

BY EMAIL

Dr Henrietta Hughes

National Freedom to Speak Up Guardian

Care Quality Commission

24 June 2017

Dear Dr Hughes,

**CQC breaches of whistleblower confidentiality and contribution to whistleblower detriment**

I write to pass on evidence that these are continuing problems despite David Behan's public claim in 2013 that he had tightened up CQC's practice, in response to a CQC breach of whistleblower confidentiality.

A social care whistleblower Helen Rochester, experienced former nurse, attended the CQC board meeting this week on 20 June 2017, to describe CQC's failings towards her and to ask CQC what measures it would take to prevent such failure in the future.

CQC indicated that it would talk about the issues, but has so far not promised any concrete action or change in its policy.

The information has been summarised in an article:

<https://minhalexander.com/2017/06/22/cqc-involved-in-a-whistleblowers-referral-to-the-disclosure-barring-service/>

These CQC failings have extremely serious consequences for health and social care whistleblowers and service users.

The fact that these failing continue is doubly serious and I feel it starkly illustrates how little priority CQC gives to ensuring good whistleblowing governance, despite the lip service it has given to such matters in the face of successive care scandals.

CQC seems to be in denial of the failings. Prior to Helen Rochester's address to the CQC Board this week, Peter Wyman had written to the campaigning charity Compassion on 24 May, claiming:

**"All information will be recorded in CQC's confidential files, and where we share information with other parties as a result of any of the actions described above, it is done through formal arrangements designed to protect the identity of the whistleblower"**

<http://compassionincare.com/sites/default/files/breakingsilence/CQC%20Wyman%20May%202017.pdf>

Moreover although David Behan made an absolute public promise in 2013 to protect whistleblowers' identity, Peter Wyman stated at the CQC Board meeting this week that CQC would only protect whistleblowers' confidentiality where possible.

**"...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."**

<https://minhalexander.files.wordpress.com/2017/06/helen-rochester-cqc-board-meeting-transcript-20-june-20171.pdf>

CQC must set out written, published details of exactly how it will handle the issue of whistleblower confidentiality, and the circumstances in which it may breach confidentiality.

Without clear written standards, CQC cannot be properly held accountable and whistleblowers cannot make truly informed decisions about disclosing to the CQC.

I would be interested to know how you propose to hold CQC to account and to help elucidate how many other such failings have occurred. Without a baseline measurement, there can be no effective way of judging improvement.

Lastly, as you know, I think we should go back to the drawing board in the form of fundamental law reform and the establishment of a central body that is not subordinate to any government department and which has adequate powers to ensure compliance with good whistleblowing governance.

I believe the continuing serious failures under the current law and infrastructure are evidence that such reform is needed.

Yours sincerely,

Dr Minh Alexander

Cc

Eileen Chubb, Compassion in Care

Secretary of State for Health

Philip Dunne Minister of State for Health

Lord O'Shaughnessy Under Secretary of State for Health

Steven Brine Under Secretary of State

Jackie Doyle-Price Parliamentary Under Secretary of State

Lord Bew

Sir Amyas Morse Comptroller and Auditor General NAO

Harry Cayton CEO Professional Standards Authority

Sir Robert Francis CQC NED and chair of National Guardian's Accountability & Liaison Committee

Moira Gibb NHS England NED and member of National Guardian's Accountability & Liaison Committee

Kate Moore, NHS Improvement General Counsel, and member of National Guardian's Accountability & Liaison Committee

Simon Stevens CEO NHS England

Jim Mackey CEO NHS Improvement

Law Commission

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