

## TRANSCRIPT OF QUESTIONS BY HELEN ROCHESTER AT CQC BOARD MEETING 20 JUNE 2017

**Link to the video recording of the board meeting on 20 June 2017:** [https://cqc.public-i.tv/core/portal/webcast\\_interactive/291254](https://cqc.public-i.tv/core/portal/webcast_interactive/291254)

**Peter Wyman at 1.15:** We've got, we've got time for one more q....yes please...you'd like to go to where David was sitting...and when you get there can you press the button...on the microphone...that's it...should be a red light come on...If you'd like to introduce yourself and go from there please.

**Helen Rochester:** My name is Helen Rochester. I'm a former nurse. I've worked in the NHS for about a good 20 years. And I've also worked in Adult Social Care both as a nurse and as a carer.

Now I've come to talk to you today about something that's quite close to my heart, and has been touched upon quite a lot in here this morning, which is whistleblowing.

And what spurred me to come along was that I watched the video recording of I think it was the April Board meeting, where I think it was that lady sitting to your right Mr Chairman that was explaining to the Board exactly what a whistleblower is and she couched it in some quite legal terms. I think she might be the legal person.

I just wanted to come and tell you what they actually are and from a personal perspective, and how we're treated in the care sector because of that and unfortunately how I've been treated by the Care Quality Commission for doing it as well.

What we are is your eyes and ears on the ground in care homes, in all the times that you are not there, which is basically most of the time.

And we will go to the employer, and we will raise concerns, if we're brave enough to do it and I have been brave enough to do it.

And generally you are treated pretty miserably by the employer.

They make your life hell.

The do not listen to what you say.

And they will either find a reason to get rid of you, or you will leave anyway, which is what I did.

When I left, and this is on two occasions now in four years, this is great for me I no longer have to work there now, I can go off and do something else.

But it's not so great for those residents who I had some really really bad concerns for.

So I went to the CQC – you are the prescribed authority to go if we don't think employers are acting or they haven't acted, this is where we come.

On both occasions, I realise it's only two occasions and we're talking in percentages it is 100% of the time – on both occasions I got a standard response from the CQC saying:

“Thank you very much for your concerns. We're passing on the relevant bits to Adult Safeguarding. We will use it to inform our next inspection.”

On both times.

Now, on the first occasion you finally got yourself up to that care home nine months later after I raised concerns. Which is not really acceptable.

But when you did get yourself up there you issued three enforcement notices and they were on all of the things that I had raised – nine months previously.

Now that is 64 vulnerable residents left at risk for nine months because you didn't listen to me.

Also I found out because at the time there was an Employment Tribunal claim raised, I got an awful lot of disclosure behind the scenes, what was going on, your inspector was talking about me as a whistleblower to the employer, and who did a marvellous job of trashing me to the inspector.

And that had some sort of influence on why you did not act at the time.

You did act eventually, and that is good, and the home was rated as inadequate, you put in a whole raft of improvements and they were, eventually, acted upon.

Now that was four years ago, and I raised the complaint through your complaints procedures, and I was given a complete runaround for three months.

And then the Head of Inspection at the time come to my home and said:

“This will not happen again, we are learning lessons. We should not be discussing whistleblowers with employers etc etc etc...”

And I listened to her. I thought yes, she will put some things in place to deal with that and I was totally impressed with the response that I got. The fact that she come out to my home to tell me that. I was completely impressed with that.

So then it happens again in 2017.

I just walked out of a care home. I worked there for four nights. I couldn't bear what I was seeing in that home. It was similar to what ....is it Andrea? Yeah, it was similar to what she was saying. It was completely unacceptable to go into a care home at six o' clock in the morning to see patients getting dressed out of bed. It was happening at 4.15 [am] in this care home, and that was amongst a whole raft of other things that were happening in terms of the health and safety of the residents. Also the health and safety of the staff that she has touched on at this board meeting here this morning as well.

And exactly the same thing happened. The employer treated...well, I just resigned and walked out. I've been subjected to a whole load of counter-allegations.

But, that employer and the CQC inspector that I went to at the time was discussing me with the employer after all the assurances that I was given four years ago that it wouldn't happen again.

I've got an email here says:

"HR [Helen Rochester] as discussed on the telephone, private and confidential".

That was from your inspector.

What assurances....because now I don't feel that I can come to the CQC -

1. Trust that you're going to act
2. Trust that you're going to protect me

If I do come to you, and get all this sort of thing, what assurances can you give going forward that won't happen again?

**Peter Wyman:** OK, so you very kindly gave me advance notice of your question but...

**Helen Rochester:** I changed slightly...

**Peter Wyman:** You broadened it out but I was aware of the generality. As it happens I was visiting rather a good care home yesterday...by the time I got back from that I and...a meeting I had afterwards. It was quite late in the day so all I've been able to do on your specific case is to establish that you have made a formal complaint about CQC. There's an investigation that we have in progress...when...it's really not appropriate...in in ...a) because the investigation's in progress and b) because it obviously concerns not just you but our member of staff so I'm not going to go in today into your specific case.

**Helen Rochester:** I didn't expect you to...generally, going forward?

**Peter Wyman:** Thank you...So what I was going to say to you as far as your own case is concerned, when the investigation is complete, if you're not really happy with what we've

come back to you with, I'm very happy to meet you to discuss it...and so that's an offer that's on the table. Two sort of general you made...1) Yes Rebecca gave a very legal definition because I asked her to give a legal definition...We are really reliant on the public which includes both staff members... and patients and residents and the families and everybody else to give us information. Most of those people do not regard themselves as whistleblowers ... but obviously there is a protected category of people who are whistleblowers and you'd have been one of them. So that was why I wanted in that last meeting to get that...that definition...and I think it's fair to say that we do take very seriously protecting the anonymity of whistleblowers where it is possible to do so and I'm not going to go any further because that does get into your individual case. ...but we will have a meeting after the investigation is... complete and continue the discussion if you would like to do that.

**Helen Rochester:** That's fine within my individual case. I'm very happy to do that but you know going forward if I was put into that same situation again, I would feel very....

**[Peter Wyman interrupts]**

**Helen Rochester:** ...coming to CQC in the first because you don't seem to act, and secondly because of what's happened. You might put personally may put measures in place after this investigation and that would be great, solves one part of the issue. But what concerns me is that on 100% of the occasions that I have raised things, I have got the standard responses saying: "Thank you very much we'll put it on file and use it in future."

**David Behan:** So, your challenge is a good one. And as chief executive I don't think we're consistent enough on this issue...and therefore I will personally see the response before it goes out to you.

I'm not going to intervene in that response but I will personally see it. Peter's offered...and once that response comes back to me we'll have a discussion at our senior team about whether our practice in relation to whistleblowing is consistent enough with our policy with reference to whistleblowing. And we can give you that assurance, it's on the public record. This is videoed, other people can see it. And that will be our commitment to you.