

## PUBLISHED INFORMATION REQUEST

Reference: 7808  
Description: Personal Data - KM

---

### Response

1. *Is the consultant Mr Kavinder Madhra currently employed by UHMBT?*

**Mr Madhra is not currently employed by UHMBT. Earlier this year Mr Madhra took the decision to leave his employment with the Trust and the Trust supported that decision.**

2. *If so, what are the terms of his current employment – is he fully active a member of surgical staff?*

**N/A**

3. *If not, when did his employment cease and for what reason was employment terminated?*

**We can confirm that Mr Madhra left the Trust on Friday 28 September 2018.**

4. Did Mr Madhra receive any financial payment or severance additional to his annual salary upon the termination of his contract?
5. Was Mr Madhra at any point during his employment at UHMBT suspended or put on to reduced duties? If so please provide details of when and why.
6. Has the consultant Mr Kavinder Madhra been the subject of any complaints from staff or patients in the past 10 years?
7. If so, please provide details of nature of complaint and whether it was investigated?
8. Has an investigation into Mr Kavinder's fitness to practise ever been carried out while he was a member of trust staff, either by the trust or an external watchdog/independent investigator?
9. Please provide details of the investigation, reasons for and outcome.

Trust Headquarters:  
Westmorland General Hospital  
Burton Road  
Kendal  
LA9 7RG  
Tel: 01539 716621

CHAIR: IAN JOHNSON  
CHIEF EXECUTIVE: AARON CUMMINS

**In response to Questions 4 – 9, information regarding any suspension, complaints or investigation into the individual's practise is personal data, the disclosure of which is exempt under Section 40(2) of the Act, which is an absolute exemption, not requiring consideration of the public interest test.**

**However, in order comply with Section 16 of the Act, and to provide advice and assistance, I have attached a copies of the Statement that was released to the Mail.**

[Type text]

# PRESS STATEMENT

**Date of release:** 16 NOVEMBER 2018  
**Approved by:** DR DAVID WALKER, MEDICAL DIRECTOR  
**Issued by:** SIMON RIGG, [simon.rigg@mbht.nhs.uk](mailto:simon.rigg@mbht.nhs.uk)  
**Reference:** 11/18/191

---

## STATEMENT FOR THE MAIL RE PD ALLEGATIONS

*Re: allegation of mistakes being covered up and patients not informed and staff protected.*

Dr David Walker said: “The safety of our patients is absolutely our primary concern. We do not, and will not, protect our staff at the expense of patient safety.

“If there is a problem which affects patient safety, our practice is to speak to the patient and/or their family and explain what the situation is. We would issue a letter explaining this, known as a Duty of Candour letter.

*Re: allegation that lessons are not being learned:*

Dr David Walker said: “We strongly encourage staff to come forward if they consider that patients are in any way at risk, and we investigate and learn from any mistakes that we make. We have worked very hard to develop and encourage a culture where raising incidents is part of our usual learning and development cycle. This is about building a learning culture rather than a blame culture, where our staff are enabled to come forward to share any incidents that affect patient care or staff and learn and develop solutions together. This is really important to the Trust – borne out by the fact that we were one of the first Trusts to employ a Freedom to Speak Up Guardian. If a member of staff has concerns regarding patient safety and they don't feel able to raise it with their line manager, they can come to our Freedom to Speak Up Guardian who will advise them of what to do.

“The incidents Peter Duffy refers to took place three or four years ago. We have spoken to Mr Duffy and we can identify the majority – but not all – of the incidents he refers to. Where we have identified them, we can confirm that they were fully investigated at the time. However we are concerned that some of the detail he has included may lead to patients being identified – which we do not have their consent to do – and therefore will not talk publicly about them. The Trust apologises if any of the coverage of the incidents raised by Mr Duffy has led to patients being identified.

*Re: allegation of lack of transparency and the circumstances of Mr Madhra leaving the Trust*

Dr David Walker said: “With regards to Mr Madhra, any concerns raised about his practice were thoroughly investigated by the Trust. Earlier this year Mr Madhra took the decision to leave his employment with the Trust and the Trust supported that

decision. I can confirm that he did not receive any ex-gratia payment and was only paid his contractual entitlements. As with any other member of staff, the Trust was legally obliged to honour his contractual entitlements.

*Re: allegation of a lack of sufficient action taken regarding the two other doctors*  
Dr David Walker said: “The two other doctors referred to by Mr Duffy (Mr Jain and Mr Naseem) continue to work for the Trust. They remain valued and committed members of the Trust.

Mr Jain and Mr Naseem continue to provide quality patient care, supporting and caring for our patients. The Trust has no concerns about the quality of care they deliver, nor are they operating under any restrictions from the General Medical Council.

*RE: Allegation from patient*

Dr David Walker said “While we haven’t had the opportunity to look into Mrs Buckley’s concerns, I want to send her my condolences and assurance that we would like to meet with her, discuss and investigate them, and would therefore ask her to either contact myself directly, or the Patient Advice and Liaison service on 01539 715577.”

*RE: Comments made by MP*

Dr David Walker said “This was not a gagging order. The Trust did offer Mr Duffy an opportunity to withdraw his claim and we would both each bear our own costs on that basis; the majority of the claim was ultimately dropped by Mr Duffy at the Employment Tribunal. This offer was based on both parties agreeing not to make derogatory comments about the other but included a clear safeguard that any matters of patient safety could still be raised.”

**ENDS**

**Notes to editors:**

1. We support and accept the need for concerns regarding the care of patients to come under the scrutiny of regulators and the press. However following discussions with the Independent Press Standards Organisation we would like to be clear that we will not discuss the details of any patient without their explicit consent. This is a legal obligation placed on all NHS Employees. We would caution, that printing the details of a patient, regardless of whether or not they are named does run a high risk, by the very nature of their condition that they could be identified by others – as has recently occurred with another publication on the same topic. Should a patients or members of the public contact the Trust after publication, as they have recently, we would advise them to refer the matter to Ipso for investigation.
2. In terms of Privacy of patient data All employees working in the NHS are bound by a legal duty of confidence to protect personal information they may come into contact with during the course of their work. This is not just a requirement of their contractual responsibilities but also a requirement within the common law duty of confidence and the Data Protection Act 1998. It is also a requirement within the NHS Care Record Guarantee, produced to

assure patients regarding the use of their information. Should we feel that patient confidentiality and privacy has been breached, we would have to take further appropriate action, to safeguard the expected privacy of patients'

3. For further information, please contact the communications team on 01539 716675 or by email as indicated above.