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Editorial.

Evidence Reported in the Press.

AT THE HEARING OF the Plaster cast Case at Nottingham Assizes on March 10th Christine Margaret Bayliss, aged six years, of Warwick Drive, Mansfield, who, through her father, sued the Matron, Mrs. Bertha Blagg, of the Gringley Children's Hospital, Nottinghamshire and the Nottingham No. 5 Management Committee for negligence, was awarded £5,000 with costs against both defendants. It was claimed that the child's leg withered because a plaster cast into which it was put at the Gringley Hospital was too tight, and in spite of complaints was not removed for a fortnight; and it was not until the following June that the parents were told that the child would be a cripple for life. The Matron and the Committee have denied negligence. Granting a stay of execution for 28 days, Mr. Justice Stable said he would defer the grounds for his judgment until seeing all the depositions. Special damages of £5 were awarded to the child's father.

Secrecy Criticised.

Replying to the Judge's criticism of the hospital for its secrecy towards the parents, Mr. Rex Vaughan, Q.C., who appeared for the defence, said: "While the people have the power it must remain so." The Judge: "Maybe they will not always have the power." Mr. Vaughan: "I think it has lasted too long, and become too settled." The Judge: "When we had assisted Voluntary Hospitals, if I was brought in from the street a dying pauper, any treatment I received—no doubt of the best that science could provide—was an act of charity.

"But now that we have gone over to the State system it is a matter of right for which every citizen has paid. Hospital authorities are just as much his paid servant as anybody else. If anybody has got a different idea they had better think again."

Mr. Vaughan said that the hospitals' attitude was that if a child's parents were told too much, they might become hysterical and communicate their anxiety to the child.

The Judge said that the Matron had given four explanations for her reticence. One—she did not realise how bad the child was. Two—she did not have an opportunity of telling the parents. Three—she thought the parents had already been told. Four—she thought they would worry if they knew.

"Not until six months after the plaster had been taken off were the parents told fully of the child's condition."

Commenting on the written reports of Dr. Thompson's hospital treatment of the child, the Judge said: "While this appalling deterioration was taking place in the leg,

and it was nothing short of appalling, there was no note anywhere of it."

Mr. Vaughan: "I agree the documentation is poor."

The Judge: "It indicates to me that if Dr. Thompson had at any time appreciated the gravity of the situation he would have started keeping notes about the progress of this disease. The fact that he didn't is an indication that he was completely blind to what was going on, until it was much too late."

Replying to a statement by Mr. Vaughan that Dr. Thompson's professional reputation was at stake, the Judge said: "I would not put it anything as high as that. Very few professional men can look back on their lives and say they have never made a mistake. The whole question was whether Dr. Thompson had made such a great error as would amount to negligence. I agree it is a blot." Mr. Vaughan said he would put it higher than that. The case against Dr. Thompson was that throughout the period of 16 days whenever he visited the hospital, he must have quite plainly ignored what was now said to have been the obvious illness and ailments of the child.

When Mr. Fearnley-Whittingstall sought leave to have the pleadings amended to include Dr. Thompson, who had given evidence for the respondents on Monday, Mr. R. C. Vaughan, Q.C., protested that such a plea was normally refused when it was made at the end of evidence.

Mr. Justice Stable replied that it was a wholly exceptional case. "The child's parents were not only kept in the dark, they were deliberately misled. To penalise them because they are not in a position to give particulars about what was going on, is to my mind quite unthinkable."

Mr. Vaughan: "In the circumstances, Dr. Thompson would like an opportunity of repudiating this allegation."

The additions to the pleadings allege:—

That Dr. Thompson failed to inform the surgeon, Mr. Alan Malkin, that the plaster cast was removed: that he failed to call in a second opinion or to appreciate the serious condition of the leg: and that he failed to prescribe adequate treatment.

A further addition complains that the Matron and other members of the Nursing staff failed to ensure that the leg was kept adequately warm.

Dr. Thompson, recalled, said he could not think of any other treatment he could have given.

Mr. W. A. Fearnley-Whittingstall, Q.C., for the child, in his speech for her said that a letter written by the Matron to the parents not only withheld information, "but was utterly and completely inaccurate. It suggested that there was a mutual protection society between Dr. Thompson and the Matron."

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