

Summary of independent review

August 2019

Background

In September 2018, some GP practices in the NHS Waltham Forest Clinical Commissioning Group (WFCCG) began to receive anonymous letters containing allegations of wrongdoing concerning finances, conflict of interest and personal conduct relating to the CCG's Governing Body and some of its executive team at that time.

In October 2018, when a GP forwarded the anonymous letters to the CCG, the new Managing Director Selina Douglas commissioned an independent review into the claims.

An independent organisation – Nina Murphy Associates – carried out a focused review based on interviews with key people who were present at the time of the allegations. As the allegations were made anonymously, and no-one came forward to substantiate or support them or to make an official complaint to WFCCG, the review was unable to include interviews with the originator/s.

This document summarises the outcome of the review, the key findings and the CCG's response to them.

Outcome

The final report of the independent review was received by WFCCG in July 2019 and showed the allegations were unsubstantiated and, in many cases, uninformed.

As the allegations were unsubstantiated, and the people making the allegations were anonymous, it has been decided not to put the names of individuals in the public domain. The review did find some areas for consideration and improvement by WFCCG and made a number of recommendations that are set out below.

Key findings

From the interviews with key people who worked at the CCG at the time of the allegations and consideration of Governing Body papers and other key governance documentation, the review identified the following findings and made a number of recommendations. WFCCG has carefully considered these, and its response is set out in *italics*.

There was no misuse of funds

There was no evidence to support an anonymous allegation of misuse of funds, and the allegation that WF CCG was “£6,500,000 million in debt” (sic) was false. The audited accounts for the year 2017/18 show that the CCG delivered an in-year surplus of £0.8 million.

It is clear that this allegation was uninformed.

Good governance was followed on procurement for community services

The review found that the CCG's procurement process for community services in 2015 followed the established framework, and was carried out in line with the legal guidelines of a contract of this size.

The review also highlighted an incidental issue about whether some of the providers involved in the procurement shared a particular consultant to help write their bids. It acknowledged that this is not the accountability of the CCGs although would benefit from clarification.

The arrangements that providers make to develop their bids does not fall under the jurisdiction of the CCG and the procurement was carried out within governance guidelines.

A long-standing member of CCG staff did behave properly

Criticisms of a contractor who was then employed by the CCG were shown to be false, and there was no evidence that they had behaved improperly in any way. The review found there was room for improvement in the way the appointment was made by the senior manager.

NHS regulations on using and employing freelancers have changed considerably since that time, and the CCG has implemented the updated governance regulations on this alongside the rest of the NHS.

A previous senior manager was not subsequently paid as a consultant by the CCG

The allegation that a senior CCG manager had been paid as a consultant by the CCG was shown to be untrue.

It is clear that this allegation was uninformed.

There was some unacceptable behaviour at Governing Body level

The review found that the CCG did not have in place consistent messaging setting expectations around acceptable behaviour at meetings.

There is a new executive team and Governing Body at the CCG, and a culture of respectful behaviour is positively encouraged. The CCG takes any complaint about bullying or harassment very seriously, and would respond appropriately to any complaint that was made in line with the published policy.

Conflict of interests were managed appropriately, but better communications would have supported trust

The review found that conflict of interest policies and procedures were in place and met all the current NHS England requirements. It was also recognised that there are inherent conflicts of interest apparent as a part of all CCGs' structures. It found that the system to raise issues of concern or disagreements for the CCG membership appeared to be unclear, and could lead to mistrust, and the CCG should better communicate its relevant policies and procedures.

As part of the new executive team and Governing Body arrangements, all relevant policies and procedures are being refreshed and communicated. The new members of the Governing Body and executive team support a culture of openness, transparency and accountability, in which any real or perceived conflicts of interest are discussed and managed appropriately.

Recommendations

One: The report of the review should be shared with the Governing Body and recorded to ensure corporate memory.

The CCG's Governing Body discussed the initial report findings at its meeting in March 2019, and will consider the report further at the next CCG Governing Body meeting.

Two: Although it is not the responsibility of the CCG to consider the actions of individuals who were involved in the production of bids for third party organisations, the specific issues in this case should be considered – though not because they demonstrate any lack of probity.

