



**PRESS RELEASE: for immediate release**

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### **Law Fails Mid Staffordshire Inquiry whistleblower**

Amanda Pollard, former CQC inspector, who gave evidence to the Mid Staffordshire Public Inquiry in November 2011 has lost her constructive dismissal Employment Tribunal case. Despite finding that there was a negative and hostile management approach to Ms Pollard, the Employment Tribunal found that her resignation (some 14 months after the Public Inquiry) was not protected by the whistleblowing law, the Public Interest Disclosure Act.

Ms Pollard who won the inaugural Middlesex University Whistleblowing Award, said:

*“This has been a long and difficult process – I do hope that by giving evidence to the Mid Staffs Inquiry I have brought about some change within one of the largest regulators in the UK. There is still a real fear factor about whistleblowing which prevents people from speaking up – especially if this is in order to support those facing litigation. Despite many messages of support from former colleagues, I found it difficult to call them as witnesses. It was also disappointing that the CQC blocked evidence from Kay Sheldon who also appeared before the Mid Staffs Inquiry and suffered as a result.”*

Cathy James, Chief Executive of Public Concern at Work, the whistleblowing charity commented:

*“This case clearly demonstrates how difficult it is to prevail as a whistleblower through the UK courts. Despite finding that there was a lack of leadership at the CQC immediately following Ms Pollard’s evidence to the Public Inquiry and that ‘wholly inappropriate’ messages were sent to all staff by the then Chief Executive and the Chair, the Employment Tribunal did not find in Ms Pollard’s favour. Many people find themselves in a similar situation to Amanda – they wait to see if there will be any positive change and the passage of time can weaken the legal case. This should be changed and in Public Interest Disclosure Act cases, the limitation periods should be extended. The public interest is often lost in the legal wrangling surrounding these types of cases – whistleblowers need more support and are often facing a David and Goliath battle”*

### **Background**

Ms Pollard first raised her concerns about the way in which hospital inspections were being undertaken by the CQC in a number of emails to the then Chief Executive, Cynthia Bower in July 2010 and in March 2011. Ms Pollard wrote to the National Audit Office setting out her concerns. She subsequently gave evidence to the Mid Staffordshire NHS Foundation Trust Public Inquiry highlighting problems with

training, expertise, infection control, methodology and targets for inspections all of which presented a risk to patients. The CQC has since announced that it will be making sure inspectors specialize in particular areas of care and lead teams that include clinical and other experts, and Experts by Experience (those who have experience of care). It has also committed to introducing national teams in NHS hospitals that have specialist expertise to carry out in-depth reviews of hospitals with significant or longstanding problems.

David Prior, the current Chairman of the CQC has publicly stated that the 'generalist form of inspection' undertaken previously by the Respondent meant that they could not undertake proper inspections.<sup>1</sup> It was exactly this point that the Claimant had been making in her correspondence to the Respondent's Chief Executive, to the National Audit Office and to the Inquiry.

**ENDS**

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#### **About Public Concern at Work**

Public Concern at Work (PCaW), the whistleblowing charity, runs a confidential advice line for workers who witness wrongdoing or malpractice in the work place. Since being established in 1993, the charity has advised 16, 500 whistleblowers to date. PCaW also works with organisations and campaigns on public policy to encourage workplace whistleblowing. For further information, please visit [www.pcaw.org.uk](http://www.pcaw.org.uk)

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<sup>1</sup> Daily Telegraph 19 June 2013.