

From: National Guardian's Office <REDACTED>
Subject: RE: FOI request National Guardian's Office and ambulance trusts - CQC IAT 2122 1005
Date: 6 April 2022 at 15:48:41 BST
To: Minh Alexander <REDACTED >

Dear Dr Alexander,

Further to your email below, please find a response to your FOI request as follows. For ease, we have answered some of your questions together.

1. How many public interest disclosures has the National Guardian's Office (NGO) received from NHS ambulance trusts in the period 1 April 2016 to 31 March 2021?

2. Is the NGO able to disclose how many of these public interest disclosures were made by Freedom To Speak Up Guardians in NHS ambulance trusts?

If so, how many?

The NGO first undertook a Prescribed Persons Report in the 2017-18 financial year. We can confirm that, from 1st April 2017 to 31st March 2021, we have received 12 disclosures relating to NHS Ambulance Trusts. None of these were made by FTSU Guardians. Our Prescribed Persons Reports can be found [here](#).

3. Has the NGO completed any previous analyses of whistleblowing and freedom to speak up issues in NHS ambulance trusts?

If so, please share the relevant documents and outcomes

As you are aware, we published a Case Review in September 2019 about [North West Ambulance Service NHS Trust](#), which looked specifically at the speaking up culture in an NHS Ambulance Trust. We have also looked at the data published through our Freedom to Speak Up Index Reports, which suggested that ambulance trusts tended to perform comparatively less well in the index. These can be found [here](#).

4. The NGO has indicated on its website that it intends to conduct a thematic review of speaking up in ambulance trusts with other parties:

"Upcoming reviews

Ambulance trusts perform comparatively less well compared to other trust types in the Freedom to Speak Up (FTSU) Index. While the FTSU Index suggests a positive speaking up culture is associated with higher-performing

organisations as rated by the Care Quality Commission, this correlation is less apparent with ambulance trusts.

We are looking to undertake a piece of work with ambulance trusts and other stakeholders to learn why ambulance trusts tend to perform comparatively less well in the index. The review will also seek to understand better the relationship between the FTSU Index and CQC ratings.”

Please disclose:

- When was this review commissioned and who initiated it**
- Why it was commissioned, what triggered it?**
- Who are the stakeholders with whom the NGO is undertaking this work**
- The initial correspondence and documents setting up the review between the relevant parties**
- Any written protocol, memorandum of understanding or equivalent governing this review**
- Any identified budget for this review and the sources of funding**
- Whether the NGO’s review protocol includes seeking the views of former ambulance staff, including former Freedom To Speak Up Guardians. Specifically, does the protocol include seeking the views of ambulance staff who have either made disclosures to the NGO and regulators, or who have filed claims in the Employment Tribunal against Ambulance Trusts under a Public Interest Disclosure jurisdiction code.**

As you have indicated, the piece of work we are about to undertake was triggered as we seek to better understand the relationship between the FTSU Index and CQC ratings. This was first discussed with our Advisory and Liaison Board in June 2020. The review will be undertaken under our current budget and no extra budget has been assigned for this piece of work.

We are in the early stages of this review process, and therefore have not agreed final parameters yet. However, we will be publishing documentation relating to this review. As this will be made public in the near future, we will not be disclosing this at this time. We therefore consider that the exemption under section 22 of FOIA (“information intended for future publication”) is engaged.

You can find more information under the exemption from the right to know section.

The following contains a brief explanation of the FOIA.

The Freedom of Information Act 2000

The purpose of FOIA is to ensure transparency and accountability in the public sector. It seeks to achieve this by providing anyone, anywhere in the world, with the right to access recorded information held by, or on behalf of, a public authority.

Recorded information includes printed documents, computer files, letters, emails, photographs, and sound or video recordings.

Public authorities spend money collected from taxpayers and make decisions that can significantly affect many people's lives. Access to information helps the public make public authorities accountable for their actions and allows public debate to be better informed and more productive.

The main principle behind FOIA is that people have a right to know about the activities of public authorities, unless there is a good reason for them not to.

A disclosure under FOIA is described as "applicant blind" meaning that it is a disclosure into the public domain, not to any one individual.

This means that everyone has a right to access official information. Disclosure should be the default – in other words, information should be kept private only when there is a good reason and it is permitted by FOIA.

An applicant does not need to give a reason for wanting the information. On the contrary, the public authority must justify refusing the information.

Public authorities are required to treat all requests equally, except under some limited circumstances. The information someone can access under FOIA should not be affected by who they are, whether they are journalists, local residents, public authority employees, or foreign researchers.

Exemption from the right to know

FOIA also recognises that there may be valid reasons for withholding information by setting out several exemptions from the right to know, some of which are subject to a public interest test.

Exemptions exist to protect information that should not be disclosed into the public domain, for example because disclosing the information would be harmful to another person or it would be against the public interest.

A public authority must not disclose information in breach of any other law.

When a public authority, such as the NGO, refuses to provide information, it must, in accordance with section 17 of FOIA, issue a refusal notice explaining why it is unable to provide the information.

Section 22 – Information intended for future publication

1. Information is exempt information if—

(a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),

(b) the information was already held with a view to such publication at the time when the request for information was made, and

(c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

2. The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would involve the disclosure of any information (whether or not already recorded) which falls within subsection (1).

We have considered the following in favour of publication:

- The public interest would be served by releasing this information into the public domain, promoting transparency with respect to CQC.
- The information would provide guidance to the public about how we are looking to transform the way we work.

Against this, we have considered the following, which does not favour disclosure of the information:

- FOIA is not intended to be a short-cut to an organisation's publication timetable.
- We are now in the process of finalising the document.
- We consider that releasing the requested information as part of a wider discussion about strategy will provide a greater understanding of how we are looking to develop the organisation, and therefore serve public interest better than releasing the documents on their own.

On balance, we believe that the public interest will be served when this information is published in due course.

We hope this information is helpful and thank you again for contacting the office.

NGO Complaints and Internal Review Procedure

If you are not satisfied with our handling of your request, then you may request an internal review. Please clearly indicate that you wish for a review to be conducted and state the reason(s) for requesting the review. Please be aware that the review process will focus upon our handling of your request and whether the NGO have complied with the requirements of the Freedom of Information Act 2000. The internal review process should not be used to raise concerns about the internal processes of other NGO functions.

To request a review please contact:

Information Access
Care Quality Commission
Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

E-mail: information.access@cqc.org.uk

Further rights of appeal exist to the Information Commissioner's Office under section 50 of the Freedom of Information Act 2000 once the internal appeals process has been exhausted.

The contact details are:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
SK9 5AF

Telephone Helpline: 0303 123 1113

Website: www.ico.org.uk

Kind regards,

Ellie Staite (She/her)
Correspondence, Accountability and Governance Manager
National Guardian's Office
REDACTED
0191 249 4400 (between 10am – 2pm)
<https://www.nationalguardian.org.uk/>

Please find our Privacy Statement [here](#)

From: minh alexander <REDACTED >
Sent: 10 March 2022 10:39
To: National Guardian's Office <REDACTED >; REDACTED; Chidgey-Clark, Jayne <REDACTED >
Subject: FOI request National Guardian's Office and ambulance trusts

BY EMAIL

Dr Jayne Chidgey-Clark
National Freedom To Speak Up Guardian

10 March 2022

Dear Dr Chidgey-Clark,

FOI request National Guardian's Office and ambulance trusts

I write to ask:

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If so, please share the relevant documents and outcomes

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Many thanks,

Dr Minh Alexander