



**Hampshire Hospitals**  
NHS Foundation Trust

Freedom of Information Office  
Basingstoke and North Hampshire Hospital  
Aldermaston Road  
Basingstoke  
Hampshire  
RG24 9NA

Date: 20<sup>th</sup> October 2023  
Ref: 713/2023

Email: [REDACTED]  
Name: Dr Minh Alexander

Dear Dr Alexander,

Thank you for your request for information under the Freedom of Information Act 2000, which was received by the Trust on 29/09/2023. Please see response to your request below:

**MHPS investigations by Hampshire Hospitals NHS Foundation Trust**

**Please disclose, in the last five years:**

**1. How many MHPS (Maintaining High Professional Standards) investigations has the trust triggered against trust doctors?**

MHPS investigations are confidential by their nature, and it would not be appropriate for the trust to disclose specific details in relation to an investigation. To disclose personal information in this way would be detrimental to the staff members affected and to do so would be a breach of UK GDPR.

We appreciate that in this question you are not asking for specific information, however the number of investigations within this period is very small and it would therefore be possible, considering your range of questions, to identify the individual subject to investigation. Accordingly, the Trust cannot provide the specific information you have requested, but we can provide a more general answer which protects the anonymity of those subject to investigation.

We can confirm that during this period the Maintaining High professional Standards process has been used less than five times.

**2. How many trust directors have been assigned as the MHPS designated board member for these MHPS investigations in the last five years?**

Three different Board members have been designated board members for MHPS investigations during this period.

**3. Please disclose the names and job titles of all the MHPS designated board members who have been appointed in the last five years.**

The following board members have been designated board members for MHPS investigations during the period:

Clancy Murphy – Non-Executive Director

Simon Holmes – Non-Executive Director  
Jane Tabor – Non-Executive Director

**4. Please give a broad breakdown of the outcomes of the MHPS investigations in the last five years, in terms of whether allegations have been upheld or not.**

During this period each of the MHPS investigations has been upheld.

**5. Please indicate if any of the MHPS investigations in the last five years have been conducted against any doctors who had made public interest disclosures, and if so, how many?**

No MHPS investigation has been triggered as a result of a member of staff making a protected disclosure.

**6. If so, did the trust take any special precautions to satisfy itself that the MHPS investigation(s) did not represent any form of whistle-blower detriment or reprisal?**

The MHPS process and the whistleblowing/Freedom to speak up process are entirely separate processes. The Trust has never and will never use the MHPS process or any other disciplinary or investigatory process in detriment or reprisal against any member of staff who has raised concerns about the safe working of the hospital.

Hampshire Hospitals NHS Foundation Trust actively encourages its staff to raise any concerns that they may have and would never take any steps which would jeopardise this.

**7. Does the trust have any formalised policy and procedure for assuring itself that MHPS investigations against staff who have made public interest disclosures are not whistle-blower detriment? If so, please give details of the procedure.**

MHPS investigations and Freedom to Speak Up are managed under separate policies. The Freedom to Speak Up policy makes it very clear to all staff that the Trust will not tolerate any detrimental treatment of staff who raise concerns in accordance with the policy.

At section 6 the policy states the following:

*“Harassment, retribution or discrimination against any individuals on the grounds that they have raised a genuine concern under this policy will not be tolerated by the Trust. Any employees suspected of such behaviours will be investigated and managed in accordance with the Trust’s Staff Investigation Policy and Management of Conduct (Disciplinary) Policy or the Handling of Concerns and Disciplinary Procedures Relating to the Conduct and Performance of Doctors and Dentists Policy. Any ensuing sanction taken could include dismissal, should gross misconduct be found to have occurred”.*

**8. Does the trust have any system of checks to ensure that any board member whom it appoints to act as an MHPS designated board member has no past history of detrimental behaviour to whistle blowers? If so, please give details.**

All board members are subject to the Fit and Proper Person Test prior to appointment. The test considers someone’s behaviour in previous posts is to ensure that anybody seeking a board position is an appropriate person to hold the position. This would include whether any person seeking an appointment to the board has been found to have acted detrimentally towards anyone using the freedom to speak up policy.

**9. Please disclose if any MHPS designated board members appointed in the last five years have had, to the trust’s knowledge, any prior history of detrimental actions against whistle-blowers.**

No member of the board has any prior history of acting detrimentally towards whistle-blowers.

**10. Does the trust have any system of pastoral oversight to identify whether doctors undergoing MHPS investigation become unsafely unwell or unsafely distressed and to Safeguard their wellbeing where appropriate? If so, please give details.**

“Responding to Concerns Regarding Doctors & Dentist Policy” makes reference at every stage of the process to ensure practitioners wellbeing is reviewed and addressed as required. Any member of staff undergoing such a process will be offered support from their management and the Human Resources team in respect of their wellbeing. They will also continue to have access to the programmes of employee assistance and support that are available to all trust staff including access to the trust’s Chaplaincy service. It is normal practice to refer any practitioner to the Trust Occupational Health Service, Health 4 Work, as support during the MHPS process. Practitioners are also sign posted to support available externally through iTalk and national medical professionals support services.

**11. In the last five years, has the trust undertaken any evaluation of the experience of trust doctors who have been subject to MHPS investigations? If so, please give details of how any evaluation has been conducted, and the broad outcome.**

The Trust has reviewed the effectiveness of this process and its impact on an individual undergoing an investigation. We are assured that the process is robust and in compliance with all guidance in relation to safeguarding the wellbeing of individuals under investigation.

**12. Please confirm if I understood correctly the evidence heard at the Employment Tribunal today, that an FOI request was made to the trust in order that a doctor and his representatives could discover what the allegations were against him. (The sound quality was not variable at my end). Please disclose if this was the only occasion when this happened or whether there were other instances when other trust doctors were not proactively informed of the charges against them by the trust, as required by MHPS provisions.**

Where concerns are raised, they are discussed with the member of staff at an early opportunity and prior to the instigation of an MHPS investigation. It has not been necessary for any member of staff to use the Freedom of Information Act to discover the nature of allegations made against them.

**13. If the information is centrally held and easily accessible, what is the range in the duration of suspensions applied to trust doctors in the last five years? Please disclose the shortest and the longest period of suspension that has been applied. If it is easy to provide the information, please disclose the average duration of suspension.**

Due to the low number of MHPS investigations it is not possible to provide this information without disclosing personal data (see response in question 1). We can confirm that a minority of cases have resulted in the member of staff under investigation being suspended.

Please accept this letter as completion of your request. Please note that copies of this request will be held on file for three years before being confidentially destroyed.

If you are dissatisfied with the outcome of your request, please contact the Freedom of Information Officer on [FOI@hhft.nhs.uk](mailto:FOI@hhft.nhs.uk) or write to the above address and we will conduct an internal review.

Upon review, if you are still dissatisfied, you may appeal our decision by contacting the Information Commissioner’s Office; for more information, please visit the ICO’s website [www.ico.gov.uk](http://www.ico.gov.uk) or they can be contacted at the following address: Information Commissioner, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or via website.

Yours sincerely,

**Freedom of Information Officer  
Hampshire Hospitals NHS Foundation Trust**