

Freedom of Information Act 2000 disclosure log entry

Reference

19-20266

Date sent

27/11/2019

Subject

Whistle Blowing Mediation

Details of enquiry

Please reply to the following questions in relation to the last 3 full financial years for the Trust (I refer to this as being “the Period” in the text of the questions).

1. How many clinical incidents were recorded in the Local Risk Management Reporting System (**LRMS**) during the Period?
2. How many of these were recorded as being incidents of a life-threatening or otherwise serious nature?
3. During the Period, how many cases have occurred (whether or not also recorded in the LRMS) whereby an employee or other worker (all of whom for the purpose of this FOI request I shall call **Workers**) has raised a concern whether about patient safety, clinical or non-clinical malpractice or any other matter? Note: for the purpose of clarity, I refer here to cases which would usually be considered to be “whistleblowing” cases (this may be the case regardless of whether the concern was raised internally, with a line manager or other person within the Trust, or externally, with another organisation such as another NHS body or a regulator such as the CQC). I will refer to these cases in the questions below as **Whistleblowing Cases** and to the Workers who raise the concern as **Whistleblowing Workers**. I have tried to explain in some detail in order to be as clear as possible about my enquiry and to assist you in responding accurately.
4. Of the Whistleblowing Workers who raised concerns during the Period, how many are still working for the Trust and how many are no longer working for the Trust?
5. Of the Whistleblowing Cases which arose during the Period:
 - 5.1 how many were resolved satisfactorily (by which I mean any clinical malpractice or other issues were addressed and any dispute with the Whistleblowing Worker was amicably resolved)?
 - 5.2 in how many cases were Employment Tribunal (**ET**) proceedings or other legal proceedings started?
 - 5.3 how many were resolved by ACAS intervention before the ET or other hearing?
 - 5.4 how many were the subject of other attempts at mediation or other form of alternative dispute resolution (eg clinical early evaluation), whether by internal NHS Staff who mediated or by an external mediation provider such as CEDR (the Centre for Effective Dispute Resolution)? I refer to these below as **ADR Cases**;
 - 5.5 how many went to a full ET hearing?
6. In relation to the ADR Cases:
 - 6.1 how many were the subject of a mediation at any stage?
 - 6.2 how many were the subject of another form of alternative dispute resolution (eg arbitration) at any stage?
 - 6.3 how many were resolved by means of the mediation or other form of alternative dispute resolution?
 - 6.4 does the Trust use internal NHS mediators and are they formally qualified as mediators? If so, how many ADR Cases did they settle during the Period?
 - 6.5 does the Trust engage external mediation providers such as CEDR (see above)? If so, how many ADR Cases did they settle during the Period?
7. Does the Trust have a main board director with explicit responsibility for monitoring and reviewing Whistleblowing Cases and if so:

- 7.1 what is his/her name?
- 7.2 is he/she an executive or non-executive director?
- 7.3 how many Whistleblowing Cases were referred to the director during the Period?
- 7.4 does the director issue a report (eg annually) as to his/her findings? If so, please provide a copy of any such report issued during the Period;
- 7.5 is any report issued by the director made public or shared with any third parties and if so, who?
8. Does the Trust have a whistleblowing policy? How many concerns were raised under the policy in each of the last 3 full financial years?
9. Please provide the name and full contact details for the Local Freedom to Speak Up Guardian (the **Local Guardian**) for the Trust. Is the Local Guardian a main board director of the Trust?
10. How much did the Trust spend during the Period on legal and other professional fees for advice in connection with Whistleblowing Cases;
11. How much did the Trust spend during the Period in making compromise or settlement payments to Whistleblowing Workers to settle their cases?
12. Did the Trust enter into any Confidentiality Clauses or Non-Disclosure Agreements with Whistleblowing Workers during the Period and if so how many?

