

MANCHESTER EVENING NEWS

News

WHISTLEBLOWING NURSES LOSE COURT BATTLE FOR PAYOUT

October 26, 2011



FINAL DEFEAT: Anne Woodcock, Felicity Hughes and Jennie Fecitt have had their pay overturned by the top court

Access Legal
from the solicitors

Legal advice... from Access Legal.
Rollover for more detailed information.

Three nurses who claimed persecution after complaining about a colleague will receive no compensation, top judges have ruled.

Jennie Fecitt, Anne Woodcock and Felicity Hughes say they were 'victimised' for questioning a colleague's qualifications at an NHS walk-in centre in Wythenshawe.

The ongoing legal battle ended up at the Court of Appeal, after health bosses challenged a decision in the nurses' favour.

The trio lost a 2009 employment tribunal case in Manchester – but turned around the ruling with an appeal last year.

Now the Court of Appeal has re-instated the original hearing, which found against them.

The panel of top judges has ruled they were not entitled to any payout.

The court heard a 'poisonous' atmosphere developed at the walk-in centre after the three expressed concerns to bosses in 2008 about a male colleague.

The court heard that the male colleague had admitted he had exaggerated his qualifications to colleagues – although not to his employer. He apologised, confirmed he would not do it again and his boss was 'prepared to leave it at that', Lord Justice Elias told the court.

The three nurses were 'not satisfied with this response', but their attempts to take the matter further were met with 'certain dissatisfaction' by some of their colleagues, the court heard.

As the row ground on, workers at the walk-in centre divided into factions, it was said.

The three nurses were subjected to 'certain hostile and unpleasant acts', the court heard. Mrs Fecitt had an anonymous phone call threatening to burn down her house unless she withdrew her complaint.

Management's response was to redeploy Mrs Fecitt and Ms Woodcock. Ms Hughes, a bank nurse, was not given any more shifts at the centre.

But Lord Justice Elias said the obligation on employers not to take action against whistleblowers did not extend to their fellow workers. The nurses' case relied on a 'wholly distorted' interpretation of the law, he said.

Lord Justice Davis expressed 'an amount of sympathy' for the nurses, but agreed that Manchester NHS's appeal should be allowed.

Daphne Romney QC, for the nurses, told the court: "It cannot be over-emphasised that they have done nothing wrong. Any suggestion that they were on a witch hunt is misplaced."