

# COMPASSION IN CARE

Reg. Charity No. 1102282  
Founder and CEO Eileen Chubb  
Patrons  
Roger Graef OBE  
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To Andrea Sutcliffe  
CQC, Citygate, Gallowgate  
Newcastle upon Tyne  
NE1 4PA

4<sup>th</sup> September 2017

Dear Ms Sutcliffe,  
In response to your letter of 29<sup>th</sup> August 2017.

I have attached our previous correspondence for ease of reference. It is quite clear that I have fully addressed every point you have raised, however you have not responded to **any** of the issues that I have raised.

As you have denied asking for information that could identify Whistle-blowers, I asked you to specify **exactly** what information you were asking for. You have failed to answer this question.

Your previous letter of August 11<sup>th</sup> stated that *"Share the full details around your allegation that there are 47 whistle-blowers whose identities have been disclosed by their employer to the CQC"*

Your letter of August 11<sup>th</sup> states *"I have been very clear about what I have requested from you and why. I am disappointed that despite this, you have not provided any evidence, which would enable CQC to look into your claim accordingly"*

I have **never** claimed that the identities of 47 whistle-blowers were passed to the CQC by their employers. It is quite clear what I said on both BBC Victoria Derbyshire and Channel 4 News.

I point out yet again that you are **already** aware of the whistle-blowers names as **they** contacted **you** as it **was you** that passed their names to their employer.

You continue with the stance that there is *"No evidence to substantiate this claim"*

Your letter states you *"Remain open and committed to engage in a more constructive dialogue"*

A more constructive dialogue I presume would not include such inconvenient facts as betraying whistle-blowers, deliberately failing to provide the public with truthful information, failing to protect the vulnerable and failing to regulate the care industry.

This charity is and always has been evidence based and furthermore you are fully aware of this as that evidence is your undoing. What you consider to be a more constructive dialogue, I consider to be not talking about the issues of Misconduct in Public Office.

The evidence is clear you have briefed against and slandered this charity and have done so because we have repeatedly confronted you with the truth.

Yours Sincerely



Eileen Chubb

For the previous correspondence see from page 3.



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14 July 2017

Dear Mrs Chubb,

I am writing further to the television interviews you gave last week when CQC launched the report on the state of adult social care services, 2014 to 2017. This was an important milestone for CQC and indeed those with an interest in adult social care, as it made known our national findings from over 33,000 inspections since we introduced our new regulatory approach in October 2014 and set further context for our future priorities.

It was good to discuss these issues with you during our televised panel discussion on BBC Two's Victoria Derbyshire programme last Thursday (6 July), so that we could voice a matter that is of fundamental importance to both of our organisations – the need for people to receive safe, high-quality and compassionate care.

During this interview, you stated that there are '47 whistle blowers whose identities have been disclosed to their employer by the CQC' – a claim I understand you made again that evening on Channel 4 News and have been stating on social media and on your website.

Having sought advice from colleagues and reviewed your website, we do not recognise this statement; therefore, I ask you to please disclose the full details of your concerns so that we can look into these further.

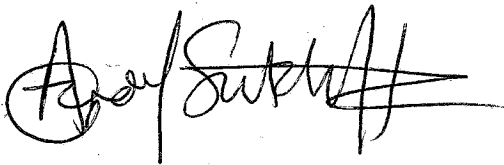
We take your statement very seriously. As the quality regulator for England, we appreciate that we cannot maintain a constant presence within individual services every day and so, information of concern raised by staff helps us form a picture of how well a service is caring for people and whether we need to take action in people's best interests. We would not wish to deter anyone from continuing to do this.

The information disclosed to us is dealt with in confidence and people can raise their concerns anonymously if they wish to do so. The only instances when we may need to share these details with others includes if we believe a person in

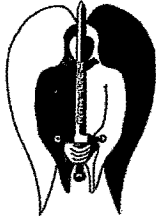
vulnerable circumstances is at risk of harm, if a serious crime has been committed and/or if another organisation needs to take action to ensure the safety and quality of care. This is clearly explained in our Privacy statement on our website.

I trust that you will provide these details in a timely manner so that we can have had the opportunity to review and respond to them.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Sutcliffe'. The signature is stylized with a circular flourish at the beginning and a long horizontal stroke at the end.

**Andrea Sutcliffe**  
**Chief Inspector, Adult Social Care**  
**Care Quality Commission**



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21<sup>st</sup> July 2017

Dear Ms Sutcliffe,

In response to both your letters of July 14<sup>th</sup> 2017, I address the points you raise as follows,

## Response to Letter One

### The 47 Whistle-blowers.

We publish anonymised evidence from both Whistle-blowers and from individuals whose relatives have been failed by the care system. Breaking the Silence is an ongoing series of our work on these issues. Breaking the Silence parts 4 and 5 will be published at a future date. I would point out that unlike yourself we do not have a correspondence secretary or any formal administration support.

