

# **Linda Ingles - NMC Hearing August 2016**

## **Notes by Nigel Gilbert who observed**

### **Brief Summary**

On 8<sup>th</sup> and 9<sup>th</sup> August I attended at the NMC hearing in London, which dealt with charges against Lin Ingles, former matron of Malvern and Pershore community hospitals. It was an appalling experience. It fully exposed the rotten nature of the top management of Worcestershire Health and Care.

The question is why did the Trust witnesses – Sue Lahiff, Julia Dillon and Sharon Buckley – even go down to London when they had absolutely no case. They were humiliated. The Panel through out the case on Wednesday 10<sup>th</sup> August because there was “no case to answer”.

The answer must be that unnamed senior managers insisted on pursuing the case and drove them on. Who was this and why did they do it?

We believe that this Trust is run by a close group of managers whose first loyalty is to themselves, not to the public or to the truth. We have seen this at work in other cases. They use staff slightly lower down the chain, who can usually be relied upon to loyally serve their masters because they wish to further their careers and they hope that one day they will be on the inside and part of the elite group.

Up to now they have got away with their abusive actions against staff, but this time they may have gone too far. Lin Ingles was well respected in the Malvern community. The Civic Society made a special award to her for her work on the new hospital there. The explanation for the reckless action against Lin may be that a senior manager or managers became jealous of her or otherwise had a grudge against her. We need to find out who they are.

### **Introduction to hearing**

Linda was matron at Malvern and Pershore Hospitals employed by Worcestershire Health and Care NHS Trust. She was suspended for alleged fraud by claiming nearly £30,000 overtime and enhancements etc between 2007 and 2013 to which she was not entitled. It was accepted that she had done all the extra work for which she was paid. They were claiming that a document, Agenda for Change, should have prevented her from doing this work. She knew this was the case, they said. Therefore she had been dishonest.

The Trust told Linda that she would be referred to the Crown Prosecution Service for the alleged fraud. Under the pressure of knowing she could face criminal action and having received letters from the Trust threatening her with legal action to recover the monies, Linda paid back £12,000. In fact, no such referral was made. Despite apparently not being sufficiently confident of their position to go to the CPS, the Trust pursued the fraud case to the professional body, the NMC, to try to get Linda struck off as unfit to practise as a nurse.

## **Malvern Hospital**

The new Malvern Community Hospital was completed in late 2010. It is widely admired. The hearing heard that Linda was the clinical lead and was very much involved with the design, planning, construction and in getting it up and running. She did this work on top of her duties as a matron at the old hospital. This work accounted for much of the extra hours worked along with covering the staff shortage in the Minor Injuries Unit at the old hospital. When Linda's barrister suggested that Linda had saved the Trust a great deal of money which otherwise would have been spent on consultants, this was not disputed.

I had been aware for some time that in 2011 Linda received a presentation from Malvern Civic Society for her contribution to the new hospital. Lin also received an award from the Trust for outstanding performance in 2011 for her involvement in the new hospital build.

## **Monday - The witness Sharon Buckley**

The witness was not properly introduced. The NMC barrister had opened with a short explanation of the case in which he emphasised that their case was that Linda had authorised her own overtime and enhancements. He asked no questions of Ms Buckley at this stage.

So Ms Buckley was almost immediately faced with questioning from Linda's barrister. It eventually became clear that Ms Buckley must have been the investigating officer in Linda's disciplinary. She had been an "emergency planning manager" and "strategic lead" since 2012. She had never been a nurse and had no experience of payment matters.

There were many things that this investigating officer did not know.

Ms Buckley was taken through a succession of Timesheets and Turnaround sheets showing approval of Linda's hours of work by managers, including enhancements. These began in 2007. Lisa Levy was known to have been Linda's manager from 2008 to 2011. When asked if the signature on the Timesheets was that of Ms Levy, Ms Buckley said "I can't say". When asked if Lisa Levy was already Linda's manager in 2007, Ms Buckley said "I don't know".

Timesheets for 2011 could not be found in Linda's office by her pa. Linda's barrister suggested that Timesheets were always sent on by Linda's pa to Linda's line manager. Ms Buckley took some time to answer "yes". She then admitted that she did not seek to get copies from the line managers.

