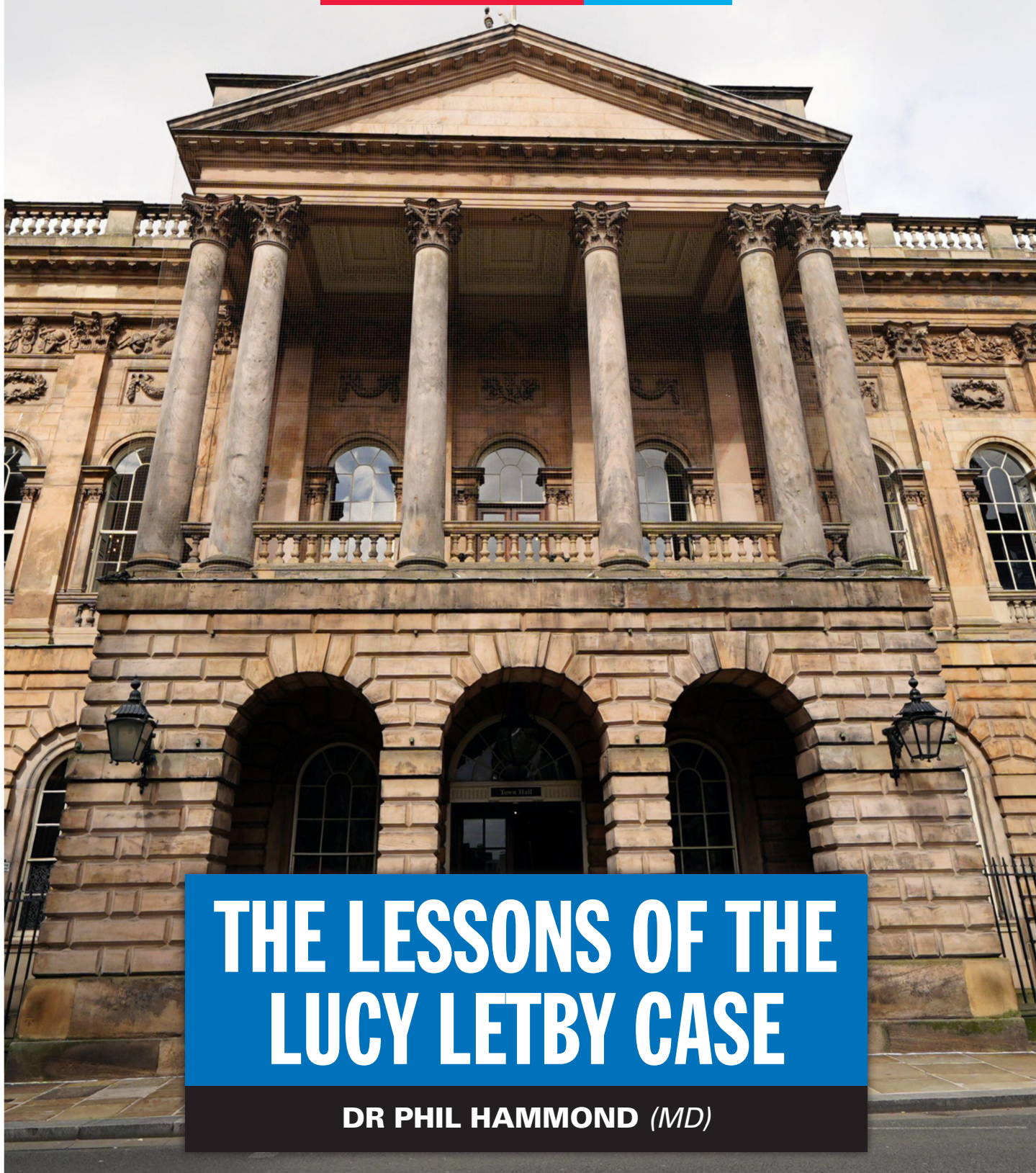


PRIVATE EYE

SPECIAL REPORT PART 38



THE LESSONS OF THE LUCY LETBY CASE

DR PHIL HAMMOND (MD)

THE LUCY LETBY CASE: PARTS 38



Nursing a grievance

ON 22 May, nearly ten years after it was issued and after Lucy Letby has spent more than 2,000 days in prison, the Thirlwall Inquiry released the full report into her successful grievance procedure against consultants at the Countess of Chester hospital, which the jury never saw.

This isn't the first time the inquiry, predicated on Letby's guilt, has unearthed evidence that casts reasonable doubt on it. Most pertinent is the email from consultant Dr Ravi Jayaram to colleagues stating Letby had asked for help in managing Baby K, which contradicts his testimony that she did not, and that he just happened upon her just after she had – in his opinion – dislodged the baby's breathing tube. The jury never saw this email at the initial trial or the retrial. Why not (*Eye* 1675)?

