

## Background to Dr Raj Mattu Suspension

1. The NHS Trust referred to herein as the University Hospitals Coventry and Warwickshire NHS Trust (formerly Walsgrave Hospitals NHS Trust).
2. Previous suspension of Consultant Surgeon Mr Alban Barros D'Sa after raising clinical concerns regarding increased death rates associated with colorectal surgery. Suspension lasted 20 months at estimated cost of over £500,000. Reinstated after Trust lost High Court hearing and Appeal Court hearing. The Royal College of Surgeons shared his concerns and recommended the cessation of that particular type of surgery by the specific surgeon (a Clinical Director Appointed by the Chief Executive) about whom Mr Barros D'Sa had expressed concerns. The Trust allowed this surgeon to continue performing these procedures for over two and a half years after concerns were first raised, and even after a statement in the House of Commons by the Junior Health Minister (Gisella Stuart) on 27 March 2001 that only designated Surgeons would perform these procedures from 1 April 2001. This surgeon continued to perform these procedures until November 2001.
3. In May 2001 the Consultants held a vote on a motion of no confidence in the Trust Board's administration of the disciplinary process. This vote was administered by the Electoral Reform Society. Two thirds of votes supported the no confidence motion. The Trust did not respond. The Senior Hospital Medical Staff Committee wrote to Mr Alan Milburn MP. He did not respond.
4. Dr Mattu, a Consultant Cardiologist, repeatedly raised concerns about the persistent placement of 5 patients in bays designed and equipped for 4 patients and subsequent deaths. Other consultants raised similar concerns, one of who raised over 100 formal clinical incident reports regarding this. In addition the largest clinical department in the hospital (Anaesthetics) expressed concerns and unilaterally refused to continue the practice. The practice remained official hospital policy until condemned by the Commission for Health Improvement (CHI) in a report described by the head of CHI as the worst that they had ever produced on a hospital Trust.
5. In May 2001 the Chief Executive, with support from the former Trust Chairman, Mr Gary Reay, stated before witnesses that he wished to get rid of Dr Mattu and four other Consultants. All these consultants had raised concerns about patient safety and also openly supported the reinstatement of Mr Alban Barros D'Sa. Dr Mattu and his colleagues were accused of being troublemakers and it was declared that the Trust had to get rid of troublemakers.
6. Mr Loughton, Chief Executive, subsequently declared to Mr Campion, Deputy Director Hospital Consultants and Specialists Association, that he wished to ruin Dr Mattu's career altogether, claiming "we are not just interested in giving him (Dr Mattu) a parking ticket, we want to get him off the road altogether".
7. The smear campaign against Dr Mattu was further evidenced during a separate declaration by the former Director of Personnel, Mr Faulkner, to Mr Campion in May 2001, when it was confirmed that the Trust intended to get rid of Dr Mattu.
8. Mr Campion confirms that Mr Faulkner also spontaneously proceeded to undermine Dr Mattu by criticising his competence as a doctor, claiming Dr Mattu was involved in fraud, sexual assault and harassment, physical assault and many other misdemeanors, asserting that Dr Mattu was under investigation by the Fraud Squad, and a 'bad type' and of poor character.

