

From: Minh Alexander [REDACTED]

Subject: Harry Richford's death - CQC Regulation 12 and CQC's position on organisational failures by EKHU

Date: 12 October 2022 at 10:33:17 BST

To: Media Team [REDACTED]

Reply-To: [REDACTED]

Dear Sir,

Harry Richford's death - CQC Regulation 12 and CQC's position on organisational failures by East Kent University Hospitals NHS Foundation Trust

Please could the CQC comment on why Emma Carroll CQC inspector wrote to Harry Richford's family on 17 August 2018 to tell them that CQC had reviewed Harry's case and believed that there were failures by individuals and not the trust? She wrote:

"After an extensive review, we do not believe there has been a breach in regulation. The concerns raised in this incident are centred on an individual's decision or error. The criminal offences CQC can prosecute against only apply to registered person failures. I understand from your emails, the GMC are using their powers to investigate this.

The actions taken by the trust to date, in line with the recommendations by the independent reviews, suggest the previous risks have been mitigated. Evidence for this include the introduction of safety huddles, a consultant handover form, additional staff training, improved recruitment processes and new guidance on difficult intubation."

Also, please comment on why Ted Baker wrote to the family on 25 September 2018 to imply that there were no grounds for prosecution under Regulation 12. He wrote:

"I want to assure you that, although at this stage we have not taken any action relating to a breach of Regulation 12 in the case of your grandson, we are continuing our investigation as further information becomes available."

Clearly there were Regulation 12 issues, because CQC went on to announce a prosecution against EKHU in 2020, under Regulation 12, for harm caused to Harry and his mother Sarah.

Does CQC believe it has adequately explored why it initially failed to identify - or acknowledge - organisational failings by EKHU?

Would the CQC like to comment on what materially changed, to alter the CQC's position on the prosecution of EKHU for harm done to Harry Richford and his mother?

Would CQC comment on the fact that it later confirmed to the media that it had seen the trust's action plan from a 2015 RCOG review which identified risks, but did not actually see the report itself until 2019, after the Richfords discovered the report and pointed it out to the CQC?

The Richfords, like many other harmed families, report that CQC initially told them that it could not investigate individual complaints.

Does the CQC accept that this appears to be incompatible with its duties under Regulation 12?

How can the CQC establish if harm has occurred under Regulation 12 if it does not investigate individual cases?

Thanks

Minh

Dr Minh Alexander