

**From:** minh alexander <REDACTED>

**Subject:** Fit and Proper Person issues in the appointment of Paula Vennells as Chair of Imperial College Healthcare NHS Trust

**Date:** 11 June 2020 at 13:32:57 BST

**To:** Paul Scully <REDACTED>

**Cc:** REDACTED

BY EMAIL

Paul Scully

Parliamentary Under Secretary of State

Department for Business, Energy and Industrial Strategy

11 June 2020

Dear Mr Scully,

### **Paula Vennells and CQC Regulation 5, Fit and Proper Persons**

I see that you reported in parliament yesterday that you have written to the Care Quality Commission (CQC) to the regulator to check whether Paula Vennells is a Fit and Proper Person to be an NHS Trust director.

I should point out that the CQC is at pains to claim that it has no power to do so, and that it only determines whether regulated bodies have followed an adequate process to ensure that their directors are Fit and Proper Persons.

If you think that the CQC should determine fitness per se, this would require a tightening up of CQC Regulation 5, to ensure that the CQC takes greater responsibility for ensuring NHS trust directors are Fit and Proper Persons. Obviously, you would need to liaise with Matt Hancock about this.

For completeness, I copy below correspondence from NHS Improvement, which is responsible for the appointment of Chairs and NEDs at non-Foundation NHS trusts such as Imperial. As you will see, Dido Harding NHSI Chair was personally involved in the decision to select Paula Vennells as Chair of Imperial.

With best wishes,

Dr Minh Alexander

Cc Matt Hancock Sec State Health & Social Care

4 March 2020

Minh Alexander

**By email**

REDACTED

Dear Dr Alexander

Thank you for your email dated 16 January 2020 which we are treating as an enquiry.

Since 1 April 2016, Monitor and the NHS Trust Development Authority have been operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

**Your request**

You made the following request:

*“With regards to the appointment of Paula Vennells as Chair of Imperial College Healthcare NHS Trust last year,*

- 1. Please advise of who was the appointing officer in terms of their seniority and job role*
- 2. Please advise what steps, if any, NHS Improvement took to assure itself that Paula Vennells was a Fit and Proper Person within the meaning of CQC Regulation 5 Fit and Proper Persons*
- 3. Please advise if in appointing Paula Vennells, NHS Improvement took any account of the findings and recommendations in the review of FPPT in the NHS by Tom Kark and Jane Russell*

*[http://data.parliament.uk/DepositedPapers/Files/DEP2019-0161/Kark\\_Report\\_on\\_the\\_Fit\\_and\\_Proper\\_Person\\_Test.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2019-0161/Kark_Report_on_the_Fit_and_Proper_Person_Test.pdf)*

*In particular, did NHS Improvement investigate whether Paula Vennells had any history of mistreating or suppressing whistleblowers, including with respect to the well publicised faults in the Post Office Horizon IT system?*

- 4. What account did NHS Improvement take, if any, of the litigation by subpostmasters that had commenced against the Post Office, alleging*

NHS Improvement is the operational name for the organisation that brings together Monitor, NHS Trust Development Authority, Patient Safety, the National Reporting and Learning System, the Advancing Change team and the Intensive Support Teams.

Skipton House 80 London Road London SE1 6LH

T: 020 3747 0000 E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net) W: [improvement.nhs.uk](http://improvement.nhs.uk)

- *"Inappropriately attributed to them and/or inappropriately recovered alleged shortfalls in branch accounts from them;*
- *suspended them, terminated or induced their resignation from their appointments or engagements, for a reason related to inappropriately alleged shortfalls in their branch accounts;*
- *pursued civil or bankruptcy proceedings, criminal prosecutions and/or restraint applications against them for a reason related to inappropriately alleged shortfalls, and/or;*
- *sought to do any of the foregoing for a reason related to inappropriately alleged shortfalls*

*in their branch's accounts;" <https://www.gov.uk/guidance/group-litigation-orders#the-post-office-group-litigation> and:*

*"There are claims for damages for financial loss, personal injury, deceit, duress, unconscionable dealing, harassment and unjust enrichment brought against the Post Office."?*

