

Independent review into the regulation of Whorlton Hall 2015–2016 by CQC

Peter Wyman CBE DL
Chair,
Care Quality Commission

11 October 2019



I had hoped my investigation into how CQC dealt with concerns raised by Barry Stanley–Wilkinson in relation to the regulation of Whorlton Hall would have concluded by now and my report would be presented at your Board meeting in October. Unfortunately, for the reasons I set out below, this has not been possible and delivery of my report is now planned for the November Board meeting.

You will recall that my terms of reference cover the following particulars:

- A. What concerns of abuse or harm at Whorlton Hall were raised by him in 2015, and how these were shared with CQC colleagues;
- B. What happened in connection with the 2015 draft inspection report, and to concerns raised by Barry Stanley–Wilkinson about Whorlton Hall and the draft report;
- C. How his concerns were addressed through CQC’s internal grievance and “speak up” policies; and
- D. What impact decisions made in relation to the draft inspection report had on the subsequent 2016 inspection and report.

The report will also, as requested, contain “recommendations to the CQC Board in relation to any areas for change, improvement or development identified in the course of the investigation including, in particular, how concerns or disagreements that arise during the inspection or report writing stage are managed within CQC’s regulatory decision making processes, and where they are handled within internal grievance and “speak up” policies.”

I am sorry that it has not been able to conclude the investigation and report writing processes as quickly as we both hoped. However, the nature of the 4 issues in my Terms of Reference and the realities of conducting the necessary investigations and report–drafting have meant that the process was longer than I had anticipated. The extra time

arises from:

- initial difficulties assembling electronic and hard copy documentation from multiple sources both within and outside CQC covering the relevant issues and years (2015–2016);
- a number of key CQC staff being unavailable for early interviews due, either to urgent inspection work immediately following the Panorama programme, or holidays over the summer months. This meant that both the first and second (follow-up) rounds of interviews took longer to organise and conclude. (I have conducted over 27 hours of interviews with CQC staff, former staff and others who had information relating to Whorlton Hall);
- those interviews needing to be transcribed and then checked and approved as accurate and complete records of answers given by those interviewed, and finally;
- the need for sufficient time to be left for the finalisation of the report before presentation to the Board and publication (proof-reading, citations etc.).

In advance of delivery of the final report, I can confirm the following conclusions from the material I have examined and the interviews I have conducted:

1. The 2015 inspection did not find evidence of abuse of patients at Whorlton Hall in August 2015.
2. Concerns about abusive behaviour and the operation of the hospital generally had been notified to the CQC through the notification procedure and were examined during the course of that inspection.
3. As the internal CQC review of Mr Stanley-Wilkinson's whistleblowing complaint concluded, I also conclude, that the decision not to publish the 2015 inspection report was wrong. Similarly, I agree with the conclusion of that internal review that the report, with a "requires improvement" rating, should then have been published as an inspection report (which would have occurred shortly before the 2016 inspection report, with a "good" rating, was published).
4. The decision to "incorporate by reference" the main concerns from the draft 2015 Report into the published report of the 2016 inspection was an unsatisfactory response. It did not implement the recommendation of the internal review. Consequently the 2016 Report gave an incomplete view of the service as it had been in 2015.

5. The internal grievance and “speak up” policy and procedures operated satisfactorily (in the main) in addressing Mr. Stanley-Wilkinson’s concerns about the Whorlton Hall inspection and report in 2015 (although, as noted in 3 above, the recommendations were not implemented). However, his concern about “a toxic and bullying environment” was incompletely examined due to time pressures.

My report will contain considerably more detail to justify these conclusions and, in accordance with my terms of reference, recommendations for improvements and, where appropriate, for further consideration as part of the wider review being undertaken by Professor Murphy.

I apologise that it has not been possible to conclude the report process in time for your October Board meeting. As I say, I anticipate that the report will be complete and available for your Board meeting in November, since I now only have a few more detailed points to follow-up with some individuals. I am copying this letter to Ian Trenholm (Chief Executive).

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'David Noble', with a stylized flourish at the end.

David Noble QSO