Turnaround sheets had information on them about all staff. They were Excel sheets. When asked if they were done on paper before 2009, Ms Buckley said "I don't know – I'm only aware of electronic". Linda's barrister went through a series of Turnaround sheets from 2009 to 2011, showing her pay information, all approved by Lisa Levy.

Concerning the new Malvern hospital, it was suggested that the project took years of preparation from 2006. "I don't know." When it was further suggested that there

would have been meetings with architects and the public, and also fund raising meetings, and that after completion there would have been services to build up, she said only “That is what you expect from a matron”.

Concerning Linda’s extra work on the Minor Injuries Unit, it was suggested to Ms Buckley that before the new service opened it was decided to open up a MIU in the old building. “I don’t know”. Asked if she disputed Linda had worked there, she said “I don’t know”.

I was astonished when, after his witness had been picked apart by Linda’s barrister, the NMC barrister asked no questions of his witness to try to elucidate the case or to try to give evidence that Linda had authorised her own extra payments, as he had claimed at the start. He was silent.

### **Monday afternoon early finish**

We lost half a day on Monday because of something I could not understand. There were problems about last minute redactions having to be made in a statement, which was pretty obviously by Lisa Levy, Linda’s manager until 2011. These redactions had been agreed between the NMC and the RCN, Linda’s union. The NMC barrister was struggling because, he said, he had not known anything about the need for redactions until that morning. He had been hoping to sort them out, but it was proving difficult. In the end the proceedings for the day had to be abandoned early.

(Whatever they were, these redactions were very substantial. From my position at the back of the room in the public seats, I could look over the shoulders of the barrister on Tuesday and see them handling papers with very large chunks of text blacked out. Having thought about it, I can only presume that the NMC had not themselves interviewed or taken statements from the key managers of Lin, Lisa Levy up to 2011 and then Mel Roberts, whose absence as witnesses was perplexing. Therefore, the attempts by Ms Dillon to claim she knew what they had said was just hearsay. What a mess!)

### **Tuesday – The witness Julia Dillon**

The first bits and pieces of this session were difficult to follow because they applied to the redactions. It was clear that an interview of Linda by two others had to be redacted. Also the statement signed by Julia Dillon dated 8.10.15 had to be redacted. (This was not explained but I can only presume that in her statement Ms Dillon speculated about what others had said without any evidence, particularly in relation to Lisa Levy.)

The NMC barrister referred to Ms Dillon as “involved in counter fraud” for the Trust. She had evidently undertaken an investigation into the alleged fraud by Linda.

As with Ms Buckley the day before, it quickly became apparent that there was a lot Ms Dillon did not know.

Ms Dillon was asked by Linda’s barrister about her claim that Linda had been authorising her own payments. She confirmed that it was her impression that Linda

had done so for the entire period 2007-13. She had thought Linda was sending the pay spread sheets to the centralised payroll body – NHS SBS – in Southampton. Linda's barrister drew her attention to certain emails and other documents. Ms Dillon accepted that in fact Lisa Levy, Linda's manager was the person who sent the Turnaround sheets to Southampton up to 2011, and that she had approved them all.

It was suggested that the finance department produced monthly reports for the Directorate Managers. "I wasn't aware," said Ms Dillon. It was suggested, therefore, that Directorate Managers were able to review all payments to staff including matrons. "I don't know," was the answer this time.

Ms Dillon's attention was drawn again to the Turnaround spread sheets signed by Lisa Levy. She was asked whether Linda had been entitled to the enhancements listed there. "If she did the work, yes," came the answer. At this point the apparently embarrassed NMC barrister intervened to emphasise that it was no part of the NMC's case that there was any falsification in the work Linda had done. Pressed further by Linda's barrister, Ms Dillon admitted that she had been through Linda's timesheets and diaries, which showed that the work "appeared to have been done". But she insisted "I had no evidence it had been approved." (I think this was because she did not do a proper investigation in that the time sheets she reviewed were copies from Linda's pa Hayley Cafful. These would not have been signed by Linda's managers because the originals were sent monthly to Linda's manager's pa based at Pershore community nursing unit and then on to Isaac Maddox House for the manager to sign.)

