

## **2.8 Deputy F.J. Hill of St. Martin of the Minister for Health and Social Services regarding the return to work of the Consultant Gynaecologist:**

**[Aside]** Following the publication of the Verita report and the subsequent return to work of the consultant gynaