

Ref:1516.299

Dear Dr Alexander

I refer to your original request for information under the Freedom of Information Act 2000 ("the Act), received by us on 5 November 2015 and subsequent correspondence, which reads as follows:

FPPR assessment of Ms Vasco-Knight

I note that St. George's have appointed Ms Paula Vasco-Knight to its board as an interim Chief Operating Officer, despite serious criticism of her conduct by an Employment Tribunal last year, related to issues of reprisal and suppression of whistleblowers' concerns. The whistleblowers' concerns were about Ms Vasco-knight's conduct, and the Employment Tribunal agreed with the whistleblowers that Ms Vasco-Knight breached the NHS Managers' code of conduct when she did not declare a conflict of interest when she employed her daughter's boyfriend.

I note from a recent Health Service Journal article that St. George's implied it had relied on a third party to assess whether Ms Vasco-Knight was a Fit and Proper person. I also learned from St. George's governor Dr Jan Poloniecki that:

- 1) St. George's appointment of Ms Vasco-Knight was discussed at the Council of governors*
- 2) You provided the St. George's governors with a list of documents which St. George's had reportedly relied upon as assurance that Ms Vasco-Knight was a Fit and Proper Person, and that this list comprised:*
 - The full judgment of the Employment Tribunal*
 - An independent report*
 - Legal advice*
 - Membership of the Monitor interim pool*
 - References*
 - Interviews*

As I understand it, the governors were provided only with this list, and were not provided with the documents themselves.

Clearly there is great public interest in this affair, not least because it comes in the wake of the Freedom To Speak Up Review report, and because Sir Robert Francis specifically criticised the attempts to cover-up at Ms Vasco-Knight's former Trust:

"It is important that no tolerance is afforded to oppressive managerial behaviour of the sort identified only last week by an employment tribunal in the South West, which victimises staff who raise honestly held concerns."

"Every such case is hugely damaging to the confidence of other staff who are contemplating raising concerns. It is clear that there is much to do in this area."

It seems to me that St. George's appointment of Ms Vasco-Knight is arguably a further blow to NHS staff's confidence that they will be fairly treated if they raise concerns. St. George's staff in particular may find it hard to see how they can confidently raise concerns with a Chief Operating Office, when the person has been found guilty of serious reprisal against whistleblowers.

I would be grateful for more transparency about how St. George's reached its conclusion that there is satisfactory evidence that Ms Vasco-Knight is a Fit and Proper Person:

- 1. Please disclose which person, or which organisation, carried out the above mentioned independent report that St. George's has relied on as evidence that Ms Vasco-Knight is a Fit and Proper Person.*
- 2. Please provide a copy of the above-mentioned independent report.*
- 3. Please disclose who commissioned this independent report and what to St. George's knowledge was the cost of this report.*
- 4. Please disclose if St. George's paid for this report, or alternatively, whether Ms Vasco-Knight or another party paid for this report.*
- 5. In particular, please disclose whether the health consultancy MBI Health Group was in way party to the FPPR assessment on Ms Vasco-Knight, upon which St. George's has relied. (The link to the company's website : <http://mbihealthgroup.com/>)*
- 6. Please disclose whether or not Monitor has advised St. Georges that Ms Vasco-Knight is a Fit and Proper Person.*
- 7. Please advise if St. George's has relied on references from East Lancashire NHS Trust. Please note that East Lancashire is reported to have recently dismissed a whistleblower, and that its treatment of this whistleblower was raised in parliament by Sir Peter Bottomley 5 months ago.*
- 8. Please disclose what interview evidence St. Georges has relied upon in determining that Ms Vasco-Knight is a Fit and Proper Person, and the interviewer's (or interviewers') expertise, if any, in assessing psychological change.*

The Trust has responded to you on two occasions setting out its response to each of your eight points above. You have stated that the responses you received have not answered your questions. This letter provides the trust's response to your letter.

I will respond to your questions individually:

1. No independent report was undertaken.
2. As no independent report was carried out we are unable to provide you with a copy.
3. No independent report was commissioned by the Trust and therefore no cost applies.
4. As no report was commissioned there was no cost to the Trust.
5. The MBI Health Group were not consulted as part to the FPPT requirement.
6. The Trust carried out its own FPPT and did not rely on any process undertaken by Monitor for FPPT. (See 8 below)
7. We sought references from East Lancashire NHS Trust and references from other sources.
8. The Trust carried out the following process to determine Mrs Vasco-Knight to be a fit and proper person:

- Mrs Vasco-Knight was interviewed for the post of Interim COO on 28th September 2105.
- The interview included questions about the reason for Mrs Vasco-Knight leaving South Devon Healthcare Trust.
- References were taken up from Hunter Healthcare on appointment
- Verbal approval to the interim appointment had been given by Monitor and Mrs Vasco-Knight was confirmed to be on the Monitor interims approved list
- When concerns were raised by staff and governors, the trust obtained a copy of the ET findings and took advice from Capsticks Solicitors.
- A member of the executive team interviewed Mrs Vasco-Knight.
- Further references were taken from Monitor, which had provided support for the Monitor FPPT process.
- The findings were considered by Christopher Smallwood, Chairman on 27th October 2016.

The Trust has received assurance from the Care Quality Commission that it is satisfied that the trust had completed a thorough fit and proper person check and that due process was followed as part of the recruitment process.

If you would like us to send you a signed hard copy of this response, please let us know.

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Further information can be found at:

<http://www.legislation.gov.uk/ukxi/2005/1515/contents/made>

If you are dissatisfied with the response provided you have the right to file a complaint and request an internal review of our decision. All complaints must be made in writing and sent to the Trust FOI Lead at foi@stgeorges.nhs.uk.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the internal review procedure provided by the Trust. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF.

Please remember to quote the reference number above in any future communications.

Kind regards

Miles Scott
Chief Executive
St George's University Hospitals NHS Foundation Trust

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