Response Sent

1. How many clinical incidents were recorded in the Local Risk Management Reporting System (**LRMS**) during the Period?

2017/18	401 incidents reported	41 were clinical	3 serious
2018/19	508 incidents reported	87 were clinical (new reporting system in place from July 2018 for improved logging and incident reporting)	3 serious
2019/20	703 incidents reported April 01 to 27 th November 2019	160 were clinical	4 serious

2. How many of these were recorded as being incidents of a life-threatening or otherwise serious nature?
The 'serious' data concerns clinical incidents reported to the external national STEIS system, and this information is shown in the table at question 1. above
3. During the Period, how many cases have occurred whereby an employee or other worker has raised a concern whether about patient safety, clinical or non-clinical malpractice or any other matter
2017/18 1
2018/19 2
2019/20 1
4. Of the Whistleblowing Workers who raised concerns during the Period, how many are still working for the Trust and how many are no longer working for the Trust?
4 individuals raised concerns. 2 have left the Trust
5. Of the Whistleblowing Cases which arose during the Period:
 - 5.1 how many were resolved satisfactorily (by which I mean any clinical malpractice or other issues were addressed and any dispute with the Whistleblowing Worker was amicably resolved)?
3 have been resolved
1 is subject to a current investigation
 - 5.2 in how many cases were Employment Tribunal (**ET**) proceedings or other legal proceedings started?
None
 - 5.3 how many were resolved by ACAS intervention before the ET or other hearing?
Not applicable

- 5.4 how many were the subject of other attempts at mediation or other form of alternative dispute resolution (eg clinical early evaluation), whether by internal NHS Staff who mediated or by an external mediation provider such as CEDR (the Centre for Effective Dispute Resolution)? I refer to these below as **ADR Cases**;
Not applicable
- 5.5 how many went to a full ET hearing?
Not applicable
6. In relation to the ADR Cases:
- 6.1 how many were the subject of a mediation at any stage?
Not applicable
- 6.2 how many were the subject of another form of alternative dispute resolution (eg arbitration) at any stage?
Not applicable
- 6.3 how many were resolved by means of the mediation or other form of alternative dispute resolution?
Not applicable
- 6.4 does the Trust use internal NHS mediators and are they formally qualified as mediators? If so, how many ADR Cases did they settle during the Period?
Not applicable
- 6.5 does the Trust engage external mediation providers such as CEDR (see above)? If so, how many ADR Cases did they settle during the Period?
Not applicable
7. Does the Trust have a main board director with explicit responsibility for monitoring and reviewing Whistleblowing Cases and if so:
- 7.1 what is his/her name?
Craig de Sousa
Director of Human Resources and Corporate Governance

Helen Farrow
Named Non-Executive Director for Raising Concerns
- 7.2 is he/she an executive or non-executive director?
One is an executive, the other is a non-executive
- 7.3 how many Whistleblowing Cases were referred to the director during the Period?
All four
- 7.4 does the director issue a report (eg annually) as to his/her findings?
The executive director submits a report annually to the board of directors. Please refer to the September 2019 Board of Directors papers found on the Trust internet site.
- 7.5 is any report issued by the director made public or shared with any third parties and if so, who?
Depending on the nature of the issues will result in appropriate publication. One investigation saw the final report published on the Trust's public website.
8. Does the Trust have a whistleblowing policy? How many concerns were raised under the policy in each of the last 3 full financial years?
Yes, and 4
9. Please provide the name and full contact details for the Local Freedom to Speak Up Guardian (the **Local Guardian**) for the Trust. Is the Local Guardian a main board director of the Trust?
Gill Rusbridger
Freedom to Speak up Guardian

The post holder is not a board director of the Trust.

10. How much did the Trust spend during the Period on legal and other professional fees for advice in connection with Whistleblowing Cases;
£10, 891
11. How much did the Trust spend during the Period in making compromise or settlement payments to Whistleblowing Workers to settle their cases?
Nil
12. Did the Trust enter into any Confidentiality Clauses or Non-Disclosure Agreements with Whistleblowing Workers during the Period and if so how many?
No, the Trust does not use any form of non-disclosure clauses