

Response issued under the Freedom of Information Act 2000

Our Reference: CQC IAT 2223 0450

Date of Response: 7 November 2022

The Information Access team has now coordinated a response to your request. CQC has considered your request in accordance with the Freedom of Information Act 2000 (FOIA).

Our first obligation under the legislation is to confirm whether we do or do not hold the requested information.

In accordance with section 1(1) of FOIA we are able to confirm that CQC does hold recorded information in relation to this matter.

A response to your request can be seen below.

Please note, we consider question 3 of your request to engage the Section 21 exemption of the FOIA (Information accessible to the applicant by other means). A detailed explanation of this exemption can be seen further below.

Information Requested:

1. The number of cases raised with your Freedom To Speak Up Guardian in the following periods:

1 April 2017 - 31 March 2018 – Response 35

1 April 2018 - 31 March 2019 – Response 17

1 April 2019 - 31 March 2020 – Response 33

1 April 2020 - 31 March 2021 – Response 40

1 April 2021- 31 March 2022 – Response 6

Please also give the total number of cases raised with your Freedom To Speak Up Guardian in the whole period (1 April 2017 to 31 March 2022).

Response – 131

2. What case data is collected by your Freedom To Speak Up Guardian and how is it stored?

Response – Until 2022 data was stored on an anonymised spreadsheet which was issued to the Freedom to Speak Up Ambassadors. The Guardian also retained their own records of any cases they had dealt with. Since April 2022, the arrangements have been that the Freedom to Speak Up Ambassadors have informed the Freedom to Speak Up Guardian of any cases and the Guardian has maintained a single spreadsheet.

What computer database/ spreadsheet is held by your Freedom To Speak Up Guardian on cases?

Response - The Freedom to Speak Up Guardian maintains a spreadsheet which includes the contacts made and whether the cases are anonymous or not.

Please give the headings/ names for columns and rows in this database/ spreadsheet

Response

Anonymous or name

Directorate

Job role

Brief outline of the case

Any further action

Outcome

Does the CQC Freedom To Speak Up Guardian collect data on detriment reported by staff after speaking up?

Response – Yes, but there haven't been any reports of this.

Does the CQC Freedom To Speak Up Guardian collect data on whether the concerns of staff who speak up are addressed?

Response - The Guardian will collate outcomes of cases which includes if the member of staff is satisfied with the outcome.

3. Please disclose any analyses of this case data and periodic reports produced by your Freedom To Speak Up Guardian since 1 April 2017

Response – The latest National Guardian update taken to the CQC Board in June 2022 can be seen via the CQC website link below.

<https://www.cqc.org.uk/event/board-meeting-22-june-2022>.

Please note your request for earlier Freedom to Speak Up Guardian reports has been refused under Section 21 of the FOIA legislation (Information accessible to the applicant by other means).

Previous year's updates can be accessed via the UK Government National Archives, seen via the website below

https://webarchive.nationalarchives.gov.uk/ukgwa/*/http://www.cqc.org.uk/about-us/how-we-are-run/board-meetings.

Assuming that the following data is collected and produced by your Freedom To Speak Up Guardian, please include in this summary statistical information on

- the types of concerns raised by CQC staff with the Freedom To Speak Up Guardian -the levels of detriment reported by CQC staff after speaking up

- whether staff concerns are addressed

Response - There have been no cases where staff have reported detriment after speaking up. The types of concerns have predominantly been those around staff feeling they are unable to talk to their manager or feeling unsupported by them. The vast majority of contacts to the Freedom to Speak Up Guardian have required sign posting to HR policies and procedures.

4. Please advise if CQC has acted on any general themes and problems flagged by your Freedom to Speak Up Guardian since 1 April 2017, and give broad details if so."

Response – CQC implemented mental health first aid training for freedom to speak up ambassadors as a result of some of the themes raised. We work closely with our other networks across CQC such as the staff forum and the Disability network.

A short explanation of the FOIA legislation now follows.

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(s) Applied

Section 21 (1) of the Freedom of Information Act 2000

We consider analysis of case data and periodic reports produced by the Freedom To Speak Up Guardian prior to 2021/22 to be reasonably accessible to you by other means.

Section 21(1) states:

“Information which is reasonably accessible to the applicant otherwise that under section 1 is exempt information.”

We therefore consider the exemption from the right to know provided at section 21(1) of FOIA to be engaged where case data and periodic reports produced by the Freedom To Speak Up Guardian are available.

Under Schedule 2 of the Health and Social Care Act 2008, section 2(3) states that “it is the duty of the Commission to carry out its functions effectively, efficiently and economically.”

CQC cannot perform this exercise of checking the individual reports for you as we do not consider this to be an effective and efficient use of our limited resources.

Advice and assistance

Under section 16 of the Freedom of Information Act 2000 (and in accordance with the section 45 code of practice) we have a duty to provide you with reasonable advice and assistance.

If you need any independent advice about individual’s rights under information legislation you can contact the Information Commissioner’s Office (ICO).

The ICO is the UK’s independent authority set up to uphold information rights in the public interest, promoting openness by public bodies and data privacy for individuals.

The contact details for the ICO are detailed below.

There is useful information on the ICO website explaining the rights of individuals:

www.ico.org.uk/your-data-matters

CQC 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 note that it is usual practice to accept a request for an internal review within 40 working days from the date of this response. The [FOIA code of practice](#) advises that public authorities are not obliged to accept internal reviews after this date.

Please be aware that the review process will focus upon our handling of your request and whether CQC 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 provision of care or the internal processes of other CQC functions.

If you are unhappy with other aspects of the CQC's actions, or of the actions of registered providers, please see our website for information on how to raise a concern or complaint:

www.cqc.org.uk/contact-us

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: 0303 123 1113

Website: www.ico.org.uk