

BY EMAIL

Ian Trenholm  
Chief Executive  
Care Quality Commission

27 February 2021

Dear Mr Trenholm,

**Failure by the National Guardian's Office to apologise for a proven breach of confidentiality**

As you are effectively Henrietta Hughes' manager and I understand you hold regular accountability meetings with her as CQC CEO, I write to inform you that the National Guardian's Office has failed to apologise for a proven breach of confidentiality which occurred some time in June 2019.

This concerned the case of a senior doctor, now vindicated, who made disclosures to the National Guardian's Office about failures of governance at Harrogate and District NHS Foundation Trust.

The breach of confidentiality has been confirmed by an NHS Improvement investigation, which produced a final report on 27 January 2021.

NHSI recommended that the National Guardian's Office should apologise to the doctor and improve its systems.

The case details can be found here:

<https://minhalexander.com/2021/02/27/an-unsatisfactory-complaint-investigation-by-nhs-improvement-into-breach-of-confidentiality-by-the-national-guardians-office/>

and here:

<https://minhalexander.com/2020/08/08/bullying-and-harassment-at-harrogate-district-nhs-foundation-trust-a-concern-about-the-national-freedom-to-speak-up-guardian/>

Of great concern, the National Guardian's Office has still not made any apology or produced evidence to show that it has improved its systems to prevent future confidentiality breaches.

This is astonishing given the seriousness of the matter.

In some jurisdictions, revealing a whistleblower's identity is a criminal matter.

I ask that you as the National Guardian's de facto line manager ensures that there is learning and an apology.

I copy this to Dido Harding as the head of the other body which funds the National Guardian's Office.

Please could CQC and NHS England / NHS Improvement also review the effectiveness of the National Guardian's Accountability and Liaison Board, the committee which purportedly scrutinises the National Guardian's work.

At present the Accountability and Liaison Board comprises Henrietta Hughes National Guardian, Robert Francis CQC NED and Andrew Morris NHSI NED.

If the Accountability and Liaison Board has failed to ensure learning and an apology for a serious failure, the way that the Board works should arguably be reviewed.

Robert Francis previously wrote to Henrietta Hughes in private correspondence, later disclosed via Subject Access Request, that he refused to meet with me to discuss my concerns about the Freedom To Speak Up project, because he anticipated that he would not change my mind.

That seems to me to be symptomatic of a close minded attitude which does not bode well for his duty as a member of the National Guardian's Accountability and Liaison Board to objectively hold the National Guardian to account and act upon any weaknesses in the Freedom To Speak Up machinery.

Indeed, Robert Francis was the first person at CQC with whom I raised the concern about the breach of confidentiality in the Harrogate case. I asked him to urgently make the situation safer for all whistleblowers. His response was to trigger a complaint process, but disappointingly he was silent as to any action taken to make the situation safer.

In summary, I ask CQC and NHS England / Improvement once again to consider whether the Freedom To Speak Up project is safe, caring, responsive, Well-Led or good value for money.

Yours sincerely,

Dr Minh Alexander

Cc Dido Harding NHS Improvement Chair  
Peter Wyman CQC Chair