

For the Record – Press Statements

Publication	Stourbridge News
Date of article	Monday 29 th December 2014
Reporter	Bev Holder
Headline	Dudley hospital whistle-blower settles out of court
First paragraph/s of article	A FORMER Dudley hospital security manager who claimed he lost his job after making whistle-blowing allegations has settled his case out of court.
Press enquiry	<p>The Stourbridge News contacted the Trust to do a follow up story on David Ore’s employment tribunal after reading that the Trust had made a settlement out of court.</p> <p>The Stourbridge News asked the following:</p> <ol style="list-style-type: none"> 1. Our article from the tribunal in October said Mr Ore was making legal claims for unfair dismissal and detriment – for making whistle-blowing allegations against the Trust. Has The Dudley Group settled out of court on both of these points and how much compensation was awarded to Ore? 2. The article said the Trust opposed Mr Ore’s legal claims and denied his allegations. Did the Dudley Group change its mind on this and therefore settle out of court? 3. Mr Ore claimed he was accused of dishonesty and lost his job after making the allegations – which he said were triggered after an incident in which an elderly patient was found dead at a bus stop after being discharged. Is this the case? 4. Why did Mr Ore lose his job? Is there any connection to the bus stop incident? 5. Can the Trust comment on its whistle-blowing policy as Mr Ore’s alleging NHS whistle-blowers face discrimination for coming forward with concerns? 6. Can you confirm how much the Dudley Group has spent on legal fees relating to Mr Ore’s case and his redundancy pay off?

Trust response

COMMENT FROM PAULA CLARK, CHIEF EXECUTIVE, THE DUDLEY GROUP NHS FOUNDATION TRUST

Our article from the tribunal in October said Mr Ore was making legal claims for unfair dismissal and detriment – for making whistle-blowing allegations against the Trust. Has The Dudley Group settled out of court on both of these points and how much compensation was awarded to Ore?

Following the adjournment of his employment tribunal hearing, and prior to the independent judgement on the case, David Ore approached the Trust (via his legal advisor) asking for a settlement, which we agreed to. The agreement was a taken to avoid any further costs to the tax payer.

Mr Ore made claims of illegal restraint as part of his tribunal case, and cited whistle blowing. The claims of illegal restraint have been robustly investigated by external bodies to the Trust, including the Care Quality Commission and the Police, and proved to be unfounded. These independent public findings found no evidence of wrong doing in the Trust.

The article said the Trust opposed Mr Ore's legal claims and denied his allegation. Did the Dudley Group change its mind on this and therefore settle out of court?

Please see answer above. David Ore asked the Trust for an out of court settlement.

Mr Ore claimed he was accused of dishonesty and lost his job after making the allegations – which he said were triggered after an incident in which an elderly patient was found dead at a bus stop after being discharged. Is this the case?

This is not the case at all. David Ore did not lose his job for blowing the whistle. In April 2013 Mr Ore's contract with the Trust was terminated on the grounds of gross misconduct following a disciplinary hearing in which allegations were made against him about potential act of dishonesty or fraud. We have a duty to investigate such serious allegations. Mr Ore appealed this decision and, based on the evidence at the appeal hearing, a decision was made to commute Mr Ore's dismissal to final written warning which would remain in place for 24 months from 11th June 2013. Mr Ore's employment was reinstated on 11th June 2013.

Why did Mr Ore lose his job? Is there any connection to the bus stop incident?

Mr Ore's post of security manager was one of two posts affected by an organisational restructure and it is not related to his claims to be a whistleblower. There is no connection whatsoever between David Ore's post being made redundant in 2014 and the death of an elderly patient at a bus stop in 2008.

Can the Trust comment on its whistle-blowing policy as Mr Ore's alleging NHS whistle-blowers face discrimination for coming forward with concerns?

We encourage our staff to raise genuine concerns at the earliest opportunity using our whistle blowing policy. We are part of the Nursing Times' national 'Speak Out Safely' campaign and our whistle blowing policy has been in existence since 2007. It sets out a clear procedure for raising concerns and the process of an independent investigation that follows. Arrangements would be put in place to protect the identity of the person raising a concern to ensure staff can raise concerns without fear of any reprisals. Mr Ore never used the whistle blowing policy to raise a concern with the Trust.

Can you confirm how much the Dudley Group has spent on legal fees relating to Mr Ore's case and his redundancy pay off?

The Trust is not prepared to disclose legal, or other, costs. Our policy is to always defend the Trust's position in cases where we believe claims have no substance.

*** ENDS ***