9. In September 2001 the Senior Hospital Medical Staff Committee held another vote of no confidence administered by the Electoral Reform Society. The motion was that the Consultant body had no confidence in the Chief Executive to implement the action plan developed subsequent to the CHI inspection report. This again was passed with two thirds of the vote in favour of the motion.
10. After persistent failure to address Dr Mattu's concerns (raised both formally and informally) the Chief Executive appeared on the BBC news on 21 September 2001 and was asked, "did patients actually die because of the five patients in four-patient bays?" Mr Loughton stated, "I have no knowledge of any patient having died as a result of it, because we were very selective on the fifth patient that was going into a cubicle."
11. Mr Loughton made this false and misleading claim, despite the existence of over 150 serious clinical incident report forms having been completed and submitted, supporting witness statements describing at least two deaths having been attributed to being the fifth patient in a four bedded bay, and Mr Loughton being in receipt of extensive correspondence about it since December 1999.
12. On 25 September 2001 Dr Mattu publicly confirmed on the BBC news that two deaths had indeed occurred due to the policy of placing the fifth patient in a four-bedded bay.
13. On 3 October 2001 the then Chairman of the Trust Board (Gary Reay) and the Chief Executive (Mr Loughton) again both denied that there was any evidence of patients coming to any harm or of deaths as a result of the Trusts' policy of placing a fifth patient in a four bedded bay (article in the Coventry Evening Telegraph).
14. On 4 October 2001 Dr Mattu challenged the Chairman of the Trust Board at a meeting of the Hospital Consultants body (the Senior Hospital Medical Staff Committee) over the issue of whether harm had come to any patient who was the fifth patient in a four-bedded bay. The Chairman denied harm had come to any patients in this circumstance.
15. At the same meeting the Medical Director (Dr Jim Macartney) admitted he had located a clinical incident form dated 21 December 1999 in which the death of a 35 year old who was the fifth patient in a four-bedded bay was documented. Shortly thereafter Dr Macartney resigned as Medical Director.
16. In November 2001 Dr Mattu raised concerns with the Chairman of the Trust Board (Mr Gary Reay) that he (Dr Mattu) had secured over £ 600,000 of funding for NHS service improvements but that the Trust had not accounted for about half of it. Dr Mattu sought assurances as to what had become of the money and whether it would be used as intended when it was raised. Gary Reay promised to make enquiries and that he would get back to Dr Mattu.
17. Dr Mattu had previously raised the issue with the Medical Director (Jim Macartney) on 8 February 2001 (a copy of which was forwarded to Mr Reay on 13 November 2001). Dr Mattu has still heard nothing regarding these apparently unaccounted monies.
18. On 30 November 2001 the Chairman of the Trust Board (Gary Reay) announced his resignation. The new Chairman was announced as being Mr Bryan Stoten.
19. On 7 December 2002 Mr Tim Powell, Deputy Director of the Surgical Directorate, without warning sent letters terminating the employment of 3 researchers working for Dr Mattu alleging that there was insufficient money in Dr Mattu's research accounts. This occurred, despite these contracts not being due for renewal, and included a researcher called Dr Shane Geiowarsingh. After protests by Dr Mattu, the Chairman Senior Hospital Medical Staff

Committee approached the Director of Finance in support of these researchers, and the Director of Finance subsequently rescinded these and he formally confirmed in writing on 4 February 2002 to Dr Mattu that there was more than sufficient funding to continue their employment, not only to the end of their current annual contract but beyond.

