

SUMMARY OF SUSPENSION OF DR RAJ MATTU

The Commission for Health Improvement (CHI) and reports in the *Times* newspapers confirmed serious deficiencies in the quality of care at the University Hospitals Coventry & Warwickshire NHS Trust. The CHI also identified and warned of a fear culture within the Trust whereby senior clinical staff were too frightened to speak out about patient care because of victimisation by senior management, in a report that they described as the worst that they had ever produced.

Those who were exposed as responsible for the dangerous state of local health care attempted a cover up and misled stakeholders and the authorities, claiming for instance that the management's policy of overcrowding bays equipped and designed for 4 people with 5, did not cause patient's harm or deaths (Mr Loughton, CEO, 25th September 2001). This claim followed the Trust Management having disregarded over 150 serious clinical incident reports being submitted to them. On 29th September 2001 the Trust also received a Department of Health zero star rating when Consultant Cardiologist & Physician Dr Raj Mattu, under pressure from his peers and conscience, reluctantly and bravely spoke out for the people of Coventry and his own principles, and appeared on the BBC describing deaths of patients related to the 5 in 4 policy.

During this period Mr Barros D'Sa, Consultant Surgeon, was suspended by the Trust with allegations of bullying after raising clinical concerns regarding increased death rates associated with colorectal surgery. Suspension lasted 20 months at an estimated cost of over £500,000. He was reinstated after the Trust lost High Court and Appeal Court hearings. 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 reassuring the house that only designated and accredited Gut Surgeons would perform these procedures from 1 April 2001. This surgeon continued to perform these procedures until November 2001, endangering further patients.

The consultants passed a vote of no confidence in the Trust Management and Board to administer and prosecute the disciplinary procedures by an overwhelming 2/3 majority in May 2001, and then a vote of no confidence in the Chief Executive, Mr Loughton, with a similar majority in September 2001 following the CHI report.

From May 2001 onwards Senior Managers and members of the Trust Board, including the former CEO, Director of Personnel and Chairman, openly declared intentions to damage Dr Mattu's career and get rid of him, along with four other consultants who had raised concerns. They have then made outrageous approaches to many NHS staff to encourage complaints against Dr Mattu and even sought to use a private detective to build up a file against him. This continued despite CHI warning of victimisation of consultants speaking out for patients.

This attempt to destroy the career, reputation and livelihood of one of the country's leading and rising authorities in heart disease led to more than 20 false complaints against Dr Mattu in about 20 months, including fraud, bribes, absence from the workplace and sexual assault. None were substantiated or upheld. Dr Mattu therefore raised formal grievances against the management for bullying and harassment, but the Management either refused to investigate them or allowed the managers to simply walk out of an inquiry hearing (21st September 2001), because they did not wish to be cross-examined and investigated. The grievances remain outstanding. The

managers have had no repercussions or suspension for refusing to cooperate with the Trust inquiry.

In December 2001 the new Chairman Mr Stoten announced that **no more consultants would be suspended** without his knowledge and authority, and he curiously denied the fear culture identified in the CHI report. He was **personally** informed about the victimisation and bullying that Dr Mattu was suffering from senior management, but he disregarded this and Dr Mattu's outstanding formal grievance, and instead allowed his continued persecution. Indeed, over the ensuing months local councillors, MPs, civil servants and dignitaries advised that Mr Stoten told them that he had read a large file that the Trust had built up on Dr Mattu, claiming that he was a serious problem as he briefed them. The management proceeded to suspend Dr Mattu in February 2002, under the very same allegations that he had raised against the senior management, i.e. BULLYING. They discriminated against Dr Mattu and selectively suspended him. During the last 5 years there have been over 15 formal complaints of **bullying** against consultants. Only 2 (including Dr Mattu) have been against non-whites and they are the ONLY consultants suspended by this Trust. Coincidence?

A number of serious and worrying irregularities surround the suspension of Dr Mattu and the ensuing investigation by the Trust, with countless procedural breaches manifesting obvious continued discrimination. National NHS procedures (HSG(94)49) require the Trust to serve the oral suspension order whilst allowing Dr Mattu to have a witness present. The Trust failed to do so. This also obliges the Trust to substantiate the particulars of the allegations within 10 days. The Trust Failed to do so. *“Where this is not possible, the practitioner should be told why and informed when the particulars will be provided.”* The Trust failed to do so.

In fact it took the Trust more than 3 months to obtain a signed statement from the complainant and one from the key witness. The Trust then refused to provide Dr Mattu the particulars by claiming that they were not obliged to let him have sight of the witness statements and any allegations that they contained. After 6 months the Trust eventually released the two witness statements and first demanded that Dr Mattu attend for interview before he had even received them and then within 72 hours after receiving them. More than 7 months after suspending him the Trust appeared to **eventually** give Dr Mattu the chance to make representations on his behalf and rebut any allegations. However after allowing him the opportunity to address **less than 1%** of the witness statements of these two people, the Trust abandoned the interview giving an undertaking that they would reconvene after reading the written statement by Dr Mattu. The Trust reneged upon this, as they had done on many other undertakings during the investigation, and even denied having ever made the pledge to reconvene. Dr Mattu has never been allowed to complete his evidence to the investigation.

The Trust also reneged upon their undertaking to interview witnesses that Dr Mattu put forward, with less than 50% being interviewed. In spite of repeated appeals by Dr Mattu and his advisors the Trust declined to interview the two longest serving researchers in Dr Mattu's team, even though they were frequently cited as having been present at incidents where harassment was alleged to have occurred.

