

2.9 Deputy P.J. Rondel of St. John of the Minister for Health and Social Services regarding the terms of reference for the Verita inquiry:

Prior to putting the question, can I apologise to the Minister for having my back to her at this moment. Given that in the former Minister's statement on 3rd February 2009 he stated that the Verita inquiry would be independent, transparent and rigorous and there would be no boundaries, would the Minister, therefore, advise why the terms of reference for the inquiry are so narrow, only looking at investigating policy, procedure and conduct? Are the terms of reference flawed given the description of a locum consultant as a registrar?

The Deputy of Trinity (The Minister for Health and Social Services):

The terms of reference for this independent investigation are broad, covering several key aspects vital to assuring the public about safety of services. I have a duty, as do our staff at Health and Social Services, to ensure that the care provided is safe. I have met with Verita and I am confident that the work being undertaken is independent. I can confirm that there is no one from the Health and Social Services Department working with Verita on the investigation. In terms of the process, they make contact with staff directly from their headquarters in England and hold interviews away from the main hospital site. I am confident that the investigation is thorough and that they are reviewing all aspects of care, treatment and management of Mrs. Elizabeth O'Rourke from her G.P. referral up to the start of the police investigation. Furthermore, they are also reviewing the main actions taken by the Health and Social Services Department in response to Mrs. O'Rourke's tragic death along with the process made against the recommendations of the interim internal investigation. They will provide me with a written report with recommendations and I will make those recommendations public.

2.9.1 The Deputy of St. John:

Can the Minister confirm that the doctor mentioned within the terms of reference was employed by the States as a locum consultant in obstetrics and gynaecology and was employed from 14th August 2006 onwards? Therefore, why was she described in the terms of reference as a locum registrar? Would she agree that the terms of reference are flawed?

The Deputy of Trinity:

Sorry, I meant to put the second part of that question. I can assure the Assembly that the terms of reference are not flawed. The reference to the locum consultant being described as a registrar is incorrect. At the time of the incident the individual was employed as a locum registrar; that is a point of fact.

2.9.2 Deputy C.F. Labey of Grouville:

Will the Minister explain why no one from Verita, which began its investigations on 9th April 2009, has yet interviewed the excluded employee? Is it their intention to do so?

The Deputy of Trinity:

As I said, it is an independent inquiry. No way do I know who they are going to interview and who they are not going to interview. If they have not interviewed the excluded employee, I am sure they will do that in time if they feel that it fitted within their remit, which it is.

2.9.3 Senator S.C. Ferguson:

I understand that when you employ locums and so on in the Health Department the H.R. Department select them and then they work for a fortnight or a period of time under the supervision of one of the consultants. Will the Minister give us assurance that the method of hiring people, particularly in this area of health where people's lives are at stake, will be reviewed and tightened up?

The Deputy of Trinity:

Yes, I can give her that assurance. As I said at the beginning, my highest priority is safety of all patients, and all procedures and things that were involved in that tragic day will be reviewed. I am sure if there are any recommendations which come out from Verita with that I would like to think that I would put them in place.

Senator S.C. Ferguson:

I am sorry, I understood that the review was on the events of the day, not on the hiring procedures. I am saying perhaps the Minister would like to review the method by which consultants, particularly locum consultants, are in fact hired originally.

The Deputy of Trinity:

Yes, I will give that undertaking.

2.9.4 The Deputy of St. John:

On a point of order earlier on, I was trying to get back in on a statement made by the Minister when she said on a point of fact that the locum had been employed as a registrar due to an error. In fact, I have a document here from human resources that says she was employed as a locum consultant. There is a big difference between a registrar and a consultant. **[Approbation]** Will she correct the statement she made or stand by it so we can take it further if necessary?

The Deputy of Trinity:

The reference to locum consultant being described as a registrar was incorrect. At the time of the incident the individual was employed as a locum registrar. If the Deputy has information otherwise, if he could hand it to me and I will sort it out and come back to him and to this Assembly.

The Deputy of St. John:

The information I have has been given to me in confidence and, therefore, I cannot pass it over. But that said, if it is said by me on the floor of this House and it is correct - I have the document here - therefore I will show it to the Minister in confidence once I have had permission from the sender to do so.