20. During these meetings with the Director of Finance, it was also discovered that a £100,000 grant paid to the Trust for Dr Mattu's research from a charitable organisation, during 2000 & 2001, had failed to appear in Dr Mattu's research accounts. It was also found that the Trust was about to inappropriately withdraw funds from Dr Mattu's research accounts.
21. On 28 January 2002 the new Medical Director (Dr Michael Harrison) eventually wrote to Dr Mattu acknowledging the delay in response to the serious clinical incident report of 21 December 1999, making no reference to others.
22. Over a 20-month period a series of over 20 spurious allegations have been made against Dr Mattu, and all have failed to be upheld when heard before panels comprising his clinical colleagues. His constant victimisation and harassment by the Trust Management led Dr Mattu to raise a formal complaint against Dr Stephen Evans, Consultant Anaesthetist and Clinical Director, and Mr Glen Burley, Directorate Manager of the Surgery Directorate. They both walked out of the Trust inquiry hearing (21st September 2001) and refused to take part, adamant that they did not wish to be cross examined, despite previously agreeing to this process 7 weeks earlier.
23. To date, the Trust has failed to progress this matter and neither Dr Evans nor Mr Burley have been subject to an investigation, suspension or disciplinary action.
24. In contrast, on 21 February 2002, the very afternoon that Professor Liam Donaldson (Chief Medical Officer) declared that no further suspensions of consultants will occur unless there was clear evidence of risk to patients, one of the three Medical Directors (Dr Lionel Booth) and the acting Director of Personnel (Mrs Karen Martin) arrived unannounced at Dr Mattu's office and suspended him on the basis of an allegation of intimidation and harassment by a junior doctor. An attempt was made by Karen Martin to seize Dr Mattu's personal property, including his personal computer. This was unsuccessful. Dr Mattu was then escorted off the premises.
25. Within one hour the contents of Dr Mattu's secretary's computer had been downloaded by the IT department and the locks on his door had been changed. This had been ordered by the Chief Executive.
26. Within one hour Mr Edward Needham, Dr Mattu's Research Assistant, was also suspended by Mr Glen Burley. No reason was given and Mr Needham was instructed to leave the premises forthwith.
27. On 26 February 2002 Dr Mattu was also suspended from his position as Honorary Senior Lecturer at Warwick University. No reason was given. Following objections raised by Dr Mattu's solicitor and local MPs, the suspension was rescinded on 29 April 2002. No explanation has been provided. The University has refused to respond to requests to provide information as to how or why they took the action they did.
28. It has emerged that the Registrar at the University, Dr JW Nicholls, also holds the posts of Chairman of Research & Development at the NHS Trust and Non-Executive Director on the Board of Directors at the NHS Trust. Dr Nicholls receives payments from the Trust for both of these formal positions. We are aware that he has briefed within the University about Dr Mattu,

breaking Trust regulations regarding confidentiality. The reinstatement committee has serious concerns about Dr Nicholls' conflict of interest and impartiality.

29. On 4 March 2002 the Chairman of the Trust Board (Mr Bryan Stoten) announced the Chief Executive's (David Loughton) resignation, interestingly just 11 days after the suspension of Dr Mattu.
30. On 31 March 2002 the single complainant (Dr Gieowarsingh) against Dr Mattu left the Trust to take up a post in Cardiff. Subsequently it became apparent that there were concerns regarding the accuracy of his CV with respect to his claims of experience of major procedures, the performance of which played no part in his job at the Trust. Indeed until 5 November 2001 his contract specifically precluded him from performing these major invasive procedures. There has been no comment to date by the Trust and it is unclear if the hospital in Cardiff has been informed of the concerns.
31. When these irregularities about the CV were formally raised with the Coventry NHS Trust, Drs Booth and Been were charged with investigating the issues despite both being referees for this applicant and this CV.
32. Having for no apparent reason also suspended Mr Needham since 21 February 2002, he was eventually re-instated on 11 April 2002, but only with a contract till 31 May 2002. Importantly, Professor Janet Powell (Joint Medical Director) revealed that Dr S Evans had been obstructing Mr Needham's return to work.
33. On 29 May 2002 Dr Mattu accompanied by his representative from the Hospital Consultants and Specialists Association (Mr Stephen Campion) attended a meeting with Dr Michael Harrison in order to formally rebut the allegations against him. Included was a 60-page rebuttal document. Dr Harrison refused to allow the rebuttal document to be presented and instead read out 5 pages of summary of additional allegations - a photocopy of which was presented at the end of the meeting. Importantly, he refused to allow any comment by either Dr Mattu or Mr Campion. 34. Interestingly, the Trust's witnesses Drs Gieowarsingh and Lencioni signed their witness statements on 28 and 29 May 2002, respectively.
34. On the following day, 30 May 2002, Mr Edward Needham was denied access to Dr Mattu's research computers by Dr Mauro Lencioni, one of Dr Mattu's Research Fellows who is the Trust's key witness in the allegations against Dr Mattu. Mr Needham had every right to access the computer. Mr Needham asked the Chairman of the Senior Hospital Medical Staff Committee to attend. They both witnessed Dr Lencioni copying and deleting computer files from Dr Mattu's computer despite being instructed to cease his activities.
35. Dr Lencioni's actions contravene the data protection act and compromised patient confidentiality, as Dr Mattu held data with patient consent and in accordance with agreements with the ethics committee.
36. Mr Needham raised a formal complaint about the actions of Dr Lencioni on 3 June 2002, but to date no comment has been made about this matter and the deleted files and data by the Trust.
37. On 31 May 2002 the contracts of both Mr Needham and Dr Lencioni ended.
38. Mr Needham's contract was renewed annually, as were all his research team's contracts. However, despite Dr Mattu's clearly expressed wish to renew Mr Needham's contract, and adequate funding being identified in February 2002 (as assured by the Director of Finance) this was not renewed. Indeed, Janet Jones from Warwick University stated in February 2002 that the Trust had reported that there were insufficient funds to renew Mr Needham's contract.