Partial truth

THE jury did at least get to hear that Letby filed a grievance against the consultants after they succeeded in forcing her out of her job, to keep her away from the babies. They heard the prosecutor describe Letby's "frustration at the fact that she was not being allowed back on to the neonatal unit". They heard she was "raring to come back". But they never got to hear that she won her grievance after a detailed investigation and report, which found there was absolutely nothing to prevent her returning to work, that the doctors had bullied and harassed her, and that the lead investigator, pharmacist Dr Chris Green, said of the consultants: "I was disgusted by their behaviour. It is likely that they lied."

So why was the jury not told that Letby's nursing colleagues and managers all considered her to be highly competent and that the consultants were found to be in the wrong? And why are the police pursuing senior managers on corporate manslaughter charges when the external reviews, post-mortems and a grievance investigation failed to uncover intended harm? If the consultants had evidence they should have gone directly to the police.

Grievance report

IN LETBY's grievance report, dated 12 November 2016, Green stated: "My recommendation is that the grievance be upheld and that LL be given the opportunity to return to NNU (neonatal unit)... It is my belief that given the allegations allegedly raised by the consultants against LL, that the absence of any suspicion against her in the external reviews and reports would support LL by removing any doubt as to the cause of these deaths."

He further stated: "It is my opinion that as a result of conducting this investigation, I

believe that the elements of the events leading to the suspension of LL which were mediated by SB (Stephen Brearey) and RJ (Ravi Jayaram) warrant further investigation, possibly under the Trust's Disciplinary Policy and/or under the Trust's Bullying and Harassment Policy. The fact that LL has been subjected to the ordeal of the last four to five months based on a 'gut feeling' and the subsequent behaviour of SB is not compatible with the Trust's values and behaviours."

What happened next?

JAYARAM and Brearey were forced to apologise to Letby but did not accept the outcome. As Letby was preparing to return to work, Jayaram demanded a meeting with Sue Hodgkinson, the hospital's head of HR, on 15 March 2017, when he told her he had caught Lucy Letby trying to murder baby K on 17 February 2016.

It is not clear why he delayed reporting the attempted murder for more than a year, but it was sufficient to trigger a police investigation which should have uncovered that what Jayaram was alleging (he surprised her in the act) was contrary to what he had emailed his colleagues (she asked for help). And yet none of this seemed to matter once the police found experts for hire who were prepared to swear on oath there had been inflicted harm, including the wildly improbable and previously unheard of "death by air in the stomach" and the "definite insulin poisonings" which now look anything but definite.

Jury in the dark

THE jury was kept in the dark about so much at the trial, they may as well have been down a mine. Prosecution barrister Nick Johnson KC clearly didn't want the grievance report to be aired in court, as outlined in discussions he and defence barrister Ben Myers KC had with Mr Justice Goss in the absence of the jury on Tuesday 25 April 2023 (Day 107).

Mr Johnson The more vexed question and the one that's really going to cause problems or potential problems is to infer, as the defence are seeking to in the particular areas that they would like to establish, that the grievance was resolved in favour of Lucy Letby with all the consequential inferences that the jury might draw from that.

Judge Goss also realised the implications.

Mr Justice Goss That carries huge implications, doesn't it? I mean, was her grievance upheld in the sense that there was no material upon which she could be prevented from returning to work?

Mr Myers It was upheld. We haven't gone into the detail. There's actually quite a lengthy report that upholds it.

Letting the jury see the grievance report might have led them to infer the consultants had behaved very unprofessionally and unfairly towards Letby, but Goss sided with Johnson and it was never seen.

Mr Justice Goss The grievance procedure is not a matter that this court should get involved with in detail because that is an

internal grievance procedure for the employers.

Mr Johnson: Yes. It's a collateral issue to which different considerations apply, different standards of proof. It potentially introduces –

Mr Justice Goss: Potentially a whole mass of other material.

Mr Johnson: Exactly.

Mr Justice Goss: That *may or may not be* relevant to the issues that the jury have to decide.

The "may or may not be relevant" quote should haunt Goss in his retirement. Meanwhile, the Thirlwall Inquiry and the Criminal Cases Review Commission appear locked in some grim competition to see who can delay justice for the longest. Labour's – and particularly former health secretary Wes Streeting's – tame acceptance of the verdict in the absence of any solid evidence hasn't helped. As for the poor parents, the coroner's inquests to establish the true causes of death may not happen until 2027 or beyond.

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PAGE 94

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