

BY EMAIL

Dr Navina Evans
Chief Workforce Officer
NHS England

4 July 2023

Dear Dr Evans,

Kark review implementation on ensuring Fit and Proper managers in the NHS

I write to seek clarification on whether the information contained in the just published [NHS Workforce plan 2023](#) represents the sum of NHS England's implementation of the [2019 Kark review recommendations](#).

Paragraph 5 of page 59 of the NHS Workforce plan makes passing reference to the Kark review and states that the NHS Workforce plan builds on the Kark review:

5. Beyond this, Our Leadership Way,¹¹⁶ and the recommendations of the Kark¹¹⁷ and Messenger¹¹⁸ reviews, describe the management capabilities and compassionate and inclusive behaviours leaders need to give staff the backing they require to deliver for patients. Managers, both clinical and non-clinical, and people professionals will have a key role to play. The future of NHS human resources and organisational development report¹¹⁹ sets out how people professionals need to work differently to create a consistently compassionate, inclusive and values-driven culture that delivers better staff experience now and in the future. This Plan builds on these previous pieces of work.

I have looked for implemented Kark recommendations in the NHS Workforce plan and struggled to find them.

There was a general reference to organisations conducting regular culture reviews, but that does not hit the mark.

Could you advise me if NHS England has completed its work on implementing the Kark review and whether it has adopted the following five Kark recommendations:

Recommendation One

All directors (executive, non-executive and interim) should meet specified standards of competence to sit on the board of any health providing organisation. Where necessary, training should be available.

Recommendation Two

That a central database of directors should be created holding relevant information about qualifications and history.

Recommendation Three

The creation of a mandatory reference requirement for each Director

Recommendation Four

The FPPT [Fit and Proper Person Test] should be extended to all Commissioners and other appropriate Arms-Length Bodies (including NHSI and NHSE).

Recommendation Five

The power to disbar directors for serious misconduct

The detailed recommendations accompanying these five broad headings can be found in the [main report](#).

If NHS England has not completed its implementation of the Kark review, could it advise what timescale is planned for completion.

This is a critical question as NHS workforce capacity is wanting and morale is poor, making safe leadership vital.

Serious examples of recycled leaders continue. These are just a few:

At University Hospitals Sussex NHS Foundation Trust Darren Grayson who resigned as CEO from a neighbouring trust after a very critical CQC report and findings of bullying and harassment by managers in 2015 has last year been appointed as Director of Governance. This was after an interim period in which he sold governance services to the NHS via the private company, the Good Governance Institute, including to his current employer University Hospitals Sussex NHS Foundation. You will be aware that there are Sussex whistleblowing cases in the Employment Tribunal and that

the police are looking into allegations about deaths at Sussex that may amount to gross negligence manslaughter.

Mark Cubbon as an NHS trust CEO failed to protect Dr Jasna Macanovic Portsmouth Hospitals NHS Trust whistleblower, and yet kept his recent job as NHS England Chief Delivery Officer. He has now moved to a plum job as CEO of a very large acute NHS trust, Manchester University Hospital NHS Foundation Trust.

There is also an as yet unresolved question of whether your former trust board colleague Mason Fitzgerald has been working for NHS England as a consultant via the Good Governance Institute, despite being sacked by East London NHS Foundation Trust after a false claim about a law qualification.

The NHS compares poorly with other sectors in taking decisive action to protect the public from poor executives.

The Insolvency Service previously banned Neil Cruickshank the CEO who failed to listen to whistleblowers in the private Winterbourne Hospital abuse scandal, for eight years:

[Business ban for former boss of failed care home company](#)

“The Insolvency Service found Mr Cruickshank failed to follow proper company procedures after being sent information from the whistle-blower in October 2010.

The whistle-blowing was in the form of an email, dated October 11, 2010, titled “I’ve had enough”.

It was sent by a charge nurse at Winterbourne View to the hospital manager.

The level of detail in the email indicated the seriousness of the concerns and should have been a sufficient alert for the company’s director to act rapidly, robustly and responsibly. On October 22 2010, a senior manager sent Mr Cruickshank both this email and further communications, both from the whistle-blower and internally, which clearly demonstrated that the Whistleblowing Policy was not being adhered to.

The disqualification, dated from May 1, prevents Mr Cruickshank from directly or indirectly becoming involved in the promotion, formation or management of a company for the duration of the term.”

It is hard to see this happening in the NHS based on current governance frameworks, set upon a clear culture of impunity for senior wrongdoing.

The Insolvency Service has also just banned the former Chief Finance Officer of Carillion for 11 years, for issuing “false and misleading financial information” about the company:

[Ex-Carillion finance chief given 11-year company director ban](#)

In contrast, it said that in the NHS, CFOs are expected to give more optimistic financial statements than justified and that they are more likely to face unpleasantness if they do not.

As a participant in the Kark review, and as someone who continues to hear regularly from harmed NHS whistleblowers, I would be very grateful for an update about NHS England's Kark implementation.

With best wishes,

Minh

Dr Minh Alexander

NHS whistleblower and retired consultant psychiatrist

Cc Tom Kark KC

Health and Social Care Committee

Secretary of State for Health and Social Care

