



# **ibex gale**

governance | assurance

**Investigative, Governance  
and Regulatory Expertise  
you can trust**





# We provide specialist investigative, governance & regulatory expertise

## Governance & Assurance

We conduct Health & Social Care investigations and independent reviews and support organisations to achieve 'good clinical governance'. We take a forensic approach to our investigations and independent review work and deliver robust evidence-based findings and actionable recommendations. We identify regulatory risks, compliance gaps and governance shortfalls and work in partnership with health and social care organisations to deliver sustainable change.

We work with organisations in pursuit of excellence and those which find themselves in challenging circumstances.

## Why use ibex gale

Our Governance & Assurance team is made up of former healthcare lawyers who have over 35 years' experience advising the health and social care sector.

ibex gale is an approved NHS framework provider and has gained a wealth of experience and an enviable reputation for delivering high quality and insightful health and social care investigations and independent reviews in both the public and private sector.

Our clients value our deep understanding of the health and social care sector, the regulatory landscape and innovative approach.

Our clients benefit from our ability to gather best practice and insights from a variety of backgrounds and draw on the specialist culture, people management and conflict resolution expertise within ibex gale.

“

*The investigation report received was excellent, it was well-constructed, accurate and provided much needed clarity in a difficult case*

”

**Professor Alex O'Neill-Kerr, Northamptonshire Healthcare NHS Foundation Trust**

## Health & Social Care Investigations and Reviews

Our legally qualified and highly experienced healthcare regulatory specialists undertake the following types of independent investigations and reviews for public and private health and social care sector organisations:

- Complex Complaints
- Whistleblowing/Freedom to Speak Up
- Patient Safety Incidents
- Maintaining High Professional Standards in the Modern NHS (MHPS/UPSW)
- Fit and Proper Persons Investigations
- Information Governance
- Governance Reviews
- Patient Safety Culture Reviews
- CQC Well-led Support
- Health and Social Care Due Diligence

At the outset of an investigation, we provide support with drafting clear and concise Terms of Reference which set out the parameters for conducting robust and forensic investigations, and delivering comprehensive reports with evidence-based findings and actionable recommendations. At all times we ensure compliance with any relevant regulatory frameworks.

We understand the regulatory landscape in which Health and Social Care organisations operate and have significant experience of assisting clients to navigate CQC, GMC, GDC and NMC regulations, the Coronial system, and respond to patient safety and service failure concerns.

### Complex Complaints

We assist organisations to thoroughly investigate and respond to complex complaints received from patients or service users covering a wide range of issues from concerns about an individual's care and treatment, the conduct and/or capability of healthcare professionals, through to alleged service failures.

Where relevant, we work in accordance with the NHS Complaints Standards, and liaise directly with patients and their families, with commissioners and the Parliamentary Health Service Ombudsman.

### Whistleblowing/Freedom to Speak Up

A well-executed and independent investigation in response to a whistle-blower disclosure can identify patient safety and service failure concerns, assist organisations to take swift action to address systemic deficiencies or concerns regarding a healthcare professional's conduct and or capability, and supports an open and transparent culture where individuals feel empowered and able to raise concerns.



## Patient Safety Incidents

A 'Patient Safety' incident is 'any unintended or unexpected incident which could have, or did, lead to harm for one or more patients receiving healthcare' (NHS England).

The core purpose of a Patient Safety Incident Investigation is to learn from mistakes and to take action to keep patients safe.

A Patient Safety Incident Investigation led by an external and independent investigator can provide valuable oversight and assessment of how an organisation's practices and systems may have contributed to a Patient Safety Incident and what improvement actions can be taken to ensure high quality and safe patient care.

## Maintaining High Professional Standards in the Modern NHS (MHPS/UPSW)

MHPS and UPSW are national frameworks which govern the approach and management of conduct and capability concerns about doctors and dentists in the NHS. The outcomes from a MHPS/UPSW investigation are wide-ranging and can include disciplinary action being taken by the Trust/Health Board and referrals being made to a practitioner's regulator.

We are experienced and independent MHPS/UPSW case investigators, who undertake complex and challenging investigations, which often involve senior and Board level members of staff in England and Wales.

## Fit and Proper Persons Investigations

When concerns are raised about a director (or individuals performing functions equivalent to the functions of a board director) in a health or social care organisation, a provider must carry out a thorough investigation to enable it to reach a decision as to whether the director or equivalent continues to meet the CQC's Fit and Proper Person requirements/NHS England's Fit and Proper Person Test (FPPT) Framework for board members.

