

Royal British Nurses' Association.

Incorporated by



Royal Charter.

THIS SUPPLEMENT BEING THE OFFICIAL ORGAN OF THE CORPORATION.

ACTION IN THE HIGH COURT.

During the past twelve months we have been called upon to face the rather unpleasant experience of an action taken in the High Court; it was entered by a member of our Co-operation for private nurses, as against a decision of the Executive Committee to determine her engagement with the Co-operation. This decision arose on difficulties dating back as far as 1928, on a habit which this particular nurse had of putting her name down on the waiting list and, when called up, of refusing to go to a case even when she was the only one left on the list; in other words, to quote Counsel, she was "picking and choosing her cases" irrespective of the fact that she had signed a contract agreeing to accept any engagement she was requested to undertake, that, on receipt of instructions, she must immediately proceed to her patient's residence, and that the Committee reserved the right to determine her engagement subject to her right to appear and offer explanations. She had received in February, 1934, a very definite warning that it would be the last given, but about a month later she refused to go to a case after placing her name on the list. The Committee had just met and rather than keep her suspended for nearly a month, the Secretary had given her one more warning. A month later she refused a case in the absence of the Secretary and when she again refused to go to a patient in the following month the whole matter was brought before the Committee, and the engagement of the nurse was determined after she had seen them. At the next Meeting an appeal was made on her behalf, the whole case was reconsidered and the decision of the previous Meeting was confirmed. In October last the Plaintiff entered an action for wrongful dismissal against the Association, and the latter gave notice that it would defend. In spite of all written evidence to the contrary, she based her claim on the assumption that she had been removed from the List kept under Bye-law XXV and the Roll of Members, this too in spite of an entry (shown in the minutes of the Meeting at which her case was considered a second time) instructing the Secretary that (apart from the Co-operation) she was to receive any assistance possible just as in the case of any other Member. All these and other documents were shown to her solicitors at their request.

The case came on on July 23rd and 24th last, and was heard before Mr. Justice McKinnon; Mr. Newsham-Taylor appeared for the Plaintiff and the Association was represented by Mr. C. L. Henderson. After hearing the case the Judge went over various sections of the Association's Charter and Bye-laws and traced the evidence connected with the election of the Plaintiff as a Member, stating that her name was still on the list kept under Bye-law XXV and that she was still a Member of the Corporation. Next he passed on to the foundation of the Royal British Nurses' Association's Co-operation, which was formed in 1913 in order to benefit Members. The nurses on the Co-operation, and other Members who get work through it, receive their own fees less 7½ per cent. for working expenses. If the

Plaintiff was to succeed for breach of contract she must establish the fact that it had been broken by the Defendant Association, and the Judge stated that he was satisfied that the Committee had not broken their contract, that they had a *bona fide* case, and that good reason had been shown why they should terminate the Plaintiff's engagement. He was satisfied that the Committee was properly constituted and with a sufficient quorum according to previous Minutes, directing the machinery of meetings of the Executive Committee. Their action, he said, did not involve a serious moral blame to the Plaintiff. It was quite apparent that for many years she had caused inconvenience and difficulty and the Judge considered that the Secretary was amply justified in bringing the matter before the Committee as she had said she must. It had then been left to the Committee and the Committee did consider that due cause was shown for removing the plaintiff's name from the list of the Co-operation; the Committee, continued the Judge, did not act harshly or without due consideration. The action failed, and judgment was given for the Defendants with costs, the Judge adding that nothing had been said by the latter (as he had already mentioned during the hearing) against the Plaintiff's competence, skill and devotion as a nurse. Her name was still on the Roll of the Royal British Nurses' Association. All that had happened was that she ceased to be on the Co-operation, and there must be judgment for the Defendants with costs.

So ended an action which involved a very great deal of work and probably the sole benefit arising on it is the lesson that contracts have to be kept. We have purposely refrained from mentioning the name of the nurse, as we in no way wish to prejudice her professional position. She is still a Member of the Association and a highly qualified nurse holding two special certificates in addition to one in General Training. On the other hand, if any Member desires more information on this action, she is entitled to have it. A copy of the Judgment of Mr. Justice McKinnon has been placed in the archives of the Association, and this and the evidence brought forward by witnesses for the defence will be submitted, at the office, for the perusal of any Member who wishes to see it.

MEETING OF THE GENERAL COUNCIL.

At the quarterly meeting of the General Council the following were elected as Hon. Officers of the Corporation:—Vice-Chairman: Mrs. Bedford Fenwick, Miss Bickerton and Miss Campbell; Hon. Treasurer, Miss Norah Farrant; Nurse Hon. Secretary, Miss Cutler; Medical Hon. Secretary, Mr. Paterson. The Members of the Executive Committee, other than those retiring under Bye-law XIX, were re-elected and the following were also elected to fill vacancies arising under the same Bye-law:—Dr. Rice-Oxley, Dr. Cran, Miss A. Gray, Miss S. Villiers, Miss G. Anderson, Miss E. MacIntyre, Miss A. Schuller, Mrs. Temple and Miss E. Williams.

[previous page](#)

[next page](#)