

THE SUNDAY TIMES

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CervicalCheck smear tests ‘still being misread’

Lawyer says three new cancer deaths ‘due to negligence’

Claire Scott
Political Correspondent

Three women have died of cancer and at least seven more have had a positive diagnosis after their smear tests were allegedly “negligently misread”, despite an overhaul of the CervicalCheck screening service.

These new cases, between 2018 and 2021, are separate from the 350 women who make up the “221+ group”, the name given to the women and families affected by the original scandal. CervicalCheck was in crisis in 2018 after it emerged a significant number of women were not informed about incorrect smear test results.

Cian O’Carroll, the solicitor who represented Vicky Phelan in the High Court when she exposed the screening service scandal, told The Sunday Times that he highlighted his “serious concerns” more than seven months ago in a letter to Simon Harris, then the taoiseach, who forwarded it to the health minister. Phelan died aged 48 in November 2022 after receiving a false negative smear test result.

On October 24 last year O’Carroll told the Fine Gael leader of the cases of eight women he represents who he alleges “have suffered serious harm from negligence in the reading of their cervical smears”. Since writing that letter, he has gone on to represent another two women who were affected.

These new cases do not fall within the ordinary limitations of screening, according to O’Carroll,

and demonstrate “an inexcusable failure” by CervicalCheck to identify abnormalities in smear tests.

The personal injury lawyer, based in Cashel, Co Tipperary, feared “there must be many more” women affected as his firm brought only a minority of cases forward during the height of the original scandal.

In his correspondence with Harris, O’Carroll, who has shared his letter with The Sunday Times, wrote: “We are likely only seeing a sample of the more recent cases of negligence being litigated.”

“These smears were read recently – since 2018 – not prior to the scandal. Some of these failures have been as recent as 2021. To date, three of these women have died as a result of the negligent misreading of their slides and two more of these women received a diagnosis of advanced cervical cancer, stage three, which carries a very guarded prognosis.”

O’Carroll, who also represented Ruth Morrissey, Emma Mhic Mhathúna and others during the initial scandal, added in the letter: “It is a type of false negative that should never arise and therefore requires investigation in any properly run screening programme.”

The HSE and CervicalCheck maintain that the service is meeting quality assurance standards: “Our process to quality-assure our laboratories is acknowledged by Dr Gabriel Scally in his final report into CervicalCheck in 2022 as ‘an excellent system of quality assurance’.

“We contract two laboratories to process our cervical screening samples. These are Quest Diagnostics in the US and the National Cervical Screening Laboratory in Dublin. We are confident that both laboratories that process CervicalCheck screening samples are complying with our high standards.”

Leona Macken, a mother of two, received an apology from the HSE and the screening service after her case was settled in the High Court on June 3.

She is among the ten women being represented by O’Carroll. Macken’s case related to two smear tests, one in 2016 and one in 2020, that were incorrectly reported as negative.

Fiona Murphy, chief executive of the National Screening Service, apologised to the 38-year-old hairdresser for the “failings that have occurred and led to your diagnosis”. Liability has also been admitted in another one of the ten cases.

Despite assurances from the government and the HSE that women who receive a cancer diagnosis are offered a personal audit of their smear tests, this was not Macken’s experience.

She told The Sunday Times: “I was so angry at the start, because I had done everything right, I thought. I had gone for my smear tests. After I was diagnosed, I didn’t know that I could request a review of my tests. It wasn’t until I read up about Vicky Phelan and got in touch with

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LADY IN RED

JUSTIN FARRELLY FOR THE SUNDAY TIMES



Natasha O’Brien, who was randomly attacked by a member of the Defence Forces, appears in a new documentary about her battle for justice. The Sunday Times went behind the scenes. **Full story, page 17**

Sinn Fein shakes up rules after scandals

Jennifer Bray Political Editor

Sinn Fein has conducted a serious overhaul of party governance with new rules on employment references, disciplinary measures and child protection policies set to come into force.

An internal memo, seen by The Sunday Times, details the changes which follow a series of scandals that beset the party before last year’s general election.

Sinn Fein staff have been told they should not give employment references to colleagues or former colleagues. If a staff member believes there is a reason to give such a reference, they must gain clearance from the party’s human resources manager.

If the HR manager does assent, the reference may be written only by a line manager and must not mention the person’s character or ability, only their job title and working dates.

References should also not be given for elected representatives or activists unless there are exceptional circumstances agreed by Sam Baker, the general secretary.

Last year two press officers gave job references for a former colleague who was under investigation for child sex offences, for which he was later jailed.

Changes to the party’s disciplinary processes are also expected following a review by Barry Mulqueen, a Belfast barrister.

It is understood the party’s disciplinary structures have been found to be not fit for purpose, with concerns over the length of time that it takes to investigate a

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