

**From:** "Gallagher, Ursula" <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>  
**Subject:** RE: CQC's work programme on whistleblowing  
**Date:** 16 November 2017 at 12:35:50 GMT  
**To:** Minh Alexander <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>

Dear Dr Alexander

I am sorry if my response was not clear – it is my intention to explore what we do currently and what we should do in the future as part of my assessment of where we are, and that will include considerations of co-production as part of our approach to policy development.

Best wishes

Ursula Gallagher

**From:** Minh Alexander [mailto:[\\*\\*\\*\\*\\*@\\*\\*\\*\\*\\*.\\*\\*\\*\\*\\*](mailto:*****@*****.*****)]  
**Sent:** 16 November 2017 12:31  
**To:** Gallagher, Ursula  
**Subject:** CQC's work programme on whistleblowing

Dear Prof Gallagher,

Many thanks for confirming receipt of my enquiry of 4 November.

Would it be possible to have a clearer answer to my question about whistleblower involvement and co-production?

*"May I ask to what extent the CQC is involving whistleblowers in its current work programme, whether it is possible for whistleblowers to help co-produce CQC policy and protocols in this area and whether it would be possible for the CQC to keep whistleblowers and other stakeholders regularly apprised of its work by publishing bulletins and key documents generated by this work programme?"*

Many thanks,

Minh Alexander

**From:** "Gallagher, Ursula" <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>  
**Subject:** RE: CQC's work programme on whistleblowing  
**Date:** 16 November 2017 at 12:25:35 GMT  
**To:** Minh Alexander <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>  
**Cc:** Enquiries <[Enquiries@cqc.org.uk](mailto:Enquiries@cqc.org.uk)>

Dear Dr Alexander

Thank you for your recent communication which I can confirm I have received.

I am currently working to establish a clearer understanding of CQCs work to date with respect to whistleblowing and to consider how best to develop a plan for future work and priorities and I will consider your concerns and suggestions as part of this work.

At present I believe the position with respect to any planned audits remains as described by the Chairman

Best wishes

Ursula Gallagher

**From:** Minh Alexander [[mailto:\\*\\*\\*\\*\\*@\\*\\*\\*\\*\\*.\\*\\*\\*\\*\\*](mailto:*****@*****.*****)]  
**Sent:** 14 November 2017 13:07  
**To:** Gallagher, Ursula  
**Cc:** Enquiries  
**Subject:** CQC's work programme on whistleblowing

Dear Professor Gallagher,

I hope this email reached you.

Please could you kindly let me if you received it?

I copy this correspondence to the CQC enquiries team in case I have the wrong email address for you, and they are able to help if so.

BW

Minh Alexander

**From:** Minh Alexander <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>

**Subject: CQC's work programme on whistleblowing**

**Date:** 4 November 2017 at 07:30:26 GMT

**To:** Ursula Gallagher

BY EMAIL

Professor Ursula Gallagher

Care Quality Commission

4 Nov 2017

Dear Professor Gallagher,

## **CQC's work programme on whistleblowing**

I understand that you now oversee CQC's current work programme on whistleblowing.

I copy below some recent correspondence below which I hope is self explanatory.

As you can see, serious concerns remain about CQC's handling of whistleblowing matters, including on the issue of whistleblower confidentiality and reprisal against whistleblowers.

May I ask to what extent the CQC is involving whistleblowers in its current work programme, whether it is possible for whistleblowers to help co-produce CQC policy and protocols in this area and whether it would be possible for the CQC to keep whistleblowers and other stakeholders regularly apprised of its work by publishing bulletins and key documents generated by this work programme?

Many thanks.

Yours sincerely,

Dr Minh Alexander

**From:** Minh Alexander <\*\*\*\*\* >

**Subject: CQC refusal to audit its compliance with its policy of whistleblower confidentiality**

**Date:** 21 September 2017 at 16:10:58 BST

**To:** \*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

**Cc:** \*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

BY EMAIL

Public Accounts Committee

21 September 2017

Dear Ms Hillier and colleagues,

**CQC refusal to audit its compliance with its policy of whistleblower confidentiality**

Further to my letter of 11 September asking PAC to consider a re-review of whistleblowing [1](#), I write to submit additional evidence in support of my request.

Please find attached a letter of today's date from Peter Wyman CQC Chair in which he declines to audit CQC's compliance with its policy of whistleblower confidentiality.

Although CQC disclosed via FOI on 3 August [2](#) that it had not undertaken any such audit since 2013 when David Behan promised to respect whistleblowers' confidentiality, Mr Wyman now states that CQC routinely 'monitors' its

compliance with policies. I am not clear what this means, but I am unable to clarify it as Mr Wyman advises that he will not correspond any further on this subject.

I remain unconvinced that CQC has acted responsibly as regards its duty of care towards whistleblowers and therefore towards service users.

