

Original Request

“In 2014 it was highlighted that the North East Ambulance Service NHS Foundation Trust, had failed to carry out background checks on frontline staff for four years.

During this time, 57 people were given frontline jobs as ambulance staff, despite Disclosure and Barring Service or DBS checks revealing positive returns for these 57 people having unknown criminal convictions.

In February 2014, it is noted that the CQC issued a section 29a warning under the Health & Social Care Act 2008.

Q1) Can the CQC confirm that the above information is correct?

Response – We can confirm that the report published in 2014 highlighted concerns with appropriate recruitment processes within NEAS and that relevant DBS checks had not always been completed prior to staff commencing work.

Q2) Did the CQC publish a copy of the section 29a warning notice it issued in respect of these matters in 2014?

Response - The section 29A warning notice would not have been published in the public domain.

When a section 29A warning notice is served to a provider, the accompanying CQC inspection report would generally make reference to this as a means of informing the public.

Q3) If a copy was published in 2014, could you please supply me with this information or provide a link to access it?

Response – please see response to question 2 above.

In July 2023, NHS England published a report into concerns raised by whistleblowers, regarding safeguarding and governance issues at the North East Ambulance Service NHS Foundation Trust or NEAS. Worryingly, it would appear that the concerning matters identified in 2014 at the NEAS, whereby DBS checks and positive disclosures were not correctly managed has resurfaced again.

Q4) Can the CQC confirm that they issued a section 29 a warning notice to NEAS in August 2020 as outlined in the NHS England review into NEAS?

Response – We can confirm that a section 29A warning notice was issued to NEAS on 06 August 2020.

Q5) Warning Notices are issued to a registered person (NEAS) where the quality of the care they are responsible for falls below what is legally required.

Why did the CQC issue the warning notice in August 2020 as referenced in the Dame Marianne Griffiths NHS Review dated 12th July 2023?

Response - The section 29A warning notice was issued at that time due to concerns that staff with positive DBS disclosures were not managed in line with trust policy. In addition, individuals employed by NEAS who had significant safeguarding concerns raised about them in respect of concerns raised outside of the workplace were not being managed appropriately or in a timely manner.

Q6) What was the relevant regulation, section of the relevant Act or condition that the registered person (NEAS) was not complying with in August 2020.

Response

Regulation 17, Good Governance.

Regulation 19, Fit and proper employees

Q7) How the registered person (NEAS)(Aug 2020) did not comply or is continuing not to comply with a legal requirement.

Response - Please see response to question 5 for rationale.

Q8) Did the Warning Notice relate to continuing failure to comply with a legal requirement?

Response - No

If indeed it did

Q9) In August 2020 did the CQC issue NEAS with a warning, that it may take further action if the NEAS did not comply with the Notice and the breach is continuing?

Response - The section 29A warning notice contained the following information:

“Please note: If you [NEAS] fail to comply with the above requirement and thereby fail to make significant improvement to the quality of the health care you provide within the given timescale, we will decide what further action to take against you. Possible action includes requiring Monitor, now known as NHS England and NHS Improvement, to make an order under Section 65D (2) of the National Health Service Act 2006 (appointment of trust special administrator).”

Q10) What timescale did the CQC give to the NEAS, within which they had to comply with the warning notice?

Response - The section 29A warning notice advised that significant improvements needed to be made by 01 October 2020.

Q11) What was the outcome of the section 29a warning notice issued in this case?

Response - The section 29A warning notice expired due to NEAS providing CQC with adequate assurances, within the timeframe specified within the warning notice, regarding the initial concerns raised in the warning notice issued in August 2020.

Q12) Has this warning notice issued to NEAS in August 2020, been published into the public domain?

Response - No.

Q13) If the warning notice has been published into the public domain, can you provide me with a copy or the link to such information please?

Response - See response to question 12.

Q14) If the CQC has not published the inspection report and warning notice in relation to these matters, what is the rationale for not doing so?

Response - No report was published at this time due to restrictions to inspection activity imposed as a result of the extraordinary circumstances caused by the COVID 19 pandemic. The decision to not cross the threshold of health and social care providers was made at a strategic level within CQC to ensure no additional pressures were being placed upon providers during this unprecedented time.

The decision to serve a warning notice was carried out using interim methodology introduced during the pandemic in April 2020 to monitor provider compliance with regulations.

Using this interim approach and through a comprehensive review of risk and documentation provided by NEAS, it was determined that the most appropriate course of action to take to ensure this matter was addressed swiftly and to ensure compliance with regulations 17 and 19 was to issue the Warning Notice within the capacity that was afforded to CQC at that time.

At the time the warning notice was issued a banner would have appeared on the provider's page on the CQC website to advise that action had been taken against NEAS.

Q15) Where this has not been disclosed, the CQC is obliged to send a copy to other bodies under the CQC's statutory duty. Has this obligation been enacted and which bodies have been sent a copy of the report that the August 2020 matters relate?

Response - No report was published in August 2020 due to the above-mentioned rationale. However, the Warning Notice was shared with NHS England and NHS Improvement.

Q16) In respect of the warning notice issued in August 2020 to the NEAS in connection with the mismanagement of DBS checks, how many NEAS staff were employed and subsequently found to have criminal convictions as a result of positive DBS disclosures?

Response - Data provided by NEAS highlighted at the end of August 2020 a total of 113 NEAS employees and volunteers with a positive DBS disclosure.

Further information provided by NEAS showed that their recruitment team confirmed there was no positive disclosures or offers of employment withdrawn due to an unsatisfactory DBS Risk Assessment at that time.

Q17) How many of these staff are still employed by the NEAS?

Response - CQC is unable to answer this question. Information in relation to this matter will be held by NEAS who should be contacted directly.

Q18) How many staff had their employment terminated as a result of positive disclosures after DBS checks were carried out?

Response – See response to question 16. This information was submitted by the trust in response to the warning notice served in August 2020.

Q19) How many staff employed by the NEAS, were found not to have completed a DBS check, in connection with the matters identified by the CQC, in respect of the warning notice issued in August 2020?"

Response - Information provided by NEAS highlighted that there were 12 exceptions in the DBS report submitted to CQC as part of their response to the warning notice issued in August 2020. NEAS however provided a disclaimer which stated that the exceptions were due to the newly hired staff still being input onto their system.

NEAS would be best placed to provide further information/data regarding this question.