39. Unbeknown to Dr Mattu, the contract of Dr Lencioni had ended because he resigned from Dr Mattu's research team in order to work for another Consultant Cardiologist, Dr Been (an individual who had made and been manifestly involved with five formal complaints against Dr Mattu in the past, tried to recruit support to hire a private detective against Dr Mattu, and who has phoned a number of NHS staff working at other Trusts during Dr Mattu's suspension, to encourage them to raise complaints against Dr Mattu). Dr Been as previously stated had been tasked by the Trust to investigate the CV of Dr Gieowarsingh.
40. After many requests by Dr Mattu, his representative and his solicitor for sight of the statements by Drs Gieowarsingh and Lencioni, which contained the allegations to which Dr Mattu was expected to respond, the Trust finally released them. Dr Mattu received them on 26 August 2002 (6 months after suspension).
41. Dr Shane Gieowarsingh and Dr Mauro Lencioni are the two key witnesses in the allegations against Dr Mattu. There are however very serious issues surrounding these two doctors, raising concerns about their integrity and therefore reliability as witnesses.
42. Importantly, the actions of Dr LJ Booth (Joint Medical Director) are also of some considerable concern. Some of these concerns are set out below.
43. In November 2001, Mr Loughton promoted Dr LJ Booth to the post of Joint Medical Director, giving him an increase in his salary. Dr Booth was a very strong supporter of Dr Gieowarsingh, and it was due to this extremely open and emphatic support that Dr Mattu agreed to provide Dr Gieowarsingh the chance to undertake research for a higher degree with him.
44. From February 2001 till November 2001, Dr Gieowarsingh held an honorary appointment with Dr Mattu, whereby he did not receive a salary. It was only after Dr Booth's promotion that the Trust progressed Dr Gieowarsingh into a salaried post. Prior to this Dr Gieowarsingh had supported himself financially by investing in the stock markets, and he spent freely, purchasing a new four bed-roomed detached house and all the furnishings despite having no salary.
45. Following 11 September 2001, Dr Gieowarsingh let it be widely known that he had suffered serious financial losses and was in debt by about £20-30,000. He started to demand ex-gratia payments from Dr Mattu, to which he was not entitled.
46. The very afternoon upon which Professor Liam Donaldson (Chief Medical Officer) announced that there would be absolutely no further consultant suspensions permitted unless there was clear demonstration of risk to patients, Dr Mattu was suspended by Dr Lionel Booth, under cover of a 'formal statement' by Dr Gieowarsingh. Interestingly, this occurred just eleven days before Mr Loughton's apparently unforced resignation was declared publicly.
47. Dr Booth took it upon himself to suspend Dr Mattu despite the fact that the "formal statement", was neither a formal complaint nor grievance by Dr Gieowarsingh; the statement was addressed to Dr Mike Harrison (Joint Medical Director) and not Dr Booth; Dr Harrison was unaware of Dr Booth's interception of his mail and unilateral action to suspend Dr Mattu.
48. This was particularly suspicious in light of the fact that Dr Gieowarsingh had previously informed a number of witnesses that Dr Booth had recently promised him an ex-gratia payment of about £20,000.
49. It then emerged that Dr Gieowarsingh was promoted out of the Trust on 31 March 2002, with references and support from Dr LJ Booth and Dr M Been, and allegedly on the basis of a dubious CV

