

Dr Minh Alexander

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9<sup>th</sup> March 2017

Dear Dr Alexander,

Thank you for your email of 20 February 2017 addressed to myself, as Chief Executive of the Care Quality Commission (CQC), Simon Stevens, Chief Executive of NHS England (NHSE), and Jim Mackey, Chief Executive of NHS Improvement (NHSI). Please consider this letter as a joint response on behalf of our three organisations.

Although the National Guardian's Office (NGO) is hosted by CQC, and funded by all three organisations, it is important that it acts independently in carrying out its functions.

In your email you raise concerns about the NGO, including its role in reviewing individual cases and the assessment of actions taken by providers in response to concerns raised by whistleblowers.

You have also raised concerns over the accountability of the NGO and the effectiveness of the NGO's draft proposals over how case reviews will be conducted.

Firstly, you may have seen the response to the consultation exercise 'The National Guardian for the NHS – Improvement through openness' (May 2016). The consultation exercise included consideration of how far the NGO should become involved in individual cases and is quite clear about the remit of the NGO in this respect, stating:

*"We understand that some individuals feel that where the 'system' has failed them, they would like the ability to escalate their case for independent investigation and resolution based on the merits of the case. However, this proposal exceeds the role of the National Guardian's Office as currently defined.*

*What it will do is create a very clear process under which the National Guardian will be able to undertake independent reviews of how cases have been handled, where there is evidence that local processes may have failed to follow good practice. This will include feeding back the findings of reviews to local providers and providing clear recommendations for improvement, as well as holding these providers to account, through the relevant national regulators."*

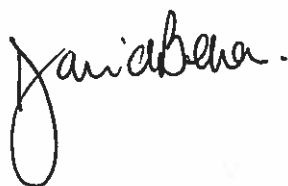
The NGO's stance on not intervening in individual cases is in keeping with the outcome of this public consultation.

As you may be aware, the NGO established a month-long listening process to obtain ideas on the case review process, beginning on 20 January 2017. This included two listening events attended by Freedom to Speak Up Guardians, whistleblowers and staff from a range of NHS bodies. The NGO published a draft review process on 13 February 2017 to facilitate further suggestions and feedback. Your email of 20 February 2017 was copied to Dr Henrietta Hughes, National Freedom to Speak Up Guardian. I am told that your observations, and any other feedback that you have provided as part of this listening exercise will also be considered as part of that process.

Draft case review proposals and a summary of the feedback received during the listening exercise will be considered by the NGO's Accountability and Liaison Board at its meeting on 16 March 2017. The case review process will be finalised after this and piloted. It will be subject to review as learning on how the process works in practice is accumulated.

I hope this response has been helpful and thank you again for bringing your concerns to our attention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'David Behan', with a large, stylized initial 'D'.

**Sir David Behan**  
**Chief Executive**

Cc Simon Stevens, Chief Executive, NHSE  
Jim Mackey, Chief Executive, NHSI  
Dr Henrietta Hughes, National Freedom to Speak Up Guardian