

2.12 Senator S. Syvret of the Minister for Health and Social Services regarding the Terms of Reference produced by Health and Social Services for the Verita enquiry:

Does the Minister consider that the terms of reference produced by Health and Social Services for the Verita inquiry are flawed as they expressly exclude consideration of the acts and omissions of individuals thus rendering an effective examination of the care and treatment of Elizabeth Rourke impossible given that such care and treatment as she received was the responsibility of a variety of individuals?

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

I do not think the terms of reference are flawed. The terms of reference, as it says... there are 5 terms of reference: examine the care, treatment and management of Mrs. Elizabeth Rourke from the G.P. referral up to the start of the police investigation. That is the terms of reference. What the Senator is saying about the acts and omissions is in the preamble of which the Minister at that time set down independent of the department.

2.12.1 Senator S. Syvret:

Supplementary, if I may? Could the Minister explain why the terms of reference, as issued to the media and in fact issued under the name of the Director of Clinical Governance at the hospital, omitted that crucial sentence about the acts and omissions of individuals not being examined?

The Deputy of Trinity:

No, I cannot because I was not Minister at that time.

2.12.2 Senator J.L. Perchard:

Does the Minister hope that Members will take the time to read her comments that were issued late in the day this morning before any debate this afternoon, and does she agree with me that it is very important for a robust inquiry not to take the easy option of highlighting the consultant who had ultimate care for the patient and hold them accountable individually, and that the processes behind that are greater than the omissions of any single consultant?

The Deputy of Trinity:

Yes, the most important thing is to get the truth and making sure that the report that comes out is totally independent, and the first draft of that report will come to me as the Minister and as the Commissioner, and a copy of that report will go to the Deputy Viscount, who has said there still needs to be an inquest, and the chair of the Health Scrutiny Panel.

2.12.3 The Deputy of St. John:

Could the Minister please tell us by title who drew up the terms of reference, please, i.e. by title not the persons' names but their positions, please?

The Deputy Bailiff:

Well, I am sorry, the terms of reference were put forward to this Assembly by the Minister and the Minister must take responsibility for what comes forward.

The Deputy of St. John:

On a point of clarification, we were told by a previous Minister that in fact he drew up the terms of reference. That is what I would like to know from the Minister, who in fact drew up the terms of reference.

The Deputy Bailiff:

The Bailiff has said on previous occasions that questions as to which official did what are not in order because anything which comes to this Assembly in the name of a Minister is the responsibility of that Minister.

The Deputy of St. John:

But given the terms of reference, just for clarification, were drawn up prior to the current Minister being *in situ*, could she tell us which Minister was responsible at the time of drawing them up?

The Deputy Bailiff:

The Minister who was responsible, yes she can certainly say that. Yes, which Minister? The question is which Minister was responsible at the time of the drawing-up?

The Deputy of Trinity:

The Minister at the time was Senator Perchard.

The Deputy of St. John:

That being the case, can it be right that we have a Minister who is, in some respects, an independent person, but in answering the question, she is in fact ... I will draw away from it and I will sit down until later in the day. **[Laughter]**

2.12.4 Deputy M. Tadier:

Will Verita be commenting on the current practice of States employed consultants being allowed to carry out private work in public time and ...

The Deputy Bailiff:

I am sorry, Deputy, that cannot, or I do not think it relates to the terms of reference of this matter.

Deputy M. Tadier:

I am asking whether that is in the terms of reference and if not why has it not been included?

The Deputy Bailiff:

I see. Well it is a matter of the terms of reference being available to all Members. You have seen the terms.

Deputy M. Tadier:

So why has that not been included in the terms of reference?

The Deputy of Trinity:

As it says there, the first terms of reference, examine the care, treatment and management of Mrs. Rourke from her related G.P. referral up to the start of the police investigation. That will include all hospital systems, procedures, patient safety, as I have said, who did what, when, why and how.

The Deputy Bailiff:

Very well, no other questions? Do you wish a final question, Senator Syvret? Do you wish to ask a final supplementary, Senator?

Senator S. Syvret:

No, we are going to debate the matter later.