50. Notably in March 2002, when the longest serving cardiologist in the department, Dr H Singh, raised formal concerns about irregularities in Dr Gieowarsingh's CV, the Trust charged the same Dr Booth and Dr Been to investigate this.
51. Dr Singh had also declined to provide Dr Gieowarsingh with a reference on noting the irregularities in his CV, despite being the only other supervisor that Dr Gieowarsingh had had during his appointment. To date, the Trust has failed to interview Dr Mattu during their investigation, even though he was Dr Gieowarsingh's primary supervisor, or to release a report of their findings.
52. Interestingly, Dr Lencioni signed his witness statement on 28th May 2002, tampered with and deleted Dr Mattu's files and data on 30th May, prevented Mr Needham rightful access to Dr Mattu's data on 30th May (claiming this was on senior advice), threatened Mr Needham on 30th May, left Dr Mattu's team on 31st May after securing promotion to a position working alongside Dr M Been, having also tampered with and removed Dr Mattu's name from Dr Mattu's own research.
53. Dr Lencioni has since apparently committed perjury, as he now indicates that an earlier 9-page affidavit that he had composed and sworn at his own expense, with his own solicitor, in support of Dr Mattu was neither his own composition nor truthful position. This was despite evidence from Mr S Campion and others that this affidavit was freely provided by Dr Lencioni at his own suggestion.
54. Having made Dr Mattu wait for over 6 months before releasing the two witness statements (26 August 2002), the Trust then hastily imposed dates upon Dr Mattu to meet and provide a detailed response to thirteen pages of statements. They set aside 23 August (three days prior to receipt of the written allegations of Drs Gieowarsingh and Lencioni by Dr Mattu), then 30 August and then finally 12 September 2002 despite Dr Mattu's representative being unavailable on the latter.
55. On 18 September 2002, Dr Mattu was eventually given the opportunity to defend his position for the first time. He presented the Trust with a further 105 page statement to rebut the two statements to which he was now required to respond.
56. The Trust abandoned this meeting in order that they may consider Dr Mattu's written statement before proceeding. They promised to reconvene in order to complete the inquiry meeting.
57. At this meeting, Dr Harrison also agreed to interview ALL witnesses put forward by Dr Mattu and asked for a list of witnesses for that purpose. Dr Harrison departed for leave until 8 October 2002.
58. The Trust has since refused to contact all of Dr Mattu's primary witnesses and failed to interview about half of them.
59. It has emerged that 9 out of 10 witnesses that the Trust has interviewed, have had their evidence seriously distorted by the Trust Management in Trust summaries, causing the witnesses to raise objections. The Trust's distortion has always been in a manner that undermines Dr Mattu's position.
60. Despite strenuous objections by the interviewed witnesses and Dr Mattu's solicitors, the Trust insists on proceeding with its intention to use the Trust's account of the evidence supplied by the witnesses. The position of the witnesses concurs with that of Dr Mattu and his solicitor, that the summaries produced by the Trust cannot be considered and that the witnesses' own produced summaries alone must be regarded as the witness evidence

