

BY EMAIL

Dr Henrietta Hughes
National Freedom to Speak Up Guardian

18 May 2017

Dear Dr Hughes,

Acceptance for 'live' cases for review, evidence base for Speak Up Guardians and employers who ignore whistleblowers' concerns

Thank you very much for your letter yesterday, which addressed the issue of whether 'live' cases will be accepted for review and the issue of evidence base for Speak Up Guardians.

The latter is one of the two issues raised in my letter of to David Behan of 5 May 2017. Thank you for acknowledging on behalf of Sir David that the Speak Up Guardian model is not evidence based and that the phrase 'evidence based' will be withdrawn from the published case review process.

Thank you also for the copy of the original draft case review process.

(1) Acceptance of live cases for review

You say:

"Firstly I should stress that our intention is to develop a case review process that supports maximum cross-system learning whilst being mindful of the most cost-effective use of the resources that we have at our disposal. Given that, during the 12-month trial of our case review process we will initially select cases for review where there are no outstanding decisions to be made. As the trial period progresses, we will review this approach and explore whether we can effectively open up the parameters within which we will be able to accept cases for review."

I would be grateful if with regards to 'outstanding decisions' you would advise whether this applies to only internal trust processes, and whether both employers' responses to whistleblowers' and employment processes are included.

I would also be grateful for clarification of whether the restriction on live cases also applies to external processes, such as professional regulatory investigations against whistleblowers or employment tribunal processes.

I am particularly concerned if what is being suggested is that whistleblowers' concerns about employers not responding at all or appropriately to patient safety issues will not acted upon by the National Guardian until lengthy employment matters are concluded.

(2) Impunity for employers who ignore whistleblowers

There is issue remains outstanding from my letter to David Behan of 5 May:

“If the National Guardian’s latest proposals are to be literally interpreted, employers who simply ignore whistleblowers will easily escape scrutiny by the National Guardian.

Clearly this is would be a nonsensical and serious governance failure.

I hope that this is not the intention, but I would be grateful if you, Mr Simon Stevens and Mr Jim Mackey could explicitly clarify this.

If CQC, NHS England and NHS Improvement do not intend that employers should have impunity for ignoring whistleblowers, as currently implied by the National Guardian’s published procedures, please advise what further steps you intend to take to rectify the situation.”

I would be grateful for a response from the CQC about this.

Yours sincerely,

Dr Minh Alexander

Cc

Sir David Behan chief executive CQC

Sir Robert Francis CQC NED and Chair of National Guardian’s Accountability and Liaison Committee

Simon Stevens CEO NHS England

Jim Mackey CEO NHS Improvement

Dame Moira Gibb NED NHS England and member of National Guardian Accountability and Liaison Committee

Helen Buckingham Director of Corporate Affairs NHS Improvement and member of National Guardian Accountability and Liaison Committee