We work in partnership with organisations to carry out external, objective and independent FPPT investigations, often into complex and high-profile concerns such as allegations of serious misconduct or mismanagement in delivering CQC regulated activity. We also support organisations to rectify and address any compliance issues which may have been identified regarding FPPT processes and procedures.

## Information Governance

We assist organisations to investigate and respond to data breaches. We help clients to navigate reporting requirements, communication with the Information Commissioner's Office, and if necessary, the data subject(s) concerned.

We work closely with organisations to produce thematic reviews in order to identify trends and areas of risk. This data is then used to produce recommendations to ensure compliance with UK data protection legislation and associated guidance.

## Governance Reviews

We work with organisations supporting the establishment and development of good clinical governance across the wider organisation to ensure visibility from 'Ward to Board'. Our methodology for data gathering includes interviews, document review and analysis, listening groups and surveys.

Our reviews include consideration of Board awareness of quality and safety issues, effectiveness of quality and safety committees and sub-groups, effectiveness of quality and safety reporting structures within the organisation and compliance with the regulatory framework and internal procedures and processes.

We will work closely with you to in relation to the outcomes of the review and support the implementation of any recommendations.

## Patient Safety Culture Reviews

NHS England define a positive safety culture as one where the environment is collaboratively crafted, created, and nurtured so that everybody (individual staff, teams, patients, service users, families, and carers) can flourish to ensure brilliant, safe care by:

- Continuous learning and improvement of safety risks
- Supportive, psychologically safe teamwork
- Enabling and empowering speaking up by all

A review of the patient safety culture within your organisation will provide an in-depth assessment of all of these areas.

The review will be tailored to your specific organisational needs and can focus on areas such as staff confidence in raising patient safety concerns, a temperature check on the use of the Trust's Freedom to Speak Up Guardian, and an objective assessment of the level of psychological safety within a particular team or department. The review would also examine relevant data to explore whether a learning culture (from incidents, complaints and claims) exists, and whether robust governance systems are in place to embed this learning.

Our governance and assurance experts will also identify any regulatory risks, compliance gaps, and governance shortfalls from the review findings, and help craft solutions to deliver Board assurance.

## CQC Well-led Support

Whether a health or social care organisation is 'Well-led' is now the key focus of CQC inspections as it's generally accepted that if an organisation has the right leadership and culture in place, good outcomes in the other domains i.e. Safe, Effective, Responsive and Caring, are likely to follow. The CQC define 'Well-led' as 'By well-led, we mean that the leadership, management and governance of the organisation assures the delivery of high quality, person-centred care, supports learning and innovation, and promotes an open and fair culture.'

Demonstrating to the CQC that your organisation is 'Well-led' will increase the CQC's confidence in you as a provider (and thereby reduce the frequency of the CQC's scrutiny) and is the route to obtaining 'Good' and 'Outstanding' inspection ratings. The key to maximising an organisation's chances of obtaining a positive rating in the 'Well-led' domain is to ensure that relevant team members who are likely to be interviewed by the CQC are thoroughly prepared and knowledgeable regarding the issues facing the organisation.

We can assist with this by:

- Delivering Board/Senior Management level training on 'Well-led' including what to expect at a CQC inspection and key areas of concern/focus for the CQC.
- Mock 'Well-led' interviews with senior individuals who are likely to be interviewed by the CQC.
- 'Well-led' compliance/gap analysis report based upon the outcomes of the 'Well-led' interviews, with reference to the CQC's 'Well-led' assessment framework.

## Health and Social Care Due Diligence

We have significant experience in undertaking and project managing comprehensive regulatory due diligence exercises on mergers, acquisitions and sales of health and social care businesses, and producing regulatory due diligence reports highlighting key areas of health or social care regulatory risk for UK and international clients.

We can offer a stand-alone regulatory due diligence service or work alongside your corporate legal team to input our specific health and social care regulatory expertise into the wider due diligence exercise. We can also support UK and overseas public and private health and social care organisations, on the regulatory implications of acquiring or selling health or social care businesses in the UK.



## Overview

ibex gale conducted a complex fact-finding investigation for an NHS Trust to firstly identify in Stage 1 of the investigation: what, if any, concerns were raised by staff about a dismissed high-profile Consultant's clinical competence and capability, over a 10 year period.

