

**Response issued under the Freedom of Information Act 2000**

**National Guardian's Office Reference:** NGO/IAR/0118

**Date of Response:** March 2nd 2018

**A. Our responses to the information you have requested**

In accordance with section 1(1) of the Freedom of Information Act the National Guardian's Office can confirm that it holds recorded information in relation to your request. To answer your request we have addressed each of your questions in turn.

**Question 1**

"Please advise how many requests for case review and assistance for whistleblowers, or equivalent, the National Guardian's Office has received since October 2016.

Please include in your reply assistance in the form of:

- Requests for protection from reprisal
- Requests for redress
- Requests for help to ensure proper investigation of protected disclosures
- Requests for help to ensure that protected disclosures are acted upon
- Requests to hold wrongdoers to account"

**Our Answer**

We do not record individual enquiries according to the categories you list so we have examined the content of each individual enquiry in order to ascertain how it relates to the information you have requested and allocated each item to one of your categories as appropriate.

To date, since October 2016, the National Guardian's Office has received the following number of requests:

- Referrals for a case to be reviewed: 37
- Requests -
  - for protection from reprisal: 3
  - for redress: 7
  - for help to ensure proper investigation of protected disclosures: 1
  - for help to ensure that protected disclosures are acted upon: 0
  - to hold wrongdoers to account: 0

## Question 2

“Please advise of the sources of these requests for review and assistance for whistleblowers.

e.g. Were the requests received from:

- From whistleblowers
- From regulators
- From trust Freedom to Speak Up Guardians
- Other”

## Our Answer

The requests for review and assistance were from the following sources:

- Current NHS workers
- Former NHS workers
- Staff from NHS Improvement
- Staff from Care Quality Commission
- Staff from Healthwatch
- Members of the public

## Question 3

“Please advise how many of these requests were declined by the National Guardian’s Office.”

## Our Answer

In response to the case review referrals we have received since October 2016 the NGO has either accepted the case, declined that case, or has requested further information to be able to make a final decision. We have so far declined 12 cases.

In response to requests for assistance the NGO has not declined any request and has responded in accordance with our remit, for example by giving individuals information regarding where they can find support e.g. from their Freedom to Speak Up Guardian, or sources of free legal advice.

## Question 4

“Please advise if the National Guardian’s Office has kept a record of the diversity of whistleblowers referred for case review, and if so please provide a diversity breakdown of the whistleblower cases referred, and those accepted for review.”

## Our Answer

We have records relating to the diversity of those who have referred their cases to us where they have done so by completing one of our case review referral forms. This form asks for the referrer’s diversity information so that we can monitor the background of referrers.

This information will be assessed as part of the evaluation of our pilot case review process. More information is given about this evaluation in our answer to question 5, below.

Where an individual refers a case to us without completing the referral form we do not otherwise record information relating to that individual’s diversity. We have referral forms in relation to 14 referrals. Individuals did not always provide answers for every category.

We have set out the diversity information we have received in the tables below. In order to simplify the tables we have only included those categories where we have recorded a positive value for a given diversity type i.e. this does not include where the value for a given diversity is zero (e.g. ages 21-30.)

In the annex to this response we have attached the ‘background information’ section from one of our case review referral forms so you can see the full range of possible answers for each diversity category.

This information, including which of these cases we have accepted, is as follows:

## Gender

	Male	Female
Cases accepted	1	4
Cases not accepted	5	2
Decision pending	1	1

## Age

	Age 31-40	Age 41-50	Age 51-65
Cases accepted	2	0	3
Cases not accepted	1	2	4
Decision pending	0	0	1

## Ethnicity

	White British	Any other white	Pakistani	White and black African
Cases accepted	4	1	1	0
Cases not accepted	6	0	0	0
Decision pending	1	0	0	1

## Sexuality

	Heterosexual	Gay male	Would prefer not say
Cases accepted	3	1	1
Cases not accepted	4	0	3
Decision pending	2	0	0

## Religion

	Christian	None	Would prefer not say
Cases accepted	0		1
Cases not accepted	1	5	1
Decision pending	1	1	0

## Disability

	Yes	No
Cases accepted	1	4
Cases not accepted	1	6
Decision pending	2	0

## Question 5

'Has the National Guardian collected data on how whistleblowers experience the service they receive from her office? If so, what does this comprise and what questions have been whistleblowers asked? Has the National Guardian analysed the data gathered and if so, please share any analyses.'

