

To Department of Health, Freedom of Information Team, 18 February 2017

Dear Sir,

Transparency and inclusivity of the NHS Just Culture Taskforce

Thank you for your attached response to my questions about the establishment of the NHS Just Culture Taskforce, and your following answers so far:

“James Titcombe and Martin Bromiley were asked by the Department of Health to consider the best way of initiating this, and three other individuals were invited to contribute to these discussions. They are not a formally constituted body.”

“The Department has expressed its willingness to support the actions arising from this work (consultation and stakeholder engagement) by providing a secretariat, and has envisaged a small level of funding, yet to be agreed, should the need arise for meeting venues, catering, and other expenses.”

I should point out that this is at variance to the account originally published by Messrs Bromiley, Titcombe et al, who reported that they were the core group of the Taskforce.¹

Matters arising

1. I asked you if the Just Culture Taskforce, as a DH instigated and funded project **will** be subject to Freedom of Information provisions.

I asked partly as there are serious concerns about issues of inclusivity and the lack of transparency about the process so far.

The DH has declined to answer this on the basis that the Just Culture Taskforce has not yet been established:

“With regard to your other requests, the Department of Health does not hold this information as a Just Culture Taskforce has not yet been established.”

I do not agree that this is a valid basis for not answering this question. The DH must surely have a position on whether the Just Culture Taskforce will be subject to Freedom of information provisions once it is established.

Please review your response to this question and indicate whether the Just Culture Taskforce will be subject to FOI once established.

2. I asked you if the Just Culture Taskforce will be subject to DH policy on Equality and Diversity.

The DH has also declined to answer this on the basis that the Just Culture Taskforce has not been established.

I do not agree that this is a valid basis for not answering this question. The DH must surely have a position on whether the Just Culture Taskforce will be subject to Equality and Diversity policy once it is established.

Please review your response to this question and indicate whether the Just Culture Taskforce will be subject to will be subject to Equality and Diversity policy once established.

3. The DH has not disclosed the requested correspondence relating to the commencement of this project. It has not given a specific reason for this.

If the DH relies on the general reason that it has given, i.e. that the Just Culture Taskforce has not been established, this is not valid because I asked for correspondence on how the Just Culture Taskforce would be set up, and the records of the DH's approach to the individuals whom it asked to initiate the process.

Please review your response and either disclose the requested correspondence or give specific grounds for refusal.

This is a high profile public venture, set in a context of serious injustices by the Health Service to many parties and is of significant public interest.

The records about this project are of even greater public interest given the substantial variance between what Messrs Bromiley and Titcombe originally claimed, and what the DH now claims.

Concerns of cronyism by the DH add to the public interest.

The records are clearly a matter of significant public interest and it is for the DH to demonstrate otherwise.

4. **As the DH now maintains the Just Culture Taskforce has not yet been constituted, may I take this opportunity to ask the DH if it will also invite:**

a) whistleblowers

b) NHS staffside representatives

to contribute at this stage and to “*consider the best way of initiating*” the Just Culture Taskforce?

Yours sincerely,

Dr Minh Alexander

cc Chairs of Public Administration and Constitutional Affairs Committee, Public Accounts Committee, Health Committee

Secretary of State

Paul Stonebrook DH

Tim Jones DH

[1](https://minhalexander.com/2017/01/25/call-for-just-culture-taskforce-core-members-to-step-down/) Call for Just Culture taskforce core members to step down, Minh Alexander 25 January 2017 <https://minhalexander.com/2017/01/25/call-for-just-culture-taskforce-core-members-to-step-down/>