*<https://www.judiciary.uk/wp-content/uploads/2019/03/bates-v-post-office-judgment-no3-15-mar-19.pdf>*

5. *What account did NHS Improvement take, if any, of criticisms by MPs of the Post Office's leadership in the Horizon dispute?*

*<https://www.parliament.uk/business/committees/committees-a-z/commons-select/business-innovation-and-skills/inquiries/parliament-2010/post-office-mediation/>*

*<https://abingdontechnologies.co.uk/james-arbuthnot-takes-post-office-it-fight-to-house-of-lords/>*

6. *Was Dido Harding a party to the appointment process that led to Paula Vennell's appointment as Chair of Imperial College Healthcare NHS Trust?"*

## **In response**

*Question 1 – Please advise of who was the appointing officer in terms of their seniority and job role*

A selection panel was formed which operated in an advisory capacity to assess which candidates had the required experience and the leadership behaviours needed to be effective in the role. The selection panel's recommendation to appoint Paula Vennells was referred to NHS Improvement's Provider Leadership Committee (PLC) which was ultimately responsible for making this appointment. In 2018, the PLC's membership was made up as follows:

- Up to three Non-Executive Directors, one of whom will be the Committee Chair (appointed by the NHS Improvement Board);
- Executive Regional Managing Director (London);

NHS Improvement is the operational name for the organisation that brings together Monitor, NHS Trust Development Authority, Patient Safety, the National Reporting and Learning System, the Advancing Change team and the Intensive Support Teams.

- Deputy CEO, Executive Director of Resources; and

- Executive Director of Improvement

*Question 2 – Please advise what steps, if any, NHS Improvement took to assure itself that Paula Vennells was a Fit and Proper Person within the meaning of CQC Regulation 5 Fit and Proper Persons*

NHS Improvement has systems and processes in place to ensure that chairs and non- executive directors are fit and proper persons and that within the meaning of regulation 5 of the fit and proper persons regulations. The checks undertaken by NHS Improvement to ensure that Paula Vennells met our internal criteria included:

- CV check for gaps in history, potential issues and conflicts of interest
- check of self-declaration form completed by the candidate scrutiny of panel assessment

documentation, where appropriate for new appointments

- Google and news searches, including high profile roles, any regulated activity, or work with

children or vulnerable adults

- scrutiny of references
- search of disqualified directors register
- search of insolvency and bankruptcy register

Further, all appointments are conditionally offered on satisfactory completion of:

- Disclosure and Barring Scheme (DBS) checks (where appropriate to the role)
- occupational health assessment (for new appointments only)
- random checks of educational qualifications
- proof of identity, for example passport or driving licence (for new appointments only)
- proof of qualifications
- proof of right to work, where individual does not provide an EU passport as proof of identity

(for new appointments only)

*Question 3 – Please advise if in appointing Paula Vennells, NHS Improvement took any account of the findings and recommendations in the review of FPPT in the NHS by Tom Kark and Jane Russell. In particular, did NHS Improvement investigate whether Paula Vennells had any history of mistreating or suppressing whistleblowers, including with respect to the well publicised faults in the Post Office Horizon IT system?*

Please see the response to question 2 above. More generally, the Kark recommendations are still being considered and will, where appropriate, be addressed in the forthcoming People Plan.

*Question 4 – What account did NHS Improvement take, if any, of the litigation by subpostmasters that had commenced against the Post Office...*

Whilst the litigation proceedings were a matter of public knowledge at the time of the appointment, the selection panel did not place any specific weight on that issue.

*Question 5 – What account did NHS Improvement take, if any, of criticisms by MPs of the Post Office’s leadership in the Horizon dispute?*

Please see the response to question 4: the selection panel did not place any specific weight on this issue.

*Question 6 – Was Dido Harding a party to the appointment process that led to Paula Vennell’s appointment as Chair of Imperial College Healthcare NHS Trust?*

Yes, Dido Harding was part of the original selection panel which operated as an advisory panel to assess which candidates had the required experience and the leadership behaviours needed to be effective in the role.

Yours sincerely,

**NHS Improvement**