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EDITORIAL.

THE CONSEQUENCES OF WRONGFUL DISMISSAL.

An important case to Boards of Guardians and others was heard last week at the Plymouth County Court by Judge Lush Wilson, K.C., when Mrs. Jane Harriet Harwood (*nee* Fisher) sued the Plymouth Incorporation of Guardians for wrongful dismissal, or, alternatively, for breach of contract.

The case for the plaintiff, as represented by Mr. Percy T. Pearce, was that she was a probationer at the Plymouth Workhouse Infirmary for two years and a half, and that the Guardians then "sacked her, kicked her out, paying her a month's wages in lieu of notice." It was consequently impossible for her to become a certificated nurse unless she went through the whole of her training again.

For the defendants, who were represented by Mr. John W. Bickle, it was brought out by a former chairman, Dr. Lindsey, that adverse reports had been made against the plaintiff, and she had been censured for a charge of neglect brought by her against one of the nurses which, on investigation, proved to be groundless. For a time afterwards improvement was reported, but it was not lasting. He had not agreed with the decision of the Board not to allow the nurse to resign when she desired to do so, because practically during the whole time she had been in the service of the Guardians she had shown she was thoroughly unsuitable as a nurse, she made choice of the orders she would obey, was always at loggerheads with the Sister she was under, was rude and noisy in the wards, and insulting in her manner when called before the Committee. The ground of the Board's action was continual insubordination, unsuitability as a nurse, rudeness, and

general misconduct while in its employ. The term "grave misconduct" would apply in a professional respect.

In the course of the proceedings the judge said that the defence might have proved that the Guardians had power to dismiss, and left it there; but if it asserted that the plaintiff was guilty of grave misconduct he should rule that unless this was proved the defence would fail.

A good deal was made by the plaintiff's solicitor of the fact that the Guardians had given her a testimonial which enabled her to obtain another post.

In the subsequent summing up the judge impressed upon the jury that in an institution such as the Infirmary discipline was the first essential to success. If the jury came to the conclusion that the plaintiff would not submit to discipline they would probably find she was not a suitable person as a nurse. In regard to the testimonial given, the judge said that might be compatible with the theory that the Guardians were acting in a kindly spirit. They might say that was very wrong, but the wrong was not towards the nurse, but towards her employers.

The jury found that the plaintiff was not inefficient or neglectful, or unsuitable for the duties required of her, and was not guilty of gross misconduct, and awarded her £45 damages.

The verdict is a serious one for Boards of Guardians.

We think the defence was mistaken in trying to prove "gross misconduct," and their case was undoubtedly weakened by the fact of the testimonial given in a "kindly spirit."

In our opinion it is unwise to keep a probationer who is not satisfactory for more than six months in the hope that she will improve. The kindly disposed committee is usually the sufferer in the long run.

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