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Care Quality Commission
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Your Ref: NCT 194
22 May 2017

Dear Dr Alexander,

I write further to my correspondence of 28 April 2017. As set out, I agreed to provide an update to you in respect of the two Fit and Proper Person's Requirements referrals you submitted to the Care Quality Commission (CQC) for Adrienne Murphy and David Loughton.

I can advise that the outcome to the referral for Adrienne Murphy (Cornwall Partnership NHS Foundation Trust) was completed in November 2016 however due to an administrative error the correspondence setting out the outcome was not sent to you. I attach this for your information. We at CQC are sorry for the inconvenience that this has caused you.

With respect to your referral for David Loughton (The Royal Wolverhampton Hospitals NHS Trust), I understand that this referral was made specifically citing the Employment Tribunal of Dr Raj Mattu, the GMC review of Professor David Ferry and the Independent Review by Verita, in the case of Mrs Sandra Haynes-Kirkbright's.

As you are aware the Veritas report [*Independent Review of the Handling by The Royal Wolverhampton NHS Trust of concerns raised by and related to Mrs Haynes-Kirkbright*] was published in January 2016.

I can advise that the FPPR panel met on a number of occasions to review this report; the evidence from the CQC 2015 inspection of The Royal Wolverhampton Hospitals NHS Trust; and any other relevant facts and information which you identified.

Subsequently, the panel delayed its decision whilst awaiting the outcome of a Deloitte Review into the Trust's governance at Board level which was considered potentially relevant and material evidence for the panel to consider.

The report [*The Royal Wolverhampton NHS Trust Independent Review of Governance and Leadership*] was published in November 2016 and considered by the panel in December 2016. The panel looked at the findings of the report and concluded that it provided no evidence of breach of the Fit and Proper Persons Regulation. The report makes reference to individual 'style' but this was not considered sufficient to indicate a breach of regulations.

The findings of the Veritas 2016 report also did not meet the threshold required by the regulations. The report finds that Mrs Haynes-Kirkbright was not treated fairly by the Trust, and states an example of the Trust not following its process and procedure. Some of these failings are attributed to Mr David Loughton, however, these are not considered to be sufficient in their own right to demonstrate breach of the FPPR on the part of the Trust.

When taken in the context of the Deloitte Report published in November 2016, and recognising that there have now been two independent reviews of the Board's actions (and therefore by implication of Mr David Loughton as its Chief Executive), the panel did not consider enforcement action under FPPR appropriate.

The decision on this FPPR referral was made in February 2017. Due to an administrative error we overlooked that a reply was due to you and wish to apologise for this omission.

As you are aware we are making improvements to the record keeping and administration of FPPR referrals. This now sets out CQC's position in respect of the two FPPR referrals. Our complaint records will be updated and closed in this regard.

What you can do if you are dissatisfied with our response

Should you remain dissatisfied with our response, you have the right to approach the Parliamentary and Health Service Ombudsman (PHSO) via your local Member of Parliament. The PHSO undertakes independent investigations into allegations that public bodies, including CQC, have acted improperly or unfairly, or have provided a poor service. The contact details are:

The Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London
SW1P 4QP

Telephone: 0345 015 4033

Website: www.ombudsman.org.uk

Thank you again for bringing these matters to our attention.

Yours sincerely,



Meeta Patel
National Complaints Manager
National Complaints Team

Enc: Letter of 14 Nov 2016