kelly had met the Paediatric Team to advise them of the changes around the Appeal target. It is possible that Stephen Cross was waiting for the meeting between Dr Jayaram, Dr Brearey and Kevin Eccles, which went ahead on 19 September 2016, as referred to in paragraph 37 above, to proceed before confirming the position to the CFC.

39. As per recommendations from the fundraising team and following agreement amongst the CFC and the Executives, the Babygrow Appeal ended at the end of the financial year 2016/17. The CFC meeting minutes of 24 January 2017 (page 37 of INQ0067382) record that it was discussed that the Appeal had now raised over the amended target of **£I&S** **I&S** and therefore plans were needed urgently to decide how to move forward with the build. It was also recorded that there would be a Babygrow Appeal Finale Ball held on 22 April 2017 to celebrate the Appeal.

40. At page 8 of the Trust's Annual Report and Accounts for 2016/17 (INQ0080007), there is a foreword from Sir Duncan Nichol and Tony Chambers which states that 'as the Babygrow Appeal draws to a close, work will begin on developing new neonatal facilities'.

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 in its truth.

Personal Data

Signed:

Dated: 11 December 2024