

PIDA Case, McDermott v Sellafield

There are several reasons that require us to comment on this case. Firstly, we are staggered that this case was listed as a (PIDA) Whistleblowing case when it is clearly **not**. The fact that Sellafield is cited as one of the defendants has wrongly given the impression that staff at the coal face were involved, when it is the HR department.

Most whistleblowers raising genuine concerns are denied access to the law because of financial hardship. Most whistleblowers come from the coalface, are low paid and still speak out, despite having no financial buffer. over 90% of the nine thousand whistleblowers contacting our helpline are unable to make a PIDA claim, because they cannot afford to. This makes it all the more important that case law sends out the right message, this case is a slap in the face for the genuine whistleblower.

We do **not** look to Tribunals verdicts for accurate data as we know that more often than not, the tiny percentage of cases that get to court are made up of the following,

- . Those who are **not** whistleblowers at all, but have succeeded at Tribunal anyway.
- . Those who are **genuine** whistleblowers but have lost their cases.
- . Those rare cases where the genuine whistleblower wins their case.
- . Those cases where the claims are **correctly** dismissed at some point in the legal process as **not** being whistleblowing.

McDermott v Sellafield plus 2 others, is a case **correctly** dismissed as **not** qualifying as whistleblowing.

The fact the disclosures in the above case ever got to court in the first place is incredible.

The disclosures relied on, are **not** disclosures in the public interest, and given all the circumstances involved are blatantly misusing the law to fit the circumstances. What is more staggering is the claimant, who was a HR consultant, was being paid £1500 a day plus expenses, produced a report that cost a further 12k which laid out her findings in relation to the issues she recommended for addressing. She relies on this report as a disclosure.

The claimant was asked specifically to speak to two individuals, and they raised concerns regarding homophobic abuse, The claimant ultimately accepted that she did not provide details of this at the time to the relevant parties. So, the only possible whistleblowing was **not** reported by the claimant.

Extract from judgement

*“Whilst the claimant had her notes all of the discussion with RS and JN, which certainly did identify allegations of homophobic abuse, she elected not to share that information with anybody until it was **first** quoted some 2.5 months later in the particulars drafted in support of her claim for compensation.... she did nothing whatsoever to raise these issues until bringing the Tribunal claim”*

The claimant produced a questionable and insubstantial piece of work padded out with proverbs and pie charts at a cost to the taxpayer in excess of 12k, there was nothing in the report at all amounting to a protected disclosure. The report demonstrated the claimants preoccupation with VC and staff involved in this survey were HR staff and only half of the 90 strong HR team participated.

4 staff complained about the way in which the session was conducted. The emphasis on the case infers that “staff working at Sellafield” cannot raise concerns **However** it was staff at the HR department that the case deals with. As most Whistleblowers will tell you, HR are not traditionally associated with championing whistleblowing, in fact the opposite is more accurate.

How this case was considered whistleblowing at any point by anyone, is hard to grasp. Currently the agenda of WBUK and the APPG for whistleblowing has resulted in a policy of “Make as many cases as possible whistleblowing, in order to produce more customers for the **preferred** law firms”

Would WBUK and the APPG on Whistleblowing categorise this case as whistleblowing? **They did so**, and this is the reality of those pushing the agenda for the “Office for The Whistleblower” The genuine whistleblower will continue to be abysmally failed but will have to endure seeing fake whistleblowers rewarded every day. The public interest has nothing to do with it, profits have everything to do with it. **Ignorance is not bliss, it’s dangerous.** See the below statements from WBUK.

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We are pleased to be supporting [@AlisonMcDermo20](#) in her fight for justice v **Sellafield** [@PhilipDaviesUK](#)

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 **WhistleblowersUK** @WB_UK · Jan 12 ...

[#Whistleblower](#) call to arms to [#SupportAlisonMcDermott](#)
[@AlisonMcDermo20](#) **Alison McDermott** v Sellafield Details:
manchesteret@justice.gov.uk
0161 833 6100
Reconsideration Hearing **McDermott** v Sellafield et al, Manchester
Employment Tribunal. Case Reference Number: 2402530 - 2019

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Replying to [@AlisonMcDermo20](#) [@drcmday](#) and 3 others
[#WhistleblowersUK](#) are in solitary with you **Alison** and encourage everyone
to attend the next PH in support of you and the importance of making it
[#Safe2Say](#)

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 **WhistleblowersUK** @WB_UK · Jun 29 ...

We are carefully following [@AlisonMcDermo20](#) and will be fully analysing
the outcome of her ET v **Sellafield**. [#OfficeOfTheWhistleblower](#)

   