

# COMPASSION IN CARE

Reg. Charity No. 1102282  
Founder and CEO Eileen Chubb  
Patrons  
Roger Graef OBE  
Erin Pizzey  
Auriol Walters

19A TRANSMERE ROAD  
PETTS WOOD  
ORPINGTON  
KENT  
BR5 1DT  
[www.compassionincare.com](http://www.compassionincare.com)  
[info@compassionincare.com](mailto:info@compassionincare.com)

🐦 @compassnincare

7<sup>th</sup> January 2019

Your Ref COMTO-1156697

Dear Ms Hermanstein,

In Response to your letter dated 20<sup>th</sup> December 2018 received on December 24<sup>th</sup>, I address the points you raise as follows,

I ask you to note that my correspondence on these issues was first raised in March 2016 and despite numerous attempts to get these issues addressed or even correctly acknowledged no action has been taken.

The issues you list in your above letter are also incorrect and ask that you correct all the following.

**One.** Regarding Robert Francis QC, I firstly submitted evidence as a charity who supports whistle-blowers to this review, this evidence from our help-line was of course anonymised because we respect confidentiality and this evidence is **not** the concern.

**The concern** I have raised relates to the evidence I submitted as an individual whistle-blower, in confidence to Robert Francis as an individual in relation to my former employer, BUPA and the individual Des Kelly OBE who represented BUPA at the time.

In first raising this concern with the Health Department I submitted emails obtained via subject access that prove beyond doubt that the following events occurred,

**Breach A** Robert Francis QC informed David Behan of the CQC that I had submitted evidence on **my case**.

**Breach B** David Behan then informed Andrea Sutcliffe

**Breach C** Andrea Sutcliffe then informed Des Kelly as the unlawfully redacted part of the email clearly infers by the words remaining that a conversation with Kelly has taken place. There is also the concern that Andrea Sutcliffe has repeated the slanderous version of events given by Mr Kelly.

This slander is clearly deliberate and malicious given that the case they refer to in these emails. The BUPA 7 was investigated and fully upheld by the former prescribed regulator under PIDA and that both David Behan and Andrea Sutcliffe were both fully aware of this as the inquiry report was in their possession. The Health Department also have this evidence.

The same inquiry report was made available to Robert Francis QC, who at no time has contacted us or responded to my concerns.

What must be considered is,

All unlawfully redacted information will be legally challenged (Separate Issue)

**However** consider how your current actions will look when this matter is upheld by law.

I blew the whistle on the widespread abuse and torture of vulnerable elderly people, and despite this abuse being investigated and fully upheld by the lawfully proscribed regulator, the subsequent events I have raised concerns about can still take place.

If Robert Francis QC had questions to ask about the evidence submitted, then should he reasonably be expected to ask me those questions?

What possible cause did Robert Francis have for contacting the CQC about information given to him in confidence? **(Please note the time frame I refer to was whilst Robert Francis was conducting his inquiry and long before he joined the board of CQC)**

If the only inquiry into Whistle-blowing cannot respect confidentiality, then that is a fundamental breach that cannot be excused.

Re item 3, Andrea Sutcliffe and David Behan's actions warrant accountability not honours.

The available evidence dictates my reasonable expectation of a full statement of apology in the house, by the Secretary of State acknowledging that these individuals committed slander and breached confidentiality.

Whistle-blowers can suffer ongoing detriment years after whistle-blowing and I consider slander and breach of confidence to be such detriments. These breaches have occurred in the process of an inquiry instigated by the Health Department and paid for by public funds.

This apology must firstly be to all those who suffered abuse in Isard House and their families,

Secondly to the whistle-blowers branded liars for 19 years and slandered by BUPA, Des Kelly and Behan and Sutcliffe,

Thirdly to the public that all whistle-blowers speak out to protect, the same public whose money has funded the Francis review and set up the CQC.

Andrea Sutcliffe and David Behan both took part in a video paying public tribute to Des Kelly subsequently. The regulator whistle-blowers and the public are expected to trust, have paid public tribute to an individual directly involved in covering up abuse and in the ongoing detriment to whistle-blowers whom they knew were telling the truth.

Finally, on this one point, I urge your Department to finally acknowledge these facts now before Subject Access information from many other sources becomes public showing that BUPA and Des Kelly always knew the BUPA 7 were telling the truth, this evidence includes over 200 incidents of reported abuse from witnesses who came forward **after** the BUPA 7 blew the whistle and much more damning evidence.

Point two. You say I object to not being listed in the review report. This is not correct either. Compassion in Care submitted anonymised evidence from thousands of whistle-blowers, we may well have been mentioned in the report, but it is quite clear our evidence contradicted the Francis inquiry conclusions, Conclusions time has proven our evidence and our stance to be fully vindicated by the total impotence of FTSU. However, this needs no investigation as it is fact.

