
Date 1 April 2016
Publication The Brief (The Times)
Type of publication National Press

THE  **BRIEF**

THE  TIMES

STORY OF THE DAY



Lawyers press NHS to ditch 'kangaroo court' disciplinary process

Senior lawyers are campaigning to force the NHS to reform disciplinary procedures that were blamed for driving an award-winning nurse to suicide.

The group, including two QCs and a leading solicitor specialising in whistleblowing cases, claims that health service tribunals are "kangaroo courts". It alleges that Amin Abdullah was put under such intense pressure that he committed suicide by setting himself alight outside Kensington Palace in February.

According to John Hendy, QC, the lawyer who represented Graham Pink, one of the first health service whistleblowers, NHS disciplinary proceedings are "often used as a tool to crush dissent and in particular, whistleblowing, amongst medical staff".

"Senior management who abuse or tolerate its misuse appear to be exempt from it," Hendy said. "The crucial issues of the proper disciplinary procedures for our NHS and the uses to which it is put, merit a full independent judicial inquiry - with a view to creating a model which complies with fair trial requirements."

Abdullah killed himself days before an internal appeal hearing after being sacked by Charing Cross Hospital in west London.

He claimed that he had been dismissed after signing a petition in support of a colleague who was the subject of a complaint by a patient. Abdullah had also written an open letter to senior hospital staff in which he described the patient as a "professional complainer".

Campaigners for an inquiry into the circumstances around the nurse's suicide recently delivered a coffin to the Department of Health with a picture of Abdullah.

The nurse was a former winner of the Hannah Evans Award for Clinical Excellence, an award from the League of Charing Cross Hospital Nurses given each year to recognise excellence in student nurses.

Paul Gilroy, QC, who also specialises in disciplinary cases and whistleblowing in the NHS, said: "A coroner will soon be inquiring into the circumstances which led a dedicated nurse, at the peak of his professional powers, to take his own life in such an appalling manner. Beyond the inquest verdict, it may be necessary for there to be some form of inquiry into those circumstances in order to minimise the risk of such a tragic outcome occurring again".

Arpita Dutt, a partner with the law firm Brahams Dutt Badrick and a whistleblowing case specialist, said Abdullah's case "chimes with so many NHS cases I've handled, especially the vindictive behaviour of NHS managers in the disciplinary process.

"I've seen so many NHS staff suffer significant damage to their mental health just going through the disciplinary system. And Amin's story shows just how real an issue this is - and how dire the consequences can be. Something needs to be done - and urgently. The whole NHS disciplinary process needs a complete overhaul and the worst offenders in management need to be brought to account."

NHS England did not respond to requests for comment.