In Stage 2 of the investigation, we collated the responses of former and current staff members to the concerns identified in Stage 1 and carried out detailed analysis and assessment as to if the actions taken, in response to the concerns, were in line with the Trust's Whistleblowing and Disciplinary and Management of Performance policies at the time.

## Scale

This was a complex, two stage, fact-finding investigation carried out over 12 months which involved collating and reviewing information and documents over a 10-year period, carrying out interviews with the Group Chief Executive, Chief Medical Officer, Associate Director - Patient Relations & Experience, Divisional Directors, Legal Service Manager and 10 staff members.

We worked closely and in partnership with the Group Chief Assurance Officer throughout the investigation, and actively reviewed and discussed the scope and scale of the investigation throughout. We reacted to information which came to light during the investigation and included in the scope, an assessment and review of potential missed opportunities to take action in response to patient complaints regarding the high-profile Consultant's clinical competency and capability.

## Outcome

On conclusion of Stage 1 of the fact-finding investigation, we recommended the Trust undertake Stage 2 to obtain the current and former staff members' responses to the concerns identified in Stage 1 as having been raised to them by staff, regarding the high-profile Consultant's clinical competency and capability.

Commendably, the Trust undertook Stage 2 of the investigation which concluded that several current and former staff members did not take the necessary action required on receipt of the concerns raised by staff and failed to comply with the Trust's Whistleblowing and Disciplinary and Management of Performance policies at the time. The historic review of patient complaints and data also identified missed opportunities to take action in response to patient complaints.

We worked in partnership with the Trust to collate Individual Summary Reports to provide to current and former staff involved, to inform them of the findings which had been made regarding their actions taken and to ensure learning from the failures identified.

## We support the creation of workplace cultures where people can thrive

We differentiate ourselves with a commitment to delivering services of the highest standard that combine professional rigour with a people-centric approach of compassion and empathy.

ibex gale supports organisations across 3 key areas:

- **Governance & Assurance**
- **Investigations & Employee Relations**
- **Culture & Change**

## Our people

Our highly experienced team include former employment and regulatory lawyers, people management professionals, culture and change specialists, psychologists, accredited mediators, and former barristers and police detectives. Many have professional qualifications and memberships such as CIPD, ILM and ABI.

## Our value commitments

### We combine professional rigour with a people-centric approach:

- We work with empathy and compassion and put the wellbeing of people and teams at the heart of everything we do.
- We are relentless in our pursuit of excellence, delivering to the highest standards of quality and professionalism and continually looking for ways to improve how we do what we do.

We have an unwavering focus on quality and hold **ISO 9001:2015**, the internationally recognised standard for quality management systems. To ensure we comply with industry best practice, we are members of the Association of British Investigators, and are one of the few investigation providers accredited to the code of practice for investigatory services - the **British Standard 102000:2018**.





## THE GOVERNANCE & ASSURANCE TEAM

### Sarah Dobson

Sarah leads our governance and assurance division, supporting health and social care organisations with high profile, complex, investigations and independent reviews.

Before joining ibex gale, Sarah qualified as a regulatory lawyer at Bevan Brittan, and then spent 12 years at DAC Beachcroft supporting health and social care organisations with inquests, serious patient safety incident investigations, complex complaints and information governance. She is also a CQC regulation expert and advises Boards on governance and assurance, and how to prepare for CQC 'well-led' inspections.

### Kimberley Fradley

Kimberley undertakes complex Health & Social Care investigations in our governance and assurance division, including Whistleblowing/ Freedom to Speak Up and MHPS/UPSW investigations that often involve senior and Board level members of staff.

Before joining ibex gale, Kimberley spent over 10 years as a healthcare regulatory solicitor specialising in supporting health and social care organisations in the public and private sector.

### Siwan Griffiths

Siwan is a former health and care regulatory Partner, having worked at Bevan Brittan and Capsticks. She has advised public and private sector clients on CQC, CIW, and Ofsted regulation, enforcement actions, and appeals.

Siwan has supported senior leaders in preparing for CQC inspections, particularly around the "Well-Led" domain and governance, and has delivered regulatory due diligence for M&A activity. She also has significant experience in patient safety and complaint investigations, including work for the Department of Health, and has led fitness to practise investigations for regulators such as the NMC.

## Get in touch

If you would like to have a confidential discussion about how we can support your organisation please contact us.



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