

Dr Minh Alexander

By email: minhalexander@aol.com

Telephone: 0300 061 6161
www.cqc.org.uk

13th September 2018

Dear Dr Alexander,

I am writing in response to your email of 16 August 2018 regarding ET1 Forms. You asked if CQC monitors the ET1 claim forms that are sent by the employment tribunal in whistle blower cases. You also asked whether CQC feeds such intelligence into its inspection and the Fit and Proper Person Requirement (FPPR) processes.

In relation to your first question, CQC recognises that ET1 forms are an important indicator which needs to be considered as part of our inspection work. In line with all other information of concern, any ET1 forms, when received, are logged against the appropriate location or provider on our record system (CRM) and assigned to the appropriate relationship owner/inspector to consider as part of their inspection activity.

Since your previous FOI in October 2016, we have a refined Standard Operating Procedure for managing ET1 forms, however our system does not currently have a separate classification for these forms. Given this, and that these are received in hard copy and scanned into the files, we would need to manually review all care locations records held to determine whether they do or do not relate to ET1 forms and to understand the volume that we manage. We are in the process of putting a classification into CRM which will support more accurate recording and monitoring. This will then show up on a dashboard for an inspector to consider in assessing the question of whether a service is well-led, and the culture within a service.

Currently, there are no specific references to tribunals in the Key Lines of Enquiry (KLOEs). For adult social care providers there are references within the KLOEs to whistleblowing and inspectors would look at these as part of the inspection process. This would include, reviewing any learning from whistleblowing and the outcome of tribunals identified in the ET1. The KLOEs are as follows:

- S2.5 Are there thorough, questioning and objective investigations into whistleblowing or staff concerns, safeguarding, and accidents or incidents? Are action plans developed, and are they monitored to make sure they are delivered?
- W3.3 How are staff supported to question practice and how are people who raise concerns, including whistleblowers, supported and protected?

Regarding the application of FPPR, our inspectors have guidance and prompts for what to consider when undertaking a management review meeting when there are FPPR concerns, either during an inspection or when we get information of concern from a third party. This guidance requires inspectors to take into account any information regarding employment tribunals.

You also ask if CQC has a specific protocol for managing notifications of whistleblowing events via ET1 forms. Thank you for bringing this point to our attention. We currently do not have a specific protocol and will take this point forward for further consideration.

I hope you find this response helpful and thank you again for raising this issue with me.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Sutcliffe', with a stylized flourish at the end.

Andrea Sutcliffe CBE
Chief Inspector of Adult Social Care