

AN EVASION BY THE NATIONAL GUARDIAN'S OFFICE ABOUT LACK OF ACTION IN RESPONSE TO WHISTLEBLOWING BY NHS TRUST FREEDOM TO SPEAK UP GUARDIANS

Summary: A key reason for creating the National Guardian's Office was to provide a body that would stick up for local trust Guardians when they encountered obstruction. There is more evidence that the National Guardian is not doing this. This evidence only emerged after a misleading and inaccurate FOI response by the National Guardian's Office was challenged.

Amongst the most serious whistleblowing disclosures received by the National Guardian are those which come from trust Freedom To Speak Up Guardians.

These disclosures represent serious failure by NHS trusts because Speak Up Guardians have been forced to go outside their organisations.

Not many of the 1.3 million plus NHS workforce are entrusting the National Guardian with their disclosures – the Office reportedly only received 85 in 2017/18.

Upon further enquiry, the Office claimed that 18 of these disclosures came from Speak Up Guardians.

The Office also claimed in a carefully worded response that it took action in response to some of these disclosures:

“As per our report, the NGO took a range of actions in response to the qualifying disclosures received, including:

- Initiated a case review, providing information on how a referral for a case review could be made, or explaining the case review process contacted the enquirer to obtain further information*
- Signposted the worker to other sources of advice or guidance, or to an appropriate regulator, authority or body*
- Contacted a trust to seek clarification and assurance about their speaking up arrangements*
- Raised a safeguarding alert with the relevant authorities and bodies”*

After being pinned down the National Guardian's Office has admitted:

- (1) That there were 17 and not 18 disclosures by Speak Up Guardians to the National Guardian by Speak Up Guardians in 2017/18
- (2) There was no action taken by the National Guardian's Office in response to the 17 instances of whistleblowing by Speak Up Guardians.

The Office merely provided 'advice', or it told the Speak Up Guardians to go elsewhere:

"The actions taken in response to the 17 qualifying disclosures from Freedom to Speak Up Guardians or their equivalents are detailed further below:

** 14 disclosures led to the office providing information, advice or guidance to a Freedom to Speak up Guardian or equivalent to help them support workers to speak up.*

** 3 disclosures led to the office signposting the worker to other sources of advice or guidance, or to an appropriate regulator, authority or body."*

That is to say, there was no:

- Proactive support by the National Guardian through direct intervention with the employing NHS trust
- Direct contact by the National Guardian with regulators
- Request from the National Guardian to regulators to make a direction or to investigate further
- Case review by the National Guardian
- Safeguarding referral by the National Guardian

The above inaction is another mission critical failure.

The relevant correspondence is copied below.

Dr Minh Alexander
4 January 2019

From: "Staite, Ellie" <redacted>

Subject: RE: FOI Request for data on qualifying disclosures to the National Guardian's Office

To: Minh Alexander <redacted>

Dear Dr Alexander,

Thank you for your further email.

I would like to acknowledge that, in looking to answer your enquiry further, we have discovered that there were 17 qualified disclosures made by Freedom to Speak Up Guardians or their equivalents in the 2017/2018 report. This was a miscount and I apologise for giving you the wrong information previously.

Please find answers to your further questions below:

1) Confirm that its response to Question 4 relates only to the 18 disclosures received from Freedom To Speak Up Guardians, Champions, Ambassadors or equivalent, and NOT to disclosures from other NHS staff?

2) Please give a table of ALL the actions taken by the NGO in response to the 18 qualifying disclosures from Freedom To Speak Up Guardians, Champions, Ambassadors or equivalent, including any cases in which no action was taken

We can confirm that the response to Question Four relates to all 85 disclosures in the report, including the 17 qualifying disclosures made by Freedom to Speak Up Guardians or their equivalents.

The actions taken in response to the 17 qualifying disclosures from Freedom to Speak Up Guardians or their equivalents are detailed further below:

- * 14 disclosures led to the office providing information, advice or guidance to a Freedom to Speak up Guardian or equivalent to help them support workers to speak up.

- * 3 disclosures led to the office signposting the worker to other sources of advice or guidance, or to an appropriate regulator, authority or body.

I hope this information is helpful for you.

Kind regards,

Ellie Staite
Correspondence Officer
National Guardian's Office
151 Buckingham Palace Road
London
SW1W 9SZ

Sent: 27 November 2018 11:10

To: Staite, Ellie <redacted>

Subject: FOI Request for data on qualifying disclosures to the National Guardian's Office

Thank you Ellie,

The answer to Question 4 seems unclear, and not clearly complete:

"4. What action did the NGO take in response to these qualifying disclosures by Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent)?

