

Response issued under the Freedom of Information Act 2000

Our Reference: CQC IAT 2223 0519

Date of Response: 1 November 2022

Information Requested:

“Please advise if:

- 1. Zoë Leventhal has undertaken work for the CQC previously.*
- 2. If so, please advise what this work comprised.*
- 3. Please advise if CQC has hired other lawyers from Matrix Chambers in the past.*
- 4. Please advise why the CQC chose to appoint Zoë Leventhal its whistleblowing review.*
- 5. Please disclose the total payments by CQC to Matrix Chambers in the past five years.*
- 6. Please disclose the correspondence between CQC and the Department of Health and Social Care about the commissioning of its whistleblowing reviews by Zoë Leventhal and Scott Durairaj.”*

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).

Zoë Leventhal has undertaken work for the CQC previously.

Yes.

If so, please advise what this work comprised.

First-tier tribunal and other civil law activity. (Areas of this will be protected under the legal professional privilege).

Please advise if CQC has hired other lawyers from Matrix Chambers in the past.

Yes, CQC have instructed other barristers from Matrix Chambers in the past.

Please advise why the CQC chose to appoint Zoë Leventhal its whistleblowing review.

CQC chose to appoint Zoë Leventhal based on her skills and experience.

You can view Zoë Leventhal's profile at Matrix Chambers [Zoë Leventhal KC - Matrix Chambers \(matrixlaw.co.uk\)](https://www.matrixlaw.co.uk/profile/zoë-leventhal-kc)

Please disclose the total payments by CQC to Matrix Chambers in the past five years.

The totals exclude VAT and are for the period 1st April to 31 March each year.

2022-23 to date: £5,173

2021-2022: £225.00

2020-2021: £7,035

2019-2020: £0

2018-2019: £17,975

2017-2018: £37,941

Please disclose the correspondence between CQC and the Department of Health and Social Care about the commissioning of its whistleblowing reviews by Zoë Leventhal and Scott Durairaj.

CQC are not in a position to respond to this request and will aim to respond by 7 November 2022. CQC are currently considering the public interest test in regard to an exemption under s31 FOIA – Law Enforcement. Details of the exemption are outlined below:

Section 31 states:

“(1)Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice—

g)the exercise by any public authority of its functions for any of the purposes specified in subsection (2)

(2)The purposes referred to in subsection (1)(g) to (i) are—

c)the purpose of ascertaining whether circumstances which would justify regulatory action in pursuance of any enactment exist or may arise,”

Under this exemption, CQC can withhold any information which would prejudice the exercise by any public authority of its functions relating to protecting the public from misconduct, incompetence, dishonesty or malpractice.

“Prejudice” may be the obstruction of our regulatory function in determining whether a provider is compliant with regulations and standards.

Section 31 is a qualified exemption which means that CQC is required to take into account the public interest in reaching a decision on disclosure. The public interest test requires us to consider whether the public interest in favour of disclosing the information outweighs the public interest in withholding the information. As stated above, we aim to respond by 7 November 2022.

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