2.9.5 Deputy R.G. Le Hérissier:

I was going to cover that because the issue or the assertion is that the locum was, in fact, in a professional sense senior to the person for whom she was working, and that is very significant, as the Deputy of St. John has alluded. But moving on, could I ask the Minister where it says "no boundaries" can she tell the House whether information that may be unearthed or conclusions reached by the Verita report, if they have a bearing on the parallel disciplinary case that is proceeding, will they be used in that case or are there Chinese walls between the 2 processes?

The Deputy of Trinity:

It is very difficult to say, as I said before, about the outcome of the report. I will wait and see the results of the report and the recommendations they wish to make. But my idea - and I have spoken to Verita - is that no stone should be left unturned. As with the previous Minister, I am adamant that this will continue. It was a very serious incident and it must never ever happen again.

2.9.6 Deputy R.G. Le Hérissier:

Could the Minister tell us whether she is happy with a situation where one procedure appears not to have a disciplinary aspect to it and another one is proceeding? Is she certain that the 2 distinct objectives of the procedures are clear to people or does she feel it has all become very muddled?

The Deputy of Trinity:

As I said, there are 2 separate procedures. Verita are doing the external investigations and the other procedure is a grievance and disciplinary procedure. They are by means of that separate.

2.9.7 Deputy A.E. Jeune:

Would the Minister clarify that the purpose of exclusion is in order to ensure patient safety and the Verita investigation has come about following a safety issue? Surely one would expect that they would be interviewing the excluded person.

The Deputy of Trinity:

Yes, but I have no control over when and whom Verita will interview. As I said, they are totally independent and have no contact with any staff within H.S.S.D. (Health and Social Services Department) unless they contact the staff themselves.

2.9.8 The Deputy of St. Martin:

I am glad Deputy Jeune has raised the issue because it really follows on from I think a failure of a proper answer to the Deputy of Grouville. Can I ask the Minister who is acting as liaison between the Health Department and Verita? Surely Verita will be working to somebody. Can I have assurance from the Minister that the person that is monitoring it has no involvement whatsoever with anything to do with the operation and also the senior management?

The Deputy of Trinity:

To make them totally independent they have the remit to ask whatever questions or to see whoever they wish to see. I cannot tell them which ones they should see or will not see. Under the terms of reference, it is from when Mrs. O'Rourke was first referred to the hospital by the G.P. as far as the police investigation. They have the full remit to see whomever they wish to see.

The Deputy of St. Martin:

The Minister has not answered my question. Who is Verita reporting to? There must be some liaison between being given the job to get on with it, and there must be some involvement in between that. So, can I again ask the Minister who is monitoring Verita's investigation?

The Deputy of Trinity:

If there is any issue that they wish to discuss, as a couple of weeks ago they wanted to see me to see how I foresee ... if I wanted to continue or whatever with the

investigation, and I said before I met them. Also, to add, I also asked for a couple of other written references on the work undertaken by Verita in the past for my satisfaction, and I am very happy with the work that they have done. I have had some positive feedback from other jurisdictions, whatever, that have used Verita in the past.

2.9.9 Senator S. Syvret:

Would the Minister agree with me that the kind of comprehensive, professional, genuinely independent formal inquiry I am proposing in the establishment of a Committee of Inquiry ought to be the way forward and ought to be accepted if the organisation in fact has nothing to hide? Will the Minister herself be supporting my proposition and will she take my advice, which is well intentioned, that really, regardless of what she is told by the senior managers in her department, she most certainly should support my proposition?

The Deputy of Trinity:

I do not want to make any comment on that proposition. It was only just lodged a couple of days ago and I need to read it and then I will comment accordingly. As I said, the terms of reference are from the G.P. referral to the start of the police investigation, so it will be broad and it will be robust and no stone will be left unturned and the report is due out at the end of September.

2.9.10 The Deputy of St. John:

Could the Minister tell us who wrote the terms of reference? Was it done in-house by senior staff at the Health Department or the Human Resources Department? Because this is quite important.

The Deputy of Trinity:

The terms of reference were drafted by Verita then consulted with the previous Minister and the family of Mrs. O'Rourke and accepted without change by the department.