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Whistleblowers accused of racism at 'inclusive' hospital

[Tommy Greene](#)

[Monday November 29 2021, 12.01am, The Times](#)

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Shyam Kumar was called a traitor to his community
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Staff at an NHS trust that has won awards for inclusivity and diversity say that race was “used as a shield for deviant medical practice”.

Shyam Kumar, a surgeon, told an employment tribunal in Manchester last week that he had been called a “traitor to his community” by other ethnic minority staff, after he raised concerns about what he thought was the dangerous practice of another doctor in the trauma and orthopaedics department at University Hospitals of Morecambe Bay NHS Foundation Trust.

The tribunal was also told that one of Kumar’s white colleagues who raised concerns about the care provided by the same doctor — referred to as Dr X — was accused of racism.

A disclosure by Kumar read to the tribunal said: “White colleagues are now terrified to raise concerns around black, Asian and minority ethnic [BAME] staff. BAME colleagues also think this is unsafe.” The tribunal is considering allegations from Kumar that his role as an inspector at the Care Quality Commission was ended unfairly. The tribunal is expected to end this week.

Restrictions were placed on Doctor X by the [General Medical Council](#) in 2018 although concerns were raised in 2013.

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An external review into trauma and orthopaedics services at the trust found that clinical incidents between April and October 2018 involving Doctor X were submitted by Kumar and his colleague to lead clinicians and the medical director. The pair claimed that doing so led to retaliatory complaints about their own work and allegations of racism against them.

The review also found that the process in place for reviewing clinical incidents in the unit, which was found to be riven by “internecine squabbles”, was akin to “marking your own homework”.

An external investigation held into the trust’s urology services said last week that the department was deeply dysfunctional and “divided along ethnic lines”. The report highlighted 520 cases in which patients suffered “actual or potential harm”, including a number of deaths.

It also found that a disproportionate focus on “reputation management” prevented the trust’s management from adequately investigating reports of, or concerns raised about, poor care.

Eleven babies and a mother died at the trust between 2004 and 2013, leading Dr Bill Kirkup to chair an inquiry into the failings. The shadow cast by what was then the NHS’s biggest ever maternity scandal prevented decisive action being taken when reports of harm to patients and other shortcomings in care were later flagged, the urology investigation found. Kirkup’s review in 2015 into the historical failings had “an unstated influence” on addressing subsequent concerns.

Another consultant surgeon from the urology department, Peter Duffy, who now practises on the Isle of Man, says that he was driven out of the trust after he blew the whistle on dangerous practices and uninvestigated cases of harm to patients involving BAME consultants. He said that he was also called a racist. He brought a successful constructive dismissal claim against the trust in 2018 and wrote a book that led NHS bosses to order the investigation into urology services.

Aaron Cummins, the trust’s chief executive, said: “We fully accept the findings of both the Niche Health and Social Care Consulting report into our urology service and the report of the Royal College of Surgeons into a small number of cases in our trauma and orthopaedic service, both of which were published this week. This

trust, and the health and care system, will now continue to work together to ensure that the improvements we have seen so far continue for many years to come.”

Tim Farron, the MP for Westmorland & Lonsdale, said that the health secretary should appoint administrators to run the trust.

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