



**The Clatterbridge
Cancer Centre**
NHS Foundation Trust

Clatterbridge Road
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Wirral
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Date: 21 February 2020

Re: Freedom of Information Request
Ref: 303 - 2019

Thank you for your email dated the 31st October 2019, requesting information in regards to the use of mediation in whistleblowing disputes.

The information that you require is as follows:

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?**

	16/17	17/18	18/19	Total
None (no harm caused)	3128	2379	2727	8234
Low (minimal harm caused)	201	210	209	620
Moderate (short term harm caused)	10	28	37	75
Severe (permanent or long term harm caused)	0	3	1	4
Death (caused by the Incident)	0	1	0	1
Total	3339	2621	2974	8934

- 2. How many of these were recorded as being incidents of a life-threatening or otherwise serious nature?**

Please see the table above.

- 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.

During the period there have been no concerns raised about patient safety, clinical or non-clinical malpractice. During the time period, a total of 30 matters have been raised with the Freedom to Speak Up Guardians relating to alleged behaviour and employment related matters.

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?

Of the 30 matters raised, 28 individuals remain working at the Trust and 2 individuals have left the Trust due to reasons not related to the matters raised.

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)?

All 30 cases were resolved with satisfactory outcomes.

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 due to response to 5.2.

5.4 how many were the subject of other attempts at mediation or other form of alternative dispute resolution (e.g. 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;

None

5.5 how many went to a full ET hearing?

None

6. In relation to the ADR Cases:

6.1 how many were the subject of a mediation at any stage?

The Trust has not had any ADR cases.

6.2 how many were the subject of another form of alternative dispute resolution (e.g. arbitration) at any stage?

None

6.3 how many were resolved by means of the mediation or other form of alternative dispute resolution?

None

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?

Yes, the Trust uses internal mediators that have been trained by an external trainer. The response to the second part of the question is nil as we have not had any ADR cases.

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?

No, please see above

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?

Sheila Lloyd

7.2 is he/she an executive or non-executive director?

Director of Nursing and Quality

7.3 how many Whistleblowing Cases were referred to the director during the Period?

None

7.4 does the director issue a report (e.g. annually) as to his/her findings? If so, please provide a copy of any such report issued during the Period.

The Trust Board receives a Quarterly Report on Freedom to Speak Up, all Trust Board papers are available via our public website.

<https://www.clatterbridgecc.nhs.uk/about-centre/corporate-matters>

7.5 is any report issued by the director made public or shared with any third parties and if so, who?

The data within the report is provided to the National Guardian Office.

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?

The Trust has a Freedom To Speak Up (Raising Concerns) Policy. Please see response to question 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?

Angela Wendzicha Associate Director of Corporate Governance
angela.wendzicha@nhs.net

10. How much did the Trust spend during the Period on legal and other professional fees for advice in connection with Whistleblowing Cases;

The Trust has not incurred any legal or other professional fees for advice during the time period.

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?

The Trust has not entered into any confidentiality clauses on non-disclosure agreements during the time period.

Should you require any further information please do not hesitate to contact me on the email address provided below.

Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for this to be investigated internally.

If you are dissatisfied with the information you have received, you have the right to ask for an internal review.

Both processes will be handled in accordance with our Trust's Freedom of Information Policy and the Freedom of Information Act 2000.

Internal investigation and internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Freedom of Information Review, The Clatterbridge Cancer Centre NHS Foundation Trust, Clatterbridge Road, Bebington, Wirral, CH63 4JY

If you are not satisfied with the outcome of the internal investigation/review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

In order for us to ensure customer satisfaction and to monitor compliance with the Freedom of Information Act 2000, we would be grateful if you could take a couple of minutes to complete a short feedback form via the link below:

<https://www.surveymonkey.co.uk/r/H39RFMM>