The Trust elected to record the evidence from witnesses put forward by Dr Mattu using *“witness summaries”*, whilst witnesses that the Trust considered hostile to Dr Mattu were allowed to provide *“witness statements”*. The Trust summaries had extensive material inaccuracies and serious distortion of emphasis, in a manner that was consistently prejudicial to Dr Mattu. In so far as they have been interviewed by the Trust, 91% of witnesses objected to the way in which the Trust sought to misrepresent their evidence to the investigation, and made formal complaints and refused to sign and accept the summaries as their evidence. Even though the witnesses

forwarded extensive corrections, the Trust failed to incorporate the changes and produce amended summaries for over 91% of cases. Instead The Trust insisted on utilising disputed inaccurate Trust summaries as evidence on behalf of witnesses in spite of constant protests and objections from them, Dr Mattu and his advisors.

The Trust then enforced a panel even though Policy #16 does not provide for one; Dr Mattu was suspended and investigated under this Policy. When the Trust first announced its procedural change to use a panel, Dr Mattu and his advisors explicitly agreed only to consider constituting a panel contingent on the terms first put forward by the Trust and in accordance with Trust Policy 3(a) para 5.1c. Even though this is the only Trust Policy that provides for a panel to investigate allegations about the conduct of one practitioner towards another, and it gives clear guidance on the constitution of such a panel, the Trust went totally outside its policies and procedures and also reneged upon the earlier undertakings that they had given about the panel. Consequently the Trust had never secured agreement from Dr Mattu and his advisors regarding constitution of a panel.

The panel should have comprised three practising doctors, with one being a Consultant Cardiologist and the third member being an independent practitioner from outside the Trust selected by the Chairman Senior Hospital Medical Staff Committee (practising doctor).

The panel actually comprised only one practising doctor and two senior NHS Managers, where the third member was instead selected by the Trust Management and not even agreed by Dr Mattu and his advisors. One senior manager was a member of the Trust Board and her husband was understudy and trainee to the second manager during his 10-year period in Sheffield. The Trust's contention that this was an **independent panel** cannot be a serious one. The Trust made the remarkable claim that this third member was not known to the management.

The panel was given NO investigative powers or facility to interview a single witness and therefore could not test the evidence or determine any facts for itself. Instead it was told to make a decision based upon a highly selected bundle of documents under direction from a report made by the Trust Management. The Trust refused to allow Dr Mattu and his advisors to appear before the panel to present a defence.

The Trust also prevented Dr Mattu and his advisors from having sight of this report before it was put before the panel and therefore denied him any opportunity to check it for factual accuracy and make representations in response to its contents and any allegations it contained. The day after the panel had made a decision, the Trust provided only the report and prohibited Dr Mattu and his advisors from having sight of the other documents considered by the panel. The report had substantial material inaccuracies and misrepresented facts in a manner that was prejudicial to Dr Mattu. Further bias and unfairness became apparent because it also transpired that the Trust was very selective by NOT putting all the documents and evidence before the panel.

The Trust sought to corrupt the procedure by amalgamating steps and pressing the panel to decide on whether Dr Mattu should face **disciplinary action**, instead of presenting the panel with the correct terms of reference to determine whether Dr Mattu should face a **disciplinary inquiry**. Over 360 pages of documentation was considered by the panel in just 7 hours, having to simply take the allegations & Trust report at face value to make a decision.

This hardly constitutes a proper investigation and involved interviewees who had not been questioned to test the allegations and evidence. The Trust investigation has been highly irregular and failed to meet its obligation of being thorough, impartial and objective or fully establish the facts.

The complainant (Dr Shane Gieowarsingh) and key witness (Dr Lencioni), were having difficulties in working to the required standard. Serious doubts hang over their integrity and therefore the reliability of their evidence, which is also manifest in their stories having changed dramatically. They started working with Dr Mattu in February 2001.

Dr Gieowarsingh started working with Dr Mattu in an honorary observational capacity for his first 8 months and received no salary during this time. He got into financial difficulties and admitted to running up debts of £20,000-£30,000. As part of the ongoing victimisation and harassment of Dr Mattu, the Trust sent Dr Mattu's researchers letters of termination of contract within 1 week of Dr Gieowarsingh receiving his first pay cheque in December 2001. Just days before registering his complaint, he told a number of colleagues that he had been promised a discretionary payment of about £20,000 by the Trust Management, without good cause. About 5 weeks after registering his complaint against Dr Mattu he was strongly supported by the Trust Management to gain promotion to Cardiff, with an alleged fraudulent CV. Over 4 months after leaving the hospital he was caught having stolen Dr Mattu's lap top computer worth about £1800.

Dr Lencioni signed his witness statement on 28 May 2002, tampered with and deleted Dr Mattu's files and data on 30 May, prevented Mr Needham (researcher) rightful access to Dr Mattu's data and files on 30 May (claiming this was on senior advice), threatened Mr Needham on 30 May, left Dr Mattu's team on 31 May after irregularly 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. Dr Lencioni appears to also commit perjury by indicating that an earlier 9-page sworn affidavit he had composed in support of Dr Mattu, with his own solicitor and at his own expense, was neither his own composition nor truthful position. Other witnesses testify that Dr Lencioni provided the affidavit of his own volition.

Dr Mattu's only crime is that he courageously spoke out for the people of Coventry & Warwickshire, for which the Management has persecuted him for over 3 years. We request that Dr Mattu's punishment is ended immediately with reinstatement, and urge that the investigation be conducted outside the Trust by a truly independent forum. This Trust continues the fear culture and persecution of senior clinical staff and cannot be trusted to ensure justice and fair treatment for Dr Mattu, who continues to suffer blatant discrimination. The Trust falsely claims that an **independent panel** reached an **independent decision** that concluded there was a **prima facie case for disciplinary action**, misleading the public and authorities further, and therefore this Trust warrants urgent investigation or a **public inquiry**.

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