The CCG is satisfied that the procurement in question was managed appropriately, and encourages providers to meet the highest standards of governance when developing bids.

Three: Related party transactions should be reported in more detail in the annual accounts.

The CCG will take this recommendation into account, and report all related party transactions clearly in the annual accounts.

Four: The Governing Body must review the system of engagement with grassroots membership and this should include a clear two-way communication strategy and process.

As part of the development of the new Governing Body and executive team a communications strategy, including regular meetings with GP members, is being implemented.

Five: The Governing Body should consider how it shares performance management and contracting information with its membership to develop a more sophisticated understanding of the role and remit of the CCG.

A main focus of the communications strategy will be to develop better two-way understanding of local issues, so greater transparency can be achieved.

Six: The Governing Body must review how conflicts of interest are not only managed but how they are perceived beyond the boardroom and executive – to develop shared approaches which receive general acceptance across the organisation.

As local GPs are involved in decision making as part of the governing bodies of all CCGs, the review recognised that an in-built conflict of interest is inherent in CCG structures. This, of course, has to be managed very carefully by the executive team and Governing Body. The review recognises that the Governing Body has in place all the required checks and balances around conflict of interest. However, the CCG has learned from this process that even when conflicts of interest are managed appropriately, as they have been and continue to be, the perception can sometimes be negative and it is therefore important to communicate very clearly with GP members regarding conflicts of interest.

Seven: The issues raised by an individual member of staff in relation to bullying and harassment should be revisited with them if they wish to pursue further investigation.

As this time, no-one has come forward to make a complaint. The CCG takes any allegations of bullying or harassment very seriously, and has a formal process in place to manage these. There is a NEL wide programme on tackling bullying and harassment, with training for all staff and governing body members in place.

Eight: The resources for and the role of the CCG's Freedom to Speak up Guardian should be considered to ensure that they are seen as independent of the Governing Body.

The CCG's Freedom to Speak up Guardian is the chair of its Audit Committee, who is a lay member with a responsibility for scrutiny and independent challenge. This is someone staff can confidentially speak to if they have questions about a public interest concern, or have concerns that it's not being taken seriously or dealt with effectively by their manager or other appropriate person. The Freedom to Speak up Guardian for Waltham Forest CCG is Vineeta Manchanda and her email address is vineeta.manchanda1@nhs.net

There are a number of other ways people can raise concerns including:

- *through the whistleblowing policy*
- *through the CCG's Lay Member for Public and Patient Engagement, Caroline White carolinew_health@hotmail.com*
- *via a trade union*
- *the NHS Counter Fraud Authority – a special health authority charged with identifying, investigating and preventing fraud and other economic crime within the NHS and the wider health group. It is independent from other NHS bodies and directly accountable to the Department of Health and Social Care. <https://cfa.nhs.uk/reportfraud>*

Nine: The findings of this review should be shared with the group undertaking the review of the CCG's constitution.

The review's initial findings were taken into account in the development of the CCG's new constitution which was published in May 2019, and is available on the CCG's website.

Ten: The CCG should develop a version of this report which can be placed in the public domain.

This summary is being shared with all GP members and placed on the WFCCG website.

Progress and next steps

A number of Governing Body members had reached their maximum term in early 2019, and so new members were elected and appointed. At the same time, the three CCGs of Waltham Forest, Newham and Tower Hamlets are starting to come together under a new joint executive team.

This means that as of early 2019 a new constitution, new Governing Body and a new executive team have been put in place, with an agenda of positive, transparent and collaborative working with the CCG's members, partners and staff.

As part of this, an overarching review of communications is under way, including a programme of engagement with GPs in the newly established primary care networks to improve two-way communication between the GPs and Governing Body members. Regular meetings with all GP members began in 2018. From September 2019, one day a week is being reserved for GP learning and engagement. Three out of four meetings in the month will be primarily professional learning events and once a month the meeting will be reserved as a communication session to raise and discuss key issues, initiatives or concerns and support GPs in the development of the networks.

Accountable Officer Jane Milligan and Managing Director Selina Douglas have made it very clear that a key priority is to create an open and transparent culture where people feel they can raise issues and give feedback without feeling they need to do so anonymously.