Yours sincerely,

Dr Minh Alexander

Cc

Chairs of PACAC and Health Committee

Sir Robert Francis CQC NED

Dr Henrietta Hughes National Freedom To Speak Up Guardian

Sir Amyas Morse NAO

Lord Bew CSPL

Margaret Hodge MP

1 <https://minhalexander.files.wordpress.com/2017/09/letter-to-public-accounts-committee-11-sep-2017-re-review-of-whistleblowing.pdf>

2 <https://minhalexander.files.wordpress.com/2016/09/cqc-foi-disclosure-whistleblower-confidentiality-3-august-2017-foi-final-decision-notice-cqc-iat-1718-0210.pdf>



Dr Minh Alexander

By email: [minhalexander@aol.com](mailto:minhalexander@aol.com)

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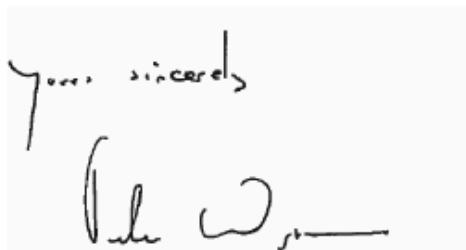
21 September 2017

Dear Dr Alexander,

I write in response to your email of 19 September 2017.

At the Care Quality Commission we routinely monitor compliance with our policies but have no plans at present to conduct an audit such as you propose.

I do not intend to enter into further correspondence on this matter.

A handwritten signature in black ink, appearing to read "Yours sincerely, Peter Wyman CBE DL".

**Peter Wyman CBE DL**  
Chairman

**From:** "Docherty, Matthew" <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>  
**Subject:** RE: Audit of CQC compliance with CQC's policy of whistleblower confidentiality

**Date:** 21 September 2017 at 15:05:48 BST

**To:** Minh Alexander <\*\*\*\*\*>

Dear Dr Alexander,

Please find attached a letter from Peter Wyman, Chairman of the Care Quality Commission.

Kind regards

Matt

Matt Docherty

Correspondence Secretary  
Governance & Private Office  
Care Quality Commission

**From:** Docherty, Matthew

**Sent:** 19 September 2017 13:03

**To:** 'Minh Alexander'

**Subject:** RE: Audit of CQC compliance with CQC's policy of whistleblower confidentiality

Dear Dr Alexander,

Thank you for your email which I will bring to Mr Wyman's attention.

Kind regards

Matt

Matt Docherty  
Correspondence Secretary  
Governance & Private Office

**From:** Minh Alexander [\*\*\*\*\*]

**Sent:** 19 September 2017 11:51

**To:** Docherty, Matthew

**Cc:** \*\*\*\*\*

\*\*\*\*\*

\*\*\*\*\*

**Subject:** Audit of CQC compliance with CQC's policy of whistleblower confidentiality

BY EMAIL

Peter Wyman

Chair, Care Quality Commission

19 September 2017

Dear Mr Wyman,

**Audit of CQC compliance with CQC's policy of whistleblower confidentiality**

Thank you for another swift response.

I do not recognise your response as an answer to my question about whether CQC will audit its compliance with its policy of whistleblower confidentiality.

It is difficult to have confidence in the CQC's claims of progress if they are not based on evidence.

General audit is separate to any specific investigation that you may wish to undertake, or not, into the allegations by Compassion in Care of breached confidentiality.

To be clear, I have made no request that you investigate the allegations by Compassion in Care.

Notwithstanding the fact that it is good practice to conduct routine audit (which CQC admits it has not done), CQC has admitted on several occasions that it has breached whistleblowers' confidentiality.\* This additionally makes the case for audit.

Therefore, I would be grateful for an answer on whether CQC will audit and I

remain available to help co-produce any audit, as do other whistleblowers.

Yours sincerely,

Dr Minh Alexander

\* The occasions on which CQC has admitted breaching whistleblower confidentiality:

- 1) David Behan publicly admitted in 2013 that CQC had breached a whistleblower's confidentiality
- 2) CQC apologised to Helen Rochester for breaching her confidentiality when she previously whistleblwed in 2013
- 3) CQC admitted in 2014 that it breached NHS surgeon and whistleblower Shiban Ahmed's confidentiality

cc PACAC, PAC and Health Committee Chairs

Sir Robert Francis CQC

Dr Henrietta Hughes National Freedom To Speak Up Guardian, CQC



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Dr Minh Alexander

By email: [minhalexander@aol.com](mailto:minhalexander@aol.com)

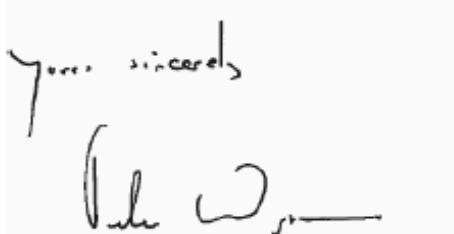
19 September 2017

Dear Dr Alexander,

I write in response to your email of 15 September 2017.

I do not agree with your interpretation that an average, reasonable person would see Ms Sutcliffe's responses as a denial.

As the Care Quality Commission (CQC) has explained to Ms Chubb, we are not able to investigate the allegation she has made as she is not willing to provide further information to us and therefore we do not intend to take any further action unless and until she does.