## Our Answer

The National Guardian's Office currently seeks feedback from individuals who have been involved in its case review process, including workers who have shared their experience of speaking up with us, trust leaders and regulators. The NGO does this by sending feedback forms to those individuals.

The questions that the NGO asks as part of this process are:

- The individual's role
- Their overall views of the case review process
- Whether they felt that the process was sufficiently explained to them and if not how this could be improved
- Whether the process had proper regard for the individual's circumstances and, if not, how this could be improved
- Whether or not the process took appropriate steps to protect the individual's confidentiality and, if not, how this can be improved
- Whether or not the individual believes that the process will help improve the speaking up culture in the trust and, if not, how the process could be improved to help achieve this
- Any other comments

The NGO has not yet analysed feedback it has received in respect of the two trust wide case reviews it has completed. Instead, the office is currently in the process of commissioning an independent evaluation of the pilot of its case process, which will analyse this and other data relating to the performance and effectiveness of the case review process.

This work will begin following the end of the pilot process in June 2018 and we will publish the evaluation's findings.

## Question 6

'How many complaints have been received about the National Guardian's Office? How many of these have been handled by the National Guardian's Office, and of these internally processed complaints, how many have been upheld or partially upheld?

How many complaints about the National Guardian's Office have been escalated to investigation by NHS Improvement, and how many of these escalated complaints have been upheld or partially upheld?"

## Our Answer

Since October 2016 five complaints have been received about the National Guardian's Office. Of these, three have been fully investigated and two are ongoing. None of the three completed complaints were upheld.

Of the three completed complaints two were escalated for investigation by NHS Improvement on behalf of the NGO's Accountability and Liaison Board. The two ongoing complaints have also been escalated for investigation by NHS Improvement.

### **B. NGO Complaints and Internal Review procedure**

If you are not satisfied with our handling of your request, then you may request an internal review.

Please clearly indicate that you wish for a review to be conducted and state the reason(s) for requesting the review.

Please be aware that the review process will focus upon our handling of your request and whether the National Guardian's Office has complied with the requirements of the Freedom of Information Act 2000. The internal review process should not be used to raise concerns about the internal processes of other NGO functions.

To request an internal review you can contact via the email or postal addresses below. Where requesting a review please quote the reference number at the top of this letter.

National Guardian's Office  
Freedom of Information Act Reviews  
151 Buckingham Palace Road  
SW1W 9SZ

[enquiries@nationalguardianoffice.org.uk](mailto:enquiries@nationalguardianoffice.org.uk)

Further rights of appeal exist to the Information Commissioner's Office under section 50 of the Freedom of Information Act 2000 once the NGO's internal appeals process has been exhausted.

The contact details are:  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
SK9 5AF

Telephone Helpline: 01625 545 745

Website: [www.ico.org.uk](http://www.ico.org.uk)

### C. Annex

Below is the section from our case review referral form where we ask individuals to provide us with diversity information about them so that we can monitor the sources of referrals we receive.

The full version of this form is available via the link below:

<http://www.cqc.org.uk/national-guardians-office/content/case-reviews>

## Background information

*This information will help us monitor the source of referrals that we receive.*

About you	
<b>Gender:</b>	
Male	
Female	
<b>Age:</b>	
16-20	
21-30	
31-40	
41-50	
51-65	
66+	

What is your ethnic background?	
<b>White</b>	
British	
Irish	
Any other White	
<b>Mixed</b>	
White and Black Caribbean	

White and Black African	
White and Asian	
Any other mixed background	
<b>Asian/Asian British</b>	
Indian	
Pakistani	
Bangladeshi	
Any other Asian background	
<b>Black/Black British</b>	
Caribbean	
African	
Any other Black background	
<b>Chinese</b>	
<b>Any other ethnic background</b> <i>(please specify)</i>	

### Which of the following best describes how you think of yourself?

Heterosexual (straight)	
Gay Man	
Gay Woman (lesbian)	
Bisexual	
Other	
I would prefer not to say	

### What is your religion?

No religion	
Christian	
Buddhist	
Hindu	
Jewish	
Muslim	
Sikh	
Any other religion <i>(please specify)</i>	
I would prefer not to say	

## Disability

a. Do you have a long-standing illness, health problem or disability?

***By long-standing, we mean that it has lasted, or will last, for at least 12 months***

Yes

No