

By Email: minhalexander@aol.com

23 December 2020

Dear Dr Alexander

Re: CQC's lack of response to a Reg 5 Fit and Proper Person referral & concerns about a CQC inspector in a case of proven social care whistleblower detriment

Thank you for your email of 12 December 2020 to Mr Wyman and for bringing to our attention concerns about Pearl Lorraine Jackson and Inspector Emma Hudfield. Firstly, I must apologise for the delay in responding to your original email to Kate Terroni. This email relates to your concern about FPPR and we will respond to the issues you raised about Emma Hatfield separately.

As you may be aware providers must take proper steps to ensure that their directors, or equivalent, are fit and proper for the role. It applies to a provider's board directors, board members and equivalents, who are responsible and accountable for delivering care, including associate directors and any other individuals who are members of the board, irrespective of their voting rights.

Directors, or equivalent, must be of good character, physically and mentally fit (in line with the Equality Act 2010), have the necessary qualifications, skills and experience for the role, and be able to supply certain information (including, where appropriate, a Disclosure and Barring Service check and a full employment history).

CQC does not undertake fit and proper person tests of directors, nominated individuals or equivalent. We do monitor how well providers assure themselves of directors' and nominated individuals fitness and meet the regulation.

When we receive information of concern about Fit and Proper Persons outside of registration or during an inspection we will share all the data received with the provider once information of concern raised with CQC is identified as being related to FPPR. Providers will then be expected to tell CQC what they have done to ascertain the fitness of the director. It is for the provider to determine what is and what is not misconduct or mismanagement and not CQC.

In the situation with Mrs Jackson we are aware she is a director of several companies as you indicate. We were aware of the tribunals and the outcome in

relation to these and reviewed copies of the tribunal transcripts. As a result of this we contacted the registered provider, where Mrs Jackson is a director, and shared the information we had and asked them what they had done to ascertain her fitness as a director. They responded to this outlining what they had done. We reviewed this information with legal colleagues and made a decision that the provider was meeting the FPPR Regulation.

We continue to monitor the providers where Mrs Jackson is a director and any new information that comes to us, as this will help us decide if we need to take further action in relation FPPR and plan for future inspections.

I hope you find this response helpful and thank you once again for sharing your concerns with us.

Yours sincerely

A handwritten signature in cursive script that reads "M.C. Cridge".

Mary Cridge
Deputy Chief Inspector