

2.3 Deputy F.J. Hill of St. Martin of the Minister for Health and Social Services regarding the cost of the suspension of a senior Health employee:

I think it might be appropriate, with your consent, Sir... I think most people know who I am talking about in this question. It has been in the media, and if the name of Dr. Day is mentioned I think it would be in order for people to know that. It is in the public media. This question obviously is about his suspension. Given that a senior health employee ...

The Greffier of the States (in the Chair):

Deputy, I do not think we do need to unnecessarily use the name of the person concerned. I think, as you say, people know who you are referring to, so I do not think you need to use the name if you can avoid it.

The Deputy of St. Martin:

Given that the senior health employee has been suspended for over 2½ years, what cost has been incurred to cover the suspension? As the employee was not called to give evidence in the related criminal trial, how can the suspension be justified when employees more closely involved with the incident are not suspended and neither are their actions subject to the review being undertaken by Verita?

Deputy A.E. Pryke of Trinity (The Minister for Health and Social Services):

I would just like to comment that I am glad the Deputy has made it here this morning despite having an accident in Trinity. Can I first clarify a point in that the health employee in question has been excluded and not suspended. This is a technical difference in that an excluded employee may continue with professional development but not work within the department. Turning to the question, the total cost relating to the 2½ year exclusion has been estimated at £505,970. This represents salary costs of the individual, legal fees and the cost to date of the independent investigation of the incident to which the exclusion relates. The calculations do not include any court costs or costs incurred by any other department. The decision not to call the individual to give evidence at the criminal trial was a matter for the prosecution and defence and not my department. It has no bearing upon the individual's exclusion. I am unclear as to who the Deputy refers to in the second part of the question, to any employees more closely involved in the incident than the individual currently excluded. It is important to understand that there are 2 distinct processes under way. The first is the investigation of the incident being carried out independently by Verita. I have met with the investigators from Verita personally and I am confident that the incident will be thoroughly investigated and that no stone will be left unturned. Verita's terms of reference specifically avoid the acts and omissions of individuals and I would ask Members to be patient and wait for the outcome of that inquiry. Other matters are being addressed via the wholly separate and independent disciplinary process. As employment procedures are currently under way, I would not wish to prejudice the fair handling of that process and it would not be fair to comment further at this stage.

2.3.1 The Deputy of St. Martin:

I have a number, but no doubt other Members will ask questions, too. Could I just clarify from the Minister that the figure of £505,000, or almost £506,000, is to cover for the suspended person but is not to cover the costs of replacing that person? So, in other words, that figure could well be doubled because, no doubt, the person who is

suspended has to be covered not only by obviously a competent consultant but also his or her accommodation, travel and insurance. Would the Minister agree that that figure probably is twice as much; therefore, it is well over £1 million?

The Deputy of Trinity:

No, I would not. The cost does not include locum cover and with the costs included for locum cover it would be in the region of £732,874. However, including these costs will be double-counting in effect as the locum is providing the delivery of ongoing services in obstetrics and gynaecology.

2.3.2 Deputy R.G. Le Hérissier:

Given the statement of her predecessor at the end of January where it was stated: “We will recommence our internal investigation next week. We plan to make public the key findings and recommendations of the investigation in due course”, given that this statement was made 4 months ago, would the Minister please indicate the progress of this disciplinary inquiry and when it will be completed?

The Deputy of Trinity:

I hope it will be completed as soon as is possible because this is not satisfactory and I think the amount that is being paid is scandalous, not only the cost to the taxpayers but unfair to the employee as well as to the family of the patient that died. Procedures are in place and one procedure is taking place this week, so things are moving.

2.3.3 Deputy R.G. Le Hérissier:

I wonder has the Minister set a specific deadline for the disciplinary inquiry to come to an end? Because people, as she quite rightly states, have been subject to unbelievable stress [**Approbation**] and this should not just roll on and on and on.

The Deputy of Trinity:

I quite agree with the Deputy. This should have been sorted out, but I cannot hurry procedures along to that extent. It has to go through due process and part of that due process is happening this week. I hope it will come to a conclusion as soon as is possible.

2.3.4 Connétable D.W. Mezbourian of St. Lawrence:

It is my understanding from the Minister’s response that the sum she quoted of maybe nearly £600,000 includes part of the cost to date of the independent review by Verita. Will the Minister advise the House what the total cost will be of that independent review and when it will be completed?

The Deputy of Trinity:

The cost does include that. The review should be finished - I have no reason to think otherwise at this point in time - and a report should be given to me by the end of September. I have no idea how much the cost is to date but I can get that information.

2.3.5 The Connétable of St. Lawrence:

Will the Minister advise the House whether we will receive the review by Verita in an unedited format?

The Deputy of Trinity:

The report will come to me to look at and consider. At that point I will decide what will be released. As the previous Minister said, the recommendations of the report will be made public.

2.3.6 Senator S. Syvret:

The Minister said in an earlier answer that she did not know what the original questioner was referring to when he referred to other employees who are not suspended and neither are their actions subject to the review being undertaken by Verita. Could I inform her that one of the employees in question is a consultant anaesthetist who, in fact, had responsibility for the patient's life in the last hours of the patient's life, and yet the organisation put that consultant anaesthetist as the internal case manager for the investigation. Does the Minister consider that to be appropriate and, if so, could she name any other health organisation such as a hospital the length of Britain where such an action would occur?

The Deputy of Trinity:

The whole point of the Verita investigation is that it is totally independent and the review that they are undertaking is from the point of referral by the G.P. (general practitioner) of the lady in question to the hospital and as far as when the police investigation commenced. It is wide-reaching and it covers the whole sphere across that.

2.3.7 Senator S. Syvret:

The Minister just said that it was very wide-ranging and it would deal with all of the relevant issues. Does the Minister not accept that, in fact, the actual tasking of Verita and the terms of reference, which were not issued to the media, expressly said no aspect of the investigation would involve any kind of disciplinary inquiry? Therefore, a crucial and fundamental part of the issues will not be investigated by Verita.

The Deputy of Trinity:

I think the Senator is reaching some conclusions. I think what I am suggesting is that he should wait for the report to come out by Verita, which is due at the end of September.

2.3.8 Deputy A.E. Jeune of St. Brelade:

Under "procedure", the excluded person should be reviewed on a regular basis, and in this particular instance I believe that should have happened perhaps yesterday or in the last few days. Could she please advise us the outcome of that?

The Deputy of Trinity:

Yes. It is all set down in policy that the case is reviewed at certain times, which I can confirm it has been. That review is part of the employee's H.R. (human resources) file and ... I am sorry, I cannot remember the last part of the question.

Deputy A.E. Jeune:

Has this occurred in the last few days and what was the outcome?

The Deputy of Trinity:

The review has occurred and today and in the next coming weeks the procedure is ongoing, so it is not clear cut and dry; it is an ongoing situation.

The Greffier of the States (in the Chair):

Yes, your final question, Deputy of St. Martin. There are a lot of Members waiting but we have been 10 minutes on this question.

2.3.9 The Deputy of St. Martin:

I was trying to find one which encapsulates possibly ... will the Minister confirm that to date no disciplinary charges have been laid against the suspended person even though the court case concluded last January? Again, to repeat, that no charges have been laid against the suspended person to date?

The Deputy of Trinity:

Yes.

The Deputy of St. Martin:

Sorry, I missed the answer.

The Deputy of Trinity:

Yes.