As per our report, the NGO took a range of actions in response to the qualifying disclosures received, including:

- Initiated a case review, providing information on how a referral for a case review could be made, or explaining the case review process contacted the enquirer to obtain further information
- Signposted the worker to other sources of advice or guidance, or to an appropriate regulator, authority or body
- Contacted a trust to seek clarification and assurance about their speaking up arrangements
- Raised a safeguarding alert with the relevant authorities and bodies"

Can NGO:

1) Confirm that its response to Question 4 relates only to the 18 disclosures received from Freedom To Speak Up Guardians, Champions, Ambassadors or equivalent, and NOT to disclosures from other NHS staff?

2) Please give a table of ALL the actions taken by the NGO in response to the 18 qualifying disclosures from Freedom To Speak Up Guardians, Champions, Ambassadors or equivalent, including any cases in which no action was taken.

Many thanks,

Minh

Dr Minh Alexander

From: "Staite, Ellie" <redacted>
Subject: RE: FOI Request for data on qualifying disclosures to the National Guardian's Office
Date: 27 November 2018 at 09:48:46 GMT
To: Minh Alexander <redacted>

Dear Dr Alexander,

My apologies, please let me know if the attached file does not open.

Kind regards,

Ellie Staite
Correspondence Officer
National Guardian's Office
151 Buckingham Palace Road
London
SW1W 9SZ

From: Minh Alexander [redacted]
Sent: 26 November 2018 10:36
To: Staite, Ellie <redacted>
Subject: FOI Request for data on qualifying disclosures to the National Guardian's Office

Hi Ellie,

Thanks for your email and attachment.

I would be grateful if you could re-send the winmail.dat file as it cannot be opened without additional third party software on a OSX machine, which mine is.

Please can any data be put on a commonly available format such as Word or Excel.

Thanks & BW

Minh

From: "Staite, Ellie" <redacted>
Subject: RE: FOI Request for data on qualifying disclosures to the National Guardian's Office
Date: 23 November 2018 at 16:12:55 GMT
To: "Minh Alexander <redacted>

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Further to the email below, please find attached our response to your FOI request.

Kind regards,

Ellie Staite
Correspondence Officer
National Guardian's Office
151 Buckingham Palace Road
London
SW1W 9SZ

From: Staite, Ellie
Sent: 30 October 2018 15:19
To: Minh Alexander <redacted>
Subject: RE: FOI Request for data on qualifying disclosures to the National Guardian's Office

Dear Dr Alexander,
Thank you for your email. I can confirm that this has been received and will be processed in accordance with our policy on such requests.

Kind regards,

Ellie Staite
Correspondence Officer
National Guardian's Office
151 Buckingham Palace Road
London
SW1W 9SZ

From: Minh Alexander <mailto:redacted>
Date: Tuesday, 30 Oct 2018, 2:24 pm
To: Russell Parkinson <redacted>
Subject: FOI Request for data on qualifying disclosures to the National Guardian's Office

Hi Russell,

May I pass this FOI request to you - I received an out of office message from Simon's account indicating that he would be away until 16th November.

Thanks and BW,

Minh

From: Minh Alexander <redacted>

Subject: FOI Request for data on qualifying disclosures to the National Guardian's Office

Date: 30 October 2018 at 13:07:27 GMT

To: Simon Pook <redacted>

Dear Simon,

Request for data on qualifying disclosures to the National Guardian's Office

I would be grateful for the following data.

With respect to the NGO's prescribed person's report for financial year 2017/18, and the statement therein that:

"The number of qualifying disclosures, as defined, the NGO received between 1 st April 2017 and 31st March 2018 was 85."

https://www.cqc.org.uk/sites/default/files/20180921_ngo_prescribed_persons_PIDA_report.pdf

Please can the NGO advise:

1. How many of the above mentioned 85 qualifying disclosures came from NHS trust Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent)
2. How many Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent) made qualifying disclosures to the National Guardian's Office (NGO) in 2017/18?
3. How many of these qualifying disclosures by Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent) resulted in follow up action by the NGO?
4. What action did the NGO take in response to these qualifying disclosures by Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent)?

5. How many Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent) reported to the NGO in 2017/18 that they had either being bullied or blocked by their employing organisations in the course of raising concerns?

6. What action did the NGO take in response to these reports by Freedom To Speak Up Guardians (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent) of being bullied and blocked?

7. What feedback did the NGO collect on Freedom To Speak Up Guardians' (or Freedom To Speak Up 'champions', 'ambassadors' or equivalent) experience of their contact with the NGO, when making disclosures?

Many thanks and BW,

Minh

Dr Minh Alexander

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