Point three. This is also fact as we have a letter from the cabinet office confirming the nominations to honour Sutcliffe and Behan originated from the Department of Health, you need only formally acknowledge this or deny the cabinet office information.

Point four. My report CQC An On-going Concern" The evidence I submitted in relation to this is clear from the internal emails. The homes involved are also clear and listed by home and postcode in my report. This report was sent to the Minister for Social Care and I have never been contacted regarding this issue despite the content of these internal emails between the Health Department and the CQC. These homes include national companies, it is not just a matter of one home transferring to a relative as you infer. The homes you mention in your letter relate to a completely different report and I feel this is an attempt to trivialise and confuse the scale of this deliberately misleading practice by the CQC which continues to date.

**(Please Note this subject access evidence was provided by the CQC and not your Department and this unlawful withholding of evidence is with our legal advisors and is therefore a separate issue)**

Point Five. I correct you on this issue. It is not the quality of the responses which I complain about it is the fact that none of my correspondence has been responded to appropriately.

I ask that you list all my letters by date and your reply's, most of all I ask that you read them all carefully as **all** the issues need to be investigated and acted on.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'Eileen Chubb', written in a cursive style.

Eileen Chubb

National Director Compassion in Care and the Whistler  
Bupa 7 Whistle-blower

Cc A Addison



Department  
of Health &  
Social Care

39 Victoria Street  
London  
SW1H 0EU

Tel: 020 7210 4850

Our ref: COMTO-1156697

Ms Eileen Chubb  
Compassion in Care  
19A Tranmere Road  
Orpington BR5 1DT

20 December 2018

Dear Ms Chubb

I am writing with reference to the letter of 9 November that you sent to the Department about the way in which your previous correspondence has been handled. As you requested in that letter, the point you raise will be dealt with as an official complaint. I am the Department's complaints manager and as such am responsible for this matter. I apologise for the delay in acknowledging your letter.

I understand that you spoke to my colleague Alan Addison on Monday 17 December in order to clarify the exact points that you wish me to address and for the avoidance of doubt I have listed those below. If you feel that this is not a true reflection of your conversation with Mr Addison or if you think that anything has been omitted please let me know.

1. You object to the fact that Robert Francis QC mentioned your name and the name of your organisation in an email sent to senior management at the Care Quality Commission. You feel that this breaches the rules and regulations set out in the terms of reference of the Freedom to Speak Up review (FTSU) and you feel that this is a breach of trust. You sent Mr Addison a file - *FTSU Confidence 15 aug 2014 screenshot (002)* in relation to those concerns.

2. You also object to the fact that Compassion in Care was not listed in Annex C (page 213) as one of the organisations that contributed evidence to the FTSU review, listed on the FTSU website here - [http://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU\\_web.pdf](http://freedomtospeakup.org.uk/wp-content/uploads/2014/07/F2SU_web.pdf).

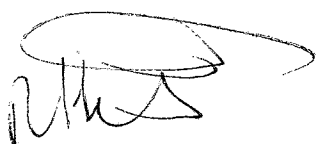
3. You also object to the fact that Robert Francis QC and several members of senior management at CQC received State Honours after the points listed in 1 and 2 above. You have been told that the nominations for these honours originated from the Department of Health and Social Care.

4. You have obtained a series of emails exchanged between the Department of Health and Social Care and the CQC that show that both organisations were aware of the report that Compassion in Care produced in 2015 called "CQC – an ongoing concern". You complain that these emails clearly illustrate that both the CQC and the Department were aware of your report but did nothing to contact you directly in order to address and resolve the issues that you highlighted in that report. These issues are that the management of a considerable number of care homes have changed their registration details (by changing the name of the owner from husband to wife or parent to child etc, or by renaming the. You mentioned two such homes in your conversation with Mr Addison, Morris Care Centre and Overton House. You told him that you think this situation is a nationwide problem and that there may be in the region of 7,000 such homes.

5. You complain about the quality of the formal written responses that you have received from the Department over the past two years. You specifically complain about the letters you received dated 18 December 2017, (DHSC reference PO-1099064) and 24 July 2018, (DHSC reference PO-1113878), complaining that there was a 7 month gap between the two and that the line 'unhappy with the previous response' was not appropriate, as that letter was an acknowledgement rather than a reply.

I will address each of these points in turn in my full response, which I will send you as soon as possible. In the meantime, if you have any further concerns or points that you would like me to address you can write to me at the address above or by using the contact form on the Department's website. You can also contact Mr Addison directly if you would prefer.

Yours sincerely,



Rosalind Hermanstein

Complaints Manager  
Ministerial Correspondence and Public Enquiries