

17 February 2017

Trust Headquarters

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Dear James

Thank you for your email of 16 February 2017. I have responded to each of your questions in red below:-

- How have you assured yourself that Mr Trenchard is fit and proper to carry out his role with the trust?  
Prof. Trenchard was engaged in August 2016 to undertake a specific piece of project work – the development of a Mental Health Strategy for the Trust.

As he does not hold a post with “director level responsibility for the quality and safety of care” (as per the CQC definition for application of the Fit and Proper Persons regulations), the Fit and Proper Persons procedures carried out for Board members were not applicable.

Prof. Trenchard declared the circumstances surrounding the tribunal and his reasons for leaving Derbyshire Healthcare, which he discussed openly with our Chief Executive and Medical Director, who subsequently reviewed the independent investigation report and NMC investigation report. These did not reveal any professional or personal misconduct and therefore did not indicate any reason to not engage him.

The Board was advised in September 2016 that Prof. Trenchard had been engaged to lead the development of the Mental Health Strategy and of the potential for some adverse media attention linked to his previous post. The Board received a further update in October 2016, where it was reported that the risks associated with negative publicity relating to Prof. Trenchard had been reassessed; the Medical Director and staff directly involved in the Mental Health Strategy work had been asked for their views and the overriding sentiment was that the Trust was happy to continue with the services of Prof. Trenchard and the contribution he was making to the Trust's strategy. The Board also received a copy of Prof. Trenchard's biography.

- The recruitment mechanisms used ie DBS, references, competency based interview?  
Prof. Trenchard was engaged in line with required procedures and delegated authority.  
He was interviewed by Michael McCourt, Chief Executive and Henry Ticehurst, Medical Director

Verbal references were sought from Derbyshire CCG and they had sight of an independent investigation report and the NMC investigation report. Since Prof. Trenchard is undertaking work that does not fall within the definition of "regulated activity", he does not meet the criteria which would require the Trust to undertake a DBS check.

- Whether you considered any of the information from the ET before employing Mr Trenchard and if so, which information in particular?  
Prof. Trenchard openly provided information on the ET and investigation reports to the Chief Executive and Medical Director. These did not reveal any professional or personal misconduct and therefore did not indicate any reason to not appoint him.
- Were NHSI made aware of or involved in the appointment of Mr Trenchard?

NHSI guidance requiring the prior approval of interim appointments came into effect on 31 October 2016, after Prof. Trenchard was appointed by the Trust.

We gain further assurance from your email of the 16<sup>th</sup> February 2017 in that you carried out Fit and Proper Person reviews for both Derbyshire Healthcare and Prof. Trenchard and that you were satisfied with the outcome of those reviews i.e. no further action was required.

Hopefully my responses above and your telephone conversation with our Chief Executive earlier today provide you with the necessary assurances that you seek.

Regards,



**Martin Roe**

Executive Director of Finance/Deputy Chief Executive

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