The themes we have identified from this as yet unpublished evidence includes whistle-blowers who have experienced a breach of confidentiality by CQC discussing their information with employers and a separate group of 47 Whistle-blowers who have reported concerns to the CQC in confidence and discovered the CQC had identified them to their employers. As I was asked by both Victoria Derbyshire and Channel 4 News for my assessment of the state of care, I gave my assessment based on this evidence. The scale of the response from the public following this media coverage only further confirmed that the issues we had identified are widespread and ingrained.

You imply we have common ground; I disagree due to the fact that I have had to continually expose your failures too many times to list here.

### Identifying Whistle-blowers

You ask me to disclose the identities of these whistle-blowers in a timely manner. The fact that you could make such a request is staggering; firstly all those who contact our help-line

are guaranteed absolute confidentiality. Secondly I would **stress** that all those who contact our help-line are asked for evidence that they contacted the CQC or safeguarding **prior** to contacting us and I can assure you that evidence **has** been provided.

The fact you have asked me to disclose whistle-blowers names confirms beyond any doubt that whistle-blowers are held in contempt by the CQC.

You state that you have sought advice from colleagues on this issue, please clarify what action you have already taken, have you issued guidance to all CQC inspectors, can you provide me with a copy of such and date of issue?

You will I am sure understand my concerns given my correspondence in relation to the CQC April board meeting video when the question was asked, What is a whistle-blower? And **no** credible or remotely accurate description could be given by the CQC board.

If you are unable to identify a whistle-blower then how can you possibly protect one?

You state that your privacy policy explains the detail, explain to me the **as yet** unanswered concerns on such an issue that we brought to your attention in March.

<http://compassionincare.com/node/299>

Also on the issue of your privacy policy, you state that concerns need to be passed on if serious issues are involved which in effect covers all whistle-blowing, where in your policy does it state what action you take to ensure that no **subsequent** detriment is suffered by the whistle-blower? When such detriment has occurred how many enforcement actions have you taken against a provider for **specifically** this issue? Having reviewed your web-site I can find no such information.

Finally in response to letter one. I stress again that **all** issues of poor care and abuse that individuals bring to **our** attention have previously been brought to **your** attention by those individuals. You have taken the stance that "if only you were aware you would have acted" However you **were** aware and did **not** act.

The thousands of people your organisation has failed have been and will continue to be given a voice by Compassion in Care.

## **Response to Letter Two**

### **The Old Deanery Whistle-blowers.**

You have provided a two paragraph quote of what you said at the Dementia congress three years ago. I ask where this quote came from? Also that if a recording of the event in

question was made that in the interests of transparency a full unedited copy of that recording is forwarded to me.

You have only now chosen to raise this issue; can I therefore ask if you object to being called a liar at the conference sponsored by BUPA or object to being called a liar on twitter.

You were not aware that Karis Le Winton was at this event with me until she stood up and challenged you, saying you had lied; you made no response to her then and at no time since until now, three years later.

The two paragraphs you have provided state the undercover journalist could or should have contacted you and that you would have acted. Given the fact you failed to act when contacted by Whistle-blowers, why should Panorama believe you would act any differently? You may well act when contacted by the media but by that time it is clear you have already failed to do your job, and it is because of your failure that we have to use the media.

I am proud to know the whistle-blower Karis Le Winton and to stand with her against any attack from you, this whistle-blower felt betrayed, insulted and completely failed by both your organisation and your attitude and remarks at the Brighton event.

You even now take the stance that the media expose people to abuse for longer. Yet at the time BBC Panorama were filming in the home you inspected this home and rated it compliant. A fact you have omitted from the state of care reports.

I will let the Whistle-blower Karis Le Winton have the final word,

“The abuse at the Old Deanery would be happening today but for the intervention of Compassion in Care and Panorama, We went to safeguarding and kept ringing the CQC nothing changed, these authorities are the ones that let the abuse continue, that let people suffer and if they say otherwise they are liars”

Yours Sincerely



Eileen Chubb

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11 August 2017

Dear Mrs Chubb,

Thank you for your letter dated 21 July in response to my correspondence to you on 14 July 2017, in which I asked you to share the full details around your allegation that there are "47 whistle blowers whose identities have been disclosed by their employer to the CQC".

I regret that you have interpreted my genuine request to understand the basis on which you have made this serious allegation as a means for CQC to hold people who are brave enough to raise concerns about care "in contempt". This could not be further from the truth.