61. It is noteworthy that the Trust Chairman, Mr Bryan Stoten, has involved himself in these matters, but chooses to constantly claim that he has no knowledge of the matter and is not able to get involved.
62. Mr Stoten was appointed in November 2001 and addressed the consultant body in December 2001, and openly declared that there would be no further suspensions of consultants without his knowledge and prior agreement.
63. In December 2001 Mr Stoten called a meeting with Dr Mattu and insisted on the presence of Dr LJ Booth, despite Dr Mattu's repeated and clear request for Dr Booth not to be present. Dr Booth refused to leave and stayed throughout. During this meeting Mr Stoten was dismissive of Dr Mattu's contention of being victimised and intimidated by Mr Loughton, Dr S Evans and Mr Burley, and claimed that he did NOT accept that any consultants were being bullied. He demanded evidence to support this assertion.
64. Mr Stoten claimed that on the contrary, it was the consultants who were responsible for the bullying in the Trust and that this had also been borne out in the CHI report. He refused to accept the opposite view or even that CHI had not supported his claim.
65. Mr Stoten threatened that he would not tolerate Trust staff talking to the media and demanded to know who had leaked information to the Birmingham Post, about the findings of the Royal College of Surgeons regarding colo-rectal surgery. Dr Mattu denied any involvement in or knowledge about this report being leaked.
66. In January 2002 Mr Stoten jointly briefed a number of local MPs and told them that he had read the Trust's large and voluminous file on Dr Mattu, and that it contained some very serious allegations. Mr Stoten revealed that the allegations included sexual assault, fraud and many other serious issues. He also notified them that the matter was so serious that he and the senior managers had decided to pass it on to the regional office and department of health.
67. It is noteworthy that despite the many serious allegations against Dr Mattu, including rape, that the Trust has not reported any of these the matters to the police.
68. It has become apparent that Mr Stoten has continued to similarly brief in the same damaging way about Dr Mattu to senior staff in the NHS, local council leaders and community leaders.
69. Also of note in January 2002, the previous Chief Executive, David Loughton, privately described his efforts to senior consultants about recruiting the help of the Regional Health Authority and Department of Health in his plans against Dr Mattu.
70. He proceeded to also offer the Chairman Senior Hospital Medical Staff Committee 'friendly' advice, warning him to distance himself from Dr Mattu.
71. The Chairman Senior Hospital Medical Staff Committee informed Mr Loughton that he did not support either party, but was only interested in the just and fair pursuit of due process, to which Mr Loughton responded that the matter was beyond due process and had been passed all the way to the Chief Medical Officer (Professor Liam Donaldson), The Department of Health and The Regional Health Authority.
72. During the public part of the Trust Board meeting in May 2002, Mr Stoten was formally asked about the Trust's tendency to suspend Consultants and for an update on the suspension of Dr Mattu. The former Chief Executive became irritated and excitable and stated that the two Medical Directors present, Drs Harrison and Booth, would have to leave the meeting if suspensions were to be discussed.

73. Mr Stoten, Trust Chairman, interjected stating I know nothing, I have no wish to know anything, as I may be involved in the disciplinary procedure".
74. Mr Stoten's claims are not borne out by the facts as has specifically passed remarks about the suspension of Dr Mattu to a number of MPs, including Mr R Ainsworth. He has repeatedly claimed that the appalling delays in the process have been due to Dr Mattu, suggesting that the lengthy duration of his suspension has been the fault of Dr Mattu.
75. During Dr Mattu's suspension a number of complaints have been formally raised against a number of Trust Managers and establishment consultants, concerning victimisation, intimidation and bullying. These have included complaints against Dr S Evans, Mr G Burley, Professor Janet Powell and others. The complainants have included 4 of the 5 consultant Cardiothoracic Surgeons.
76. Mr Stoten has not sanctioned the suspension of any of these other staff, unlike his decision for Dr Mattu. Conversely, Mr Stoten has been aggressive and unsympathetic towards the consultants raising the complaints.
77. During a public meeting on 7 September 2002 further information was gained about the extent of Mr Stoten's briefings through the remarks made by Mr R Ainsworth MP about their discussions. It was clear that misinformation had been passed to Mr Ainsworth, who correctly and rightly raised the official position of the Trust.
78. Amongst the many false and misleading claims made by Mr Stoten was his assertion that the Trust had completed the investigation into the allegations against Dr Mattu in May 2002, and that Dr Mattu had continued to frustrate the process ever since and refused to provide a response. Mr Stoten had also argued to Mr Ainsworth that the procedure was held up since May purely because the Trust had been waiting on a reply from Dr Mattu. It became apparent that Mr Stoten had expressed a view which had serious inaccuracies, with material omissions and inclusions.
79. Mr Stoten privately jointly briefed MPs about Dr Mattu again on 7 November 2002, during a visit to London. Mr D Roberts, the current Chief Executive, accompanied him throughout this meeting.
80. During this meeting Mr Stoten again told MPs that it was not the Trust but Dr Mattu who was to blame for the delays in the procedure, and that a number of additional complainants with new and serious complaints had emerged. He told MPs that he had decided to convene an independent panel to hear the case and that he would abide by its decision. It was also claimed that there was a threat to de-select Mr Bob Ainsworth, and for Dr Mattu to stand against him.
81. During this meeting Mr Stoten also made disparaging remarks about Mr Brian King, Chairman Dr Raj Mattu Reinstatement Committee. This included claims that Mr King had been abusive and aggressive towards him and during Trust Board meetings, and that Mr King had made some very serious allegations.
82. It has become apparent that the Trust has yet again breached its own procedures and decided now to convene a panel, even though the policy (# 16) under which Dr Mattu is suspended does not have a panel.
83. After advising Dr Mattu's representatives about their change in procedure, to which Dr Mattu and his representatives never agreed but acquiesced, the Trust has even breached this procedural change by now constituting and composing the panel in a manner that may be prejudicial to Dr Mattu and definitely outwith how they first advised.