Ms Dillon was asked by Linda's barrister about a transcript of her interview with Linda. He told her that she had asked Linda "when did you persuade Lisa Levy to let you do the extra work?" Linda had replied that she did not "persuade" Ms Levy. Linda also had said that Melanie Roberts also knew. (I believe that in the new structure in 2012 after Lisa Levy had left, Melanie Roberts became Linda's immediate manager.) In trying to answer, Ms Dillon did not deny any of this. She attempted to speak about "when I interviewed Lisa Levy..." but had to be stopped from doing so.

Concerning Timesheets and Turnaround sheets, it was said by Linda's barrister that they would have been sent from Linda's office to Lisa Levy's office on another site. Ms Dillon stated that such sheets as she had came from Linda's office. She admitted that she did not try to get them from Lisa Levy's office or Mel Roberts' office and that she should have done so. She admitted that the only place where she had physically looked was Linda's own office.

Ms Dillon was questioned about the threat placed on Linda that the Trust would refer her to the Crown Prosecution Service for fraud. Ms Dillon stated that in June 2014 the Company Secretary, who is a qualified secretary, did a check. Ms Dillon then sent it to NHS Protect with the intention that the matter should go to the CPS for criminal proceedings. But in December 2014 they came back to say further work was required.

It was put to Ms Dillon that under this threat Linda paid back £12000 of her wages for work done to the Trust. "You were involved in that," Linda's barrister suggested. He further told Ms Dillon that she had been telling Linda through a solicitor "that you

would go to the CPS”. Linda had been told only after this payment that there was to be no referral to the CPS. Ms Dillon denied none of this.

After Linda’s barrister had finished, the NMC barrister did have one question. Ms Dillon had insisted under questioning that, although she had conceded Linda was entitled to enhancements for her weekend work, she was not entitled to any basic pay for the work. Linda’s barrister had found that impossible to understand. The NMC barrister enabled Ms Dillon to say that Linda would have had to take time off in lieu for that work. She insisted that Band 8 nurses like Linda were “supposed to cover the requirements of the job without recourse to extra hours.”

### **Tuesday – The witness Sue Lahiff**

Again this witness was not properly introduced. Linda’s barrister started to refer to Ms Lahiff’s statement and it appeared at first that her main role in the hearing was simply to criticise Linda from the point of view of a fellow matron. Only later in the questioning did it emerge that Ms Lahiff had been promoted subsequently to be Linda’s manager in 2013.

There was a lot Ms Lahiff did not know or could not remember.

Ms Lahiff said that she had never been on an E rosta and was not familiar with enhancements. She stated that she could not imagine why Linda would ever work at weekends. She herself had never worked at a weekend. The role of matron was a Monday to Friday role.

Linda’s barrister went through the assistance Ms Lahiff had in her role as matron at Evesham. It was suggested she had a Band 7 manager on each ward and two Band 6 managers. She could not remember. She could not remember either if she had a nurse whose role was to organise beds. The barrister suggested that Linda by no means had the same support. Ms Lahiff claimed that was because Malvern was much smaller than Evesham. The barrister suggested that Ms Lahiff knew nothing of Linda’s duties in regard to the new Malvern hospital nor at the Minor Injuries Unit. “That was because I was not her manager,” said Ms Lahiff.

Linda’s barrister then turned to what happened after Ms Lahiff became Linda’s manager in 2013. He suggested that Linda had gone to her to ask if she could continue to work extra hours to cover the Minor Injuries Unit. This was denied by Ms Lahiff who said she had specified only Pershore. She denied that Linda had referred to her work at Minor Injuries Unit.

The barrister then asked her about the newspaper story which had appeared in the Malvern local paper in July 2014 revealing that she had been suspended. It was suggested to Ms Lahiff that Linda had asked her what could be done to stop such leaks. Ms Lahiff could not remember. The barrister suggested that Linda had been distressed. Again Ms Lahiff could not remember.. Nor did she remember saying to Linda that it would all blow over soon and she would be back at work.

**No case to answer**

After the appearance by the witnesses on Tuesday Linda's barrister submitted that there was no case to answer. The NMC barrister lamely pleaded that he had no instructions. There was then a substantial break while he took instructions. When we went back in, the NMC barrister conceded the case for the period 2007-11, but he insisted there was a case for 2012-13. The hearing was then adjourned.

On Wednesday afternoon Linda appeared before the panel who told her that it accepted there was no case to answer.

**Nigel Gilbert**  
**Chair BBTT**  
**18<sup>th</sup> September 2016**