

**Executive Office of the Chair**

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Dr Minh Alexander  
By email only: [minhalexander@aol.com](mailto:minhalexander@aol.com)

Dear Dr Alexander

**Your email dated 18 April 2022 - Conflicts of Interest in the trust's FPPR process with respect to Dr David Rosser**

Thank you for your email.

With regards to your concern that a trust employee co-authored the report of the CQC Regulation 5 Fit and Proper Person (FPPR) review on Dr David Rosser, I note your comments. However, in determining the investigation team and the Terms of Reference, the Trust's Chair and the non-executive directors (the Chair, the Senior Independent Director and the Deputy Chair oversaw the investigation, with regular updates and discussions with the other non-executive directors) had due regard to guidance from the CQC and from NHS Providers (<https://nhsproviders.org/fit-and-proper-persons-regulations-in-the-nhs/fit-and-proper-persons-investigations-a-ten-step-guide>), including the following:

"Balance the need for fairness with the drive to be cost-effective and efficient. It is crucial to choose an investigator with the right level of training and sufficient experience in conducting investigations of this type. The chosen investigator must act fairly and objectively, have the right skills and competencies, and adhere to the remit of the investigation."

Accordingly, it was considered that the format of the investigation, involving two investigators, one of whom was from an external law firm, provided an appropriate element of independence whilst being proportionate and an appropriate use of public money. This remains the case.

Moving on to the Trust's recent FOI response, I note your comments. I do not agree that the response was either defensive or "*took a side swipe at Mr Reuser*". Referral to the GMC, in itself, should not be seen as a punitive measure. There will always be a number of cases where the need to refer may not be clear cut and it is the Trust's view that, in such cases, it should be for the GMC to conclude as to whether a referral merits an investigation. The references to Mr Reuser are important from a point of view of context.

With regards to your FOI requests contained within your email, the Trust's response is as follows:

1. Please disclose the names and roles of all senior trust officers / managers who took part in the trust's FPPR review process on Dr David Rosser. Save as set out in our response to Q2 below, names and roles are withheld as being exempted under Section 40 (2) of the Freedom of Information Act (2000).
2. Please disclose what part each person took in the FPPR review process - did they help gather evidence, review evidence, interview staff, consult or meet with trust governors, make judgments, provide the former trust Chair with advice, or help to evaluate assurance documents, including the FPPR review report itself?

<b>Role in FPRR Process</b>	<b>Name*</b>	<b>Job Title*</b>	<b>Involvement</b>
Investigator	withheld as exempt	withheld as exempt	Appointed as one of two Investigators, the other being a solicitor from a law firm that has not been involved in the case, providing an added element of external independence and technical legal support. Gathered and reviewed evidence, including through interview, considered evidence and made judgements/recommendations
Commissioner	Rt Hon Jacqui Smith	Chair	Oversaw commissioning of the report and considered the findings and recommendations of the Investigators, determination of whether any concerns arose in relation to Dr Rosser meeting FPP requirements, in consultation with the Trust's Deputy Chair and Senior Independent Director. Liaised with CQC
Advisor to Commissioner and EARC	David Burbridge	Chief Legal Officer	Drafted ToR Advised Chair and EARC
Deputy Chair and Senior Independent Director	Prof Jon Glasby (SID) Harry Reilly (Deputy Chair)	Deputy Chair and Senior Independent Director	Support to Chair re oversight of review and consideration of its findings and recommendations
EARC	All Trust NEDs (inc. Chair)		Consideration of findings of recommendations of the Review and the determination of the Chair. Discussed with Governors

\*see above re application of exemption

3. Please disclose if to the trust's knowledge there was any conflict of interest in any of these individuals' participation in the FPPR review process into Dr David Rosser.

No conflicts of interest known.

4. Please also disclose the terms of reference, instructions or equivalent for the FPPR review into Dr David Rosser, and who authored these.

The Terms of Reference were drafted by the Trust's Chief Legal Officer, with CQC input and approval. A redacted version is attached. The withheld information comprises personal information that is exempt from disclosure under Section 40 (2) of the Freedom of Information Act (2000).

Yours sincerely



Harry Reilly  
Interim Chair