I would like to reiterate what I stated in my first letter to you that information of concern raised by staff helps us to form a picture of how well a service is caring for people and whether CQC needs to take action in people's best interests, and that we are committed to protecting people's confidentiality and anonymity, as stated in our privacy statement.

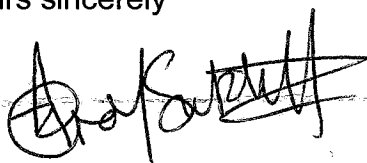
My letter did not ask you to "disclose the whistle-blowers' names". You have made a serious allegation about our conduct as a regulator, which could deter those with concerns about care from getting in contact with CQC to make those concerns known. Naturally, we would like you to provide further details so that we can have the opportunity to review and respond to them.

I note that you still have not provided anything to enable CQC to do so; therefore, I would like to make that request once again.



In the second part of your letter, you questioned why I had chosen to contact you about remarks I had made during a debate at the 9<sup>th</sup> Annual UK Dementia Congress on 10 November 2014. My reason for doing so was simply because having visited your website to ascertain whether you had published any evidence regarding the statements you had made, I noted your incorrect claim that I had stated 'whistle blowers' at The Old Deanery had not contacted CQC with their concerns. As you know from my last letter, I confirmed whistleblowers had contacted CQC and your statement was a misinterpretation of my remarks. The extract I provided came from the transcript of the speech that I gave at this event – I do not possess a video recording of this speech.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrea Sutcliffe', written over a horizontal line.

**Andrea Sutcliffe**  
**Chief Inspector of Adult Social Care**

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Andrea Sutcliffe  
Chief Inspector of Adult Social Care  
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Citygate  
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15<sup>th</sup> August 2017

Dear Ms Sutcliffe,

In response to your letter of August 11<sup>th</sup> 2017:

Firstly you restate that you asked for full details of the 47 whistle-blowers, then go on to state that you did not ask me to disclose the whistle-blowers' names.

**I emphasise again that you are already aware of the whistle-blowers' names and the providers involved, because the whistle-blowers reported concerns to CQC in the first place, so apart from the full information given to you by them, kindly inform me precisely what information you are requesting from me?**

**In case this has not occurred to you I would never disclose either a whistle-blower's identity or any information which could identify them, so specify what information you are asking for.**

Regarding the transcript from your speech at Brighton, this selective transcript excerpt makes **no mention of the fact that the Old Deanery whistle-blower, Karis Le-Winton attended the event and challenged your comments at the time from the floor.** You did not respond to Ms Le-Winton on 10<sup>th</sup> November 2014, so why are you now three years later?

You state that your last letter confirmed that whistle-blowers from the Old Deanery had contacted you and that a subsequent inspection report was published in response to these

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concerns and state these concerns to be about moving staff around to conceal staffing levels.

However whilst this was included in the issues reported it was only one of many concerns reported to you, the details of which were **never** included in your report. **This is a pattern of CQC behaviour all too familiar to me and was highlighted in the recent Times article by Andrew Norfolk on the alleged rape cover-up.**

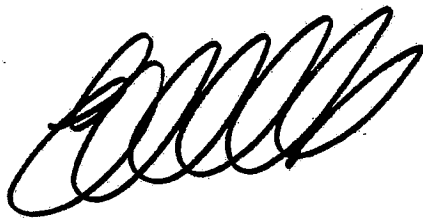
You assure me that your concern for whistle-blowers' confidentiality is of utmost importance, and yet your own internal emails paint a very different picture in relation to my confidentiality in respect of my former employer. I would remind you that on-going detriment to a whistle-blower from a former employer is recognised in law and that my open letter of 21st April 2017<sup>1</sup> (containing email correspondence including yourself) is one of a number to which the CQC Board has failed to respond.

It appears to me that you only want to respond to whistle-blowers when you fear your own reputation is in jeopardy. I need to point out that it is already damaged beyond repair.

I look forward to hearing from you,

Yours sincerely

Eileen Chubb



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<sup>1</sup><http://compassionincare.com/node/299>



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29<sup>th</sup> August 2017

Dear Ms Chubb,

Thank you for your letter dated 15 August 2017.

As you know I wrote to you on 14 July and 11 August 2017 to say CQC does not recognise the serious allegation (that CQC provided the names of 47 whistle blowers to their employers) you have made against us nor have we have found any evidence to substantiate your claim.

I have been very clear about what I have requested from you and why. I am disappointed that despite this, you have not provided any evidence, which would enable CQC to look into your claim accordingly.

I note your further comments but feel I have nothing further to add to these letters. However, I remain open and committed to engage in a more constructive dialogue, if you change your mind.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Sutcliffe'.

**Andrea Sutcliffe**  
Chief Inspector of Adult Social Care