84. The Trust is now also refusing to provide Dr Mattu the opportunity to complete his evidence and rebut the allegations against him. After over 10 months of suspension, the trust has declared that they are not going to reconvene and complete even a single interview with Dr Mattu before reaching a view and concluding their inquiry.
85. On 5 December 2002 the Trust instead informed Dr Mattu that the panel would convene on 13 December 2002 to decide upon whether there is a prima facie case to proceed to a disciplinary hearing.
86. The Trust revealed that the panel would comprise Dr Studd, Mrs Scholefield (Director of Nursing and Quality) and Dr Roland Hopkinson (Medical Director, Heartlands Hospital, Birmingham). As Dr Hopkinson is also Chairman of the British Association of Medical Managers (BAMM), this presents a potential conflict of interest since one of the major protagonists against Dr Mattu, Dr Stephen Evans, is Vice-Chairman of BAMM.
87. The Trust has since put forward two further "independent" practitioners to be the third panel member, from the Queen Elizabeth and Sandwell Hospitals, both in Birmingham.
88. The appearance of unfairness, and lack of independence and impartiality of the proposed third panel member is readily appreciated on realising that Mr B Stoten (Chairman), Mr D Roberts (Chief Executive), Alice Casey (Head of Human Resources) and Dr M Harrison (Joint Medical Director & Investigating Officer) have between them worked extensively alongside their proposed practitioners.
89. These Trust Managers have held the posts of Chairman South Birmingham NHS Trust, Chairman Warwickshire Health Authority, Chairman West Midlands Regional Health Authority, Director of Public Health West Midlands, Regional Medical Officer West Midlands, Chief Executive Sandwell and West Birmingham NHS Trust, Chairman Birmingham Health Authority, Acting Chief Executive Sandwell and West Birmingham NHS Trust, Deputy Director of Human Resources Sandwell and West Birmingham NHS Trust and others.
90. Dr Mattu's solicitor recently protested again about further and continued breaches of procedure by the Trust, panel constitution and composition, refusal to permit Dr Mattu to complete an interview and provide his full evidence.
91. Dr Mattu's solicitor moved to apply for an injunction against the Trust.
92. The Trust reluctantly postponed the panel hearing for 13 December 2002, on the basis that Dr Mattu's representatives would not pursue the injunction.
93. Dr Mattu's solicitors agreed not to pursue the injunction and the Trust advised that the panel decision would be postponed until 31 December 2002.
94. The Trust then appointed a senior manager from Sheffield, Professor Welsh, to whom Dr Mattu and his advisors have **NEVER AGREED**.
95. It is important to note that Dr Mattu's solicitor was still awaiting information from the Trust solicitors about Professor Welsh, in order to consider agreement to the panel, when the Trust proceeded with a panel meeting on 30<sup>th</sup> January 2003. The Trust solicitors in fact wrote to Dr Mattu's solicitors on 31<sup>st</sup> January 2003, **only after** the panel had already met, to claim that Professor Welsh was not known to any of the Trust's Senior Managers and that he was independent.

