

Dear Dr Wollaston,

### **Protection for NHS trust governors who speak up**

I write further to your reported comments in a Times interview, published yesterday, about your concern that Mr Simon Stevens should be free to tell the truth and for him to enjoy the rights that are in theory conferred by NHS policy on whistleblowing.<sup>1</sup>

I wonder if you could consider being equally supportive of trust governors, who as I understand it have no rights at all under the Public Interest Disclosure Act if they are not trust employees, and are therefore not 'workers' within the meaning of the Act.

Whilst governors are supposed to defend the public's interest, and act as a check to trust boards, they are in reality relatively powerless and easily sidelined. They may be intimidated or silenced by boards. These issues were most recently highlighted by events at Southern Health NHS Foundation Trust.<sup>2</sup>

The arrangements for trust governors to take their concerns outside of trusts, if needed, seem vague. For example:

*"Certainly, lead governors should feel able to contact Monitor [NHS Improvement] where concerns arise while the trust is in breach."*<sup>3</sup>

I would be grateful if you and or Health Committee could help to improve this gap in trust governance.

This is particularly as Health Education England (HEE) has recently set a precedent by agreeing that junior doctors may make claims against HEE for whistleblowing detriment, even though they are not strictly speaking employed by HEE.<sup>4</sup> If such an arrangement can be made for junior doctors, it should surely be possible in principle to allow trust governors some better means of independent appeal against oppressive actions by trust boards and especially by trust chairs who have a questionable dual role in leading both the board and the council of governors.

It is also with respect to the Mid Staffs Public Inquiry recommendations that the role of trust governors should be enhanced, that there should be assurance that trust governors are Fit and Proper persons and that they should have *"access to external assistance and support to be provided by their national association."*<sup>5</sup> It seems to me that if trust governors are to be genuinely valued and taken seriously, there should be an effective channel for them to raise concerns externally and an effective means of protecting them from reprisal.

I copy this to the National Freedom to Speak Up Guardian with reference to her remit to identify and act upon obstacles to a more open culture in the NHS.

Yours sincerely,

Dr Minh Alexander

cc Dr Henrietta Hughes, National Freedom to Speak Up Guardian, CQC  
Sir Robert Francis  
Katherine Murphy CEO Patients Association

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<sup>5</sup> Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry February 2013  
<http://webarchive.nationalarchives.gov.uk/20150407084003/http://www.midstaffpublicinquiry.com/sites/default/files/report/executive%20summary.pdf>