A handwritten signature in black ink. The signature starts with a large 'P' and 'W', followed by 'YMAN' and 'CBE DL' on a new line. Above the signature, the word 'sincerely' is written in a smaller, cursive font.

Peter Wyman CBE DL  
Chairman

**From:** "Docherty, Matthew" <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>

**Subject: RE: Basis of denial by a CQC Chief Inspector**

**Date:** 19 September 2017 at 11:07:11 BST

**To:** Minh Alexander <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>

Dear Dr Alexander,

Please find attached a letter from Peter Wyman, Chairman of the Care Quality Commission.

Kind regards

Matt

Matt Docherty

Correspondence Secretary

Governance & Private Office

**From:** Docherty, Matthew

**Sent:** 15 September 2017 16:58

**To:** 'Minh Alexander'

**Subject:** RE: Basis of denial by a CQC Chief Inspector

Dear Dr Alexander,

Thank you for your email to Peter Wyman, Chairman of the Care Quality Commission. I would like to acknowledge receipt of your email and thank you for writing to us.

Kind regards

Matt

Matt Docherty  
Correspondence Secretary  
Governance & Private Office

**From:** Minh Alexander [\*\*\*\*\*]  
**Sent:** 15 September 2017 16:54  
**To:** Docherty, Matthew  
**Cc:** \*\*\*\*\*  
\*\*\*\*\*  
\*\*\*\*\*  
**Subject:** Basis of denial by a CQC Chief Inspector

BY EMAIL  
Peter Wyman  
CQC Chair  
15 September 2017

Dear Mr Wyman,

**Basis of denial by a CQC Chief Inspector**

Thank you for your swift response.

Whilst some might accept that one interpretation of Ms Sutcliffe's words might be that they are not an outright denial, I doubt that the average reasonable person would take her words to mean anything but a denial.

I would suggest that it would be helpful if CQC does not use such language, particularly where it knows that there is no proper basis for any denial.

Now that CQC implicitly concedes that there was no proper basis for any denial, may I ask if it will systematically audit whether it has complied with its policy of whistleblower confidentiality.

Whistleblowers would be happy to help co-produce any such audit if CQC is willing to examine its practices in this way.

Yours sincerely,

Dr Minh Alexander

Cc

PACAC, PAC and Health Committee Chairs

Sir Robert Francis CQC

Dr Henrietta Hughes National Freedom To Speak Up Guardian, CQC



Dr Minh Alexander

By email: [minhalexander@aol.com](mailto:minhalexander@aol.com)

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[www.cqc.org.uk](http://www.cqc.org.uk)

15 September 2017

Dear Dr Alexander,

I write in response to your letter of 13 September 2017 in which you asked me to investigate a complaint against Andrea Sutcliffe, Chief Inspector of Adult Social Care at the Care Quality Commission (CQC).

Your complaint was that Ms Sutcliffe had denied an allegation made by Ms Eileen Chubb of Compassion in Care, without any evidence or factual basis to support that denial.

The allegation by Ms Chubb was that CQC had breached the confidentiality of 47 whistleblowers by identifying them to their employers. In your letter of complaint, you site Ms Sutcliffe's letter to Ms Chubb of 14 July 2017, in which she stated "we do not recognise this statement".

I have reviewed the correspondence in question and I am entirely satisfied that Ms Sutcliffe was not issuing a denial of Ms Chubb's allegation. Rather, she was asking for Ms Chubb's assistance in providing more information regarding the allegation so that CQC could investigate it further. Ms Sutcliffe made clear in her letter that this is a matter which CQC takes seriously and it is very clearly not an allegation that Ms Sutcliffe was dismissing out of hand.

I am therefore satisfied that there is no basis to your complaint against Ms Sutcliffe and I do not intend to proceed with any further investigation of that complaint.

Yours sincerely,

A handwritten signature in black ink. The signature starts with 'Peter' and ends with 'Wyman', with a stylized middle name in between. Above the signature, the word 'sincerely' is written in a smaller, cursive font.

**Peter Wyman CBE DL**  
Chairman

Chairman: Peter Wyman CBE DL Chief Executive: Sir David Behan CBE

**From:** "Docherty, Matthew" <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>

**Subject: RE: Basis of denial by a CQC Chief Inspector**

**Date:** 15 September 2017 at 11:57:21 BST

**To:** Minh Alexander <\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*>

Dear Dr Alexander,

Please find attached a letter from Peter Wyman CBE DL, Chairman of the Care Quality Commission.

Kind regards

Matt

Matt Docherty

Correspondence Secretary  
Governance & Private Office

**From:** Minh Alexander [\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*]

**Sent:** 13 September 2017 06:19

**To:** Docherty, Matthew

**Cc:** \*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*  
\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*  
\*\*\*\*\*@\*\*\*\*\*.\*\*\*\*\*

**Subject:** Basis of denial by a CQC Chief Inspector

Good morning Matt,

Please find attached a letter for Peter Wyman's attention.

All best,

Minh

Minh Alexander

cc PACAC, PAC, Health Committee Chairs, Sir Robert Francis, Dr Henrietta Hughes

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