96. The Trust failed to declare that the husband of Hilary Scholefield, the Trust Board Manager on the panel, had been trained at the Sheffield Hospitals for about 10 years and was an understudy to Professor Welsh.
97. This whole sham occurred despite repeated requests for a totally independent external panelist, and for this person to be nominated by the Chairman of the Senior Hospital Medical Staff Committee (non-management) in accordance with **section 5.1c** of the Trust's own '**policy number 3a**', and as initially advised by the Trust when the constitution of a panel was first raised.
98. The Trust has failed to comply with 5.1c of its own written procedures and proceeded outside their policies by convening this panel on 30 January 2003.
99. The Trust's decision to proceed without full evidence from Dr Mattu, by using disputed and distorted witness summaries, by making a report to direct the panel, selectively submitting documents, providing NO investigative powers to the panel and giving Dr Mattu and his advisors no sight of the summary and documents before putting them to the panel, significantly biased the investigation and denied Dr Mattu his right to a fair and considered response to the evidence used against him.
100. The panel was never able to reach any independent or impartial view.
101. Although the Trust has had ample opportunity to investigate this matter, they have clearly taken an unduly excessive time. The Trust has no justification for **still** having an incomplete investigation after over 2 years under suspension.
102. Moreover the Trust has no right to abuse its public offices in order to punish Dr Mattu in this excessive manner in OUR name. Dr Mattu has clearly committed no serious crime and presents no serious danger to patients or colleagues whereby the Trust managers can substantiate his banishment from the workplace for a period longer than the prison sentences that serious criminals would serve.
103. The Trust is well aware that there is no serious wrong doing here and accordingly they have clearly failed to find any evidence for this after 2 years. We can no longer accept the continued suspension of Dr Mattu, or the false and misleading information repeatedly put forward by the Trust Management to justify their inhumane actions that continue the sufferance of Dr Mattu.
104. This lack of substance to the allegations and the flawed and discriminatory investigation was evidenced from events when the panel actually met. Importantly the panel were divided with Professor Welsh unsurprisingly voting with the Trust Board member on the panel. It is of great concern that the other panel member objected to events surrounding the investigation and the decision so strongly, that they formally recorded their disquiet.
105. The Trust Management's attitude towards Dr Mattu has already been described and the biased investigation has been in keeping with the underlying victimisation of Dr Mattu. Regrettably, the investigation and suspension of Dr Mattu demonstrates that this has continued under the current chairman.
106. The Trust has been determined to find against Dr Mattu and conducted a highly irregular, flawed and biased investigation, providing countless excuses for their improper conduct.
107. Dr Mattu has suffered appalling punishment from a Trust that has very obviously discriminated against him, using very unreliable evidence from witnesses with highly questionable integrity.

108. The only crime that Dr Mattu has committed is that he has bravely spoken out for the people of Coventry. The Trust Management has clearly persecuted him and this has continued during the last 2 years.

**In light of the above we respectfully request that this punishment is urgently ended and Dr Mattu is immediately reinstated, and urge that the investigation is taken outside the Trust and conducted by a truly independent and fair forum.**

**This Trust cannot be trusted and continues the fear culture and persecution of senior clinical staff, and it has blatantly discriminated against Dr Mattu.**

It is worrying that the public continues to be misled by the Trust and its Chairman with the recent assertion in the Coventry Evening Telegraph, 2 January 2002, that the composition of the panel had been “*agreed by all parties*”. It is also of great concern that this publicly funded organisation persists with false and misleading information to its paymasters, the public.

In view of the many other very serious and known issues regarding the management of our NHS Trust, and the continued fear amongst clinical staff to speak up about many other matters, on the background of a persistent lack of transparency and accuracy in the claims by the Trust Management, there is obvious justification and a duty to the people of the UK and Coventry for there to be a full public inquiry into our Trust Management.

***On behalf of Dr Raj Mattu Reinstatement Committee, PO Box 2912, Coventry. CV1 3YX***  
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