

From Private Eye March 2015

Go Whistle

The case of nurse Helen Rochester shows that when whistleblowers in the care industry speak up their treatment is just as dismal as those who expose problems in the NHS.

Ms Rochester won damages from Medici healthcare, owner of the Manor Gardens care home in Uckfield where she spent three bruising months after reporting poor care and dangerous working practices that put residents at risk. These included rough moving and handling, failing to administer or record prescription drugs properly, poor continence care, and poor and fabricated record keeping.

In one case she entered a room and found a resident dead when care notes made only three minutes earlier reported that the woman had been checked and found asleep. When this impossibility was brought to the attention of the home manager, Fiona White, her response was to alter the care records.

On another occasion Ms Rochester found a new resident in a room who had been left unchecked for hours; no one on duty knew she was there because there was no formal handover between shifts.

A south London employment tribunal found that as a result of whistleblowing, Ms Rochester, 53 and a nurse for 30 years had suffered “detriments” including being identified to fellow workers leading to her being ostracised and bullied. When it later emerged she had been so concerned about the patient who had died that she contacted Sussex police managers of the home complained to her professional body the nursing and midwifery council (NMC). Alleging unprofessional behaviour it said among other things she had made “frequent complaints” about the healthcare delivered by others.

Fortunately the NMC saw through the ruse saying that the nurse was right to raise her concerns “the NMC considers it may be contrary to the public interest to question the fitness to practice of a registrant on the basis that he/she is raising what they consider to be legitimate concerns about patient care”.

The NMC said the credibility of the two main witnesses, Mrs White and her deputy Mala MacIntyre “is compromised because assertions in their witness statements are contradicted by the contemporaneous evidence”.

Although Ms Rochester left the home barely three months after joining it has taken over 18 months to conclude her case. She is perplexed that the tribunal panel decided it was not her repeated whistleblowing about what it agreed were “real issues of patient safety and welfare” that led to her being forced out but a breakdown in trust.

Perhaps she might have been spared the ordeal if the Care Quality Commission had acted more speedily. Ms Rochester complained to the health and social care watchdog immediately after leaving manor gardens in April 2013 but it was nine months before inspectors arrived. When they did they found evidence of all the care and safety concerns Ms Rochester had warned about, including one resident who had an oozing wound with a dressing that had not been changed for four days and another with a tracheotomy that had become blocked.