

Kind regards

Rachel Luddem

From: Edward Cooper <Edward.Cooper@slatertgordon.co.uk>
Sent: 27 May 2022 15:08
To: Rachel Luddem <Rachel.Luddem@capsticks.com>
Subject: Dr Chris Day v Lewisham and Greenwich NHS Trust

**** External email - please treat with caution ****

Dear Rachel

I refer to the witness statement of David Cocke and in particular:-

- A. paragraph 4 where he refers to reactive statements "that were issued in relation to Dr Day" being "agreed and signed off by members of the senior team including the trust's chief executive and Janet Lynch",
- b. paragraph 14 where he states "the concerns raised by Dr Day in 2013 had focused on junior doctor staffing levels (this was my understanding from senior clinicians and Mrs Lynch)", and
- c. paragraph 15 where it is said that Janet Lynch "told me she had obtained internal sign off on the statement from the senior doctors who had been involved in the Tribunal case".

Can you please confirm

1. who comprised the senior team at all material times as referred to at paragraph 4 of Mr Cocke's statement?
2. who were the senior clinicians from whom Mr Cocke had gained his understanding as referred to at paragraph 14 (as extracted above)?
3. who were the senior doctors who had given internal sign off to the 24th of October 2018 statement on the Trust website as referred to at paragraph 15 (as extracted above)?

Please also provide disclosure of the documentation evidencing sign off of the 24th of October 2018 statement by the senior doctors concerned and any others who signed it off.

Mr Cocke refers to the generic process for the sign off of reactive statements, which we assume includes the statements published on the trust website. Can you please therefore provide disclosure of documentation evidencing sign off of any other statements published by the trust the subject of these proceedings by members of the senior team and any senior or other doctors or clinicians.

We ask for a response to this request, in light of the bank holiday, by close of business next Wednesday 31st June, failing which we will need to make an application for an order for specific disclosure and for further information to the tribunal.

Please acknowledge receipt of this email.

Regards

Edward Cooper

Edward Cooper
Head of Practice OMS Employment
Slater and Gordon

FW: 2300819/2019 Mr C Day v Lewisham and Greenwich NHS Trust

1 message

Edward Cooper <Edward.Cooper@slaterguson.co.uk>
To: Chris Day <chrismarkday@gmail.com>

Fri, Jun 17, 2022 at 1:52 PM

Application as sent re identifying clinicians on Tuesday

Apologies not sent before

Edward Cooper
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Slater and Gordon

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**Slater
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From: Edward Cooper
Sent: 14 June 2022 21:02
To: LONDONSOUTHET <LondonSouthET@justice.gov.uk >
Cc: Rachel Luddem <Rachel.Luddem@capsticks.com >
Subject: 2300819/2019 Mr C Day v Lewisham and Greenwich NHS Trust

Dear London South Employment Tribunal

This is an application for an order for further information arising from one of the witness statements of the respondent.

We wrote to the respondent by email dated 27th May (see attached) and the respondent has responded as below substantively on 9 June as below (see first main paragraph) refusing our request.

We therefore now write to seek an order that the Respondent provides the following information within 2 days of the order being made :

1. who comprised the senior team at all material times as referred to at paragraph 4 of Mr Cocke's statement?

2. who were the senior clinicians from whom Mr Cocke had gained his understanding as referred to at paragraph 14 (as extracted above)?

3. who were the senior doctors who had given internal sign off to the 24th of October 2018 statement on the Trust website as referred to at paragraph 15 (as extracted above)?

The claimant needs this information before Mr Cocke gives evidence as the information may inform questions to be asked of other witnesses. It is information which should be readily available to the Respondent to provide

We copy in the Respondent and ask that if they object to this application they make that clear and their reasons by no later than 4pm Friday 17th June 2022.

regards

Edward Cooper

Edward Cooper
Head of Practice OMS Employment
Slater and Gordon

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**Slater
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From: Jessica Cowie <Jessica.Cowie@capsticks.com> **On Behalf Of** Rachel Luddem
Sent: 09 June 2022 11:43
To: Edward Cooper <Edward.Cooper@slateregordon.co.uk>
Cc: Andrew Rowland <Andrew.Rowland@capsticks.com>; Carmina Patience <Carmina.Patience@capsticks.com>
Subject: Dr Chris Day v Lewisham and Greenwich NHS Trust

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Dear Edward

Thank you for your recent emails. I respond to the various points raised below.

In relation to your email dated 27 May 2022, your three requests for further information can be dealt with in cross-examination of David Cocke. This is the proper way in which to challenge or seek clarification on matters raised in his witness statement. It is not appropriate to do so via email correspondence. In relation to "sign off" of public statements, you will again have the opportunity to question Mr Cocke on that point. However, we understand that individuals did not literally sign-off the statement (i.e. indicate in writing that they were happy with it or not) and that no further documents have come to light following a reasonable search that fall within the ambit of standard disclosure relating to "sign off" of the statements. The only further document that has been provided to us by our client as a result of your query is attached. It is provided notwithstanding that it is not obvious that it is relevant to the issues in dispute. It is email correspondence between NHSE/I and the Trust in relation to one of the statements. Please let me