

EMAIL BY DIDO HARDING TO LLOYD ARMSTRONG 16 APRIL 2018

On Monday, April 16, 2018, 9:37 am, HARDING, Dido (NHS IMPROVEMENT - T1520) <*****> wrote:

Thank you for your email of 21 March 2018.

You will be aware of the recommendation in the Freedom to Speak Up report that NHS Improvement should establish an employment support scheme to support whistleblowers to find alternative employment. Sir Robert Francis set out what should be included in this scheme and the pilot developed by NHS Improvement, with support from whistleblowers and employers, is designed to deliver those recommendations. The coaching sessions with Working Transitions are aimed at helping those on the pilot in the development of an action plan to support the journey back into employment. The action plans may include a placement for the individual if they are ready for this and NHS Improvement will work to ensure the placement is undertaken in a trust that is most likely to provide a positive experience. As trusts are employers in their own right, it is their own decision and responsibility who they employ and it is not possible for us to require a trust to employ any particular individual. Where placements are included in an action plan, we will follow the process set out in the protocol for accessing placements (see draft process set out in Design and Monitoring Group agenda 19 March), including reviewing potential trusts to ensure a positive experience would be provided there and assuming so, work to facilitate suitable placements for scheme members.

I would just like to add that acceptance of individuals onto the NHS Improvement pilot whistleblowing Support Scheme is recommended by an independent panel, made up of three members, and is assessed against set criteria detailed within the pilot scheme proposal. Judgments made by the panel (none of whom sit on the panel in a legal advisory capacity) are based on balance of probability on the information you have given in your application form and evidence provided by yourself to support your application. The judgement of the panel has no legal status or influence on the circumstances surrounding your dismissal from employment. The panel decision therefore does not amount to de facto acceptance that you are a genuine whistleblower or that there are no significant performance issues with your previous employer; only an employment tribunal can determine these issues.

We are aware of the File on 4 program regarding Essex Partnership NHS Foundation Trust and understand the trust has asked the BBC to share any evidence it has so it can investigate the issues. Since the merger the trust has enhanced monitoring from NHS Improvement, which looks closely at the trust's governance and its CQC improvement plan. The CQC will also be inspecting the trust soon.

I hope that you will feed your experiences of the pilot scheme into the evaluation programme so that the learning from your experience benefits the development of the main scheme.

Yours sincerely

Dido Harding

From: lloyd armstrong <*****>
Sent: 13 April 2018 08:57
To: HARDING, Dido (NHS IMPROVEMENT - T1520); lloyd armstrong
Subject: Fw: Whistleblowing

Dear Baroness Harding

Could you please confirm whether you received my email from 21/03/18 please.

Kind regards
Lloyd Armstrong RMN

Sent from Yahoo Mail for iPhone

Begin forwarded message:

On Wednesday, March 21, 2018, 12:20 pm, lloyd armstrong <*****> wrote:

BY EMAIL ONLY
Baroness Harding
Chair of NHS Improvement

21st March 2018

Dear Baroness Harding,

Patient safety issues at Essex Partnership NHS Foundation Trust and whistleblower reinstatement

I write to ask if you will help me with reinstatement to a post at Essex Partnership NHS Foundation Trust.

I was sacked last year by the trust's predecessor body, North Essex Partnership NHS Foundation Trust, after raising patient safety and governance concerns. I made efforts to avert this by seeking help from the National Guardian's Office, but did not receive help as requested.

Since then, I have been accepted on NHS Improvement's whistleblower employment support scheme. Key eligibility criteria for entrance to the scheme are:

- 1) Proof that an individual has raised concerns in the Public Interest
- 2) The absence of genuine or significant performance problems

In accepting me for the scheme, NHS Improvement has de facto accepted that I am a genuine whistleblower and that there are no significant performance issues in my case.

I am a very experienced mental health nurse and a former staff governor of my trust. I would ideally like to work again in that capacity.

All I asked the system for was protection as a whistleblower and to allow me to do my job. Instead, I lost my job and am now just getting fobbed off on the employment support scheme, with coaching sessions that I did not ask for.

You will no doubt be aware of the continuing serious governance and patient safety issues at Essex Partnership NHS Foundation Trust, exposed only yesterday by BBC File on Four's investigation. Clearly, the trust sorely needs staff who are experienced, committed patient advocates to help set the problems right.

Please let me know if NHS Improvement will arrange for me to return to work at the trust. Ensuring my safe, protected return would send a

powerful message that trust culture must change. Not all whistleblowers want to return to the organisations that harmed them. But this is my personal preference. I do not want to uproot my young family by relocating. I just want my job back.

This is a chance for the regulator to show that it really means business and is capable of truly protecting whistleblowers.

Yours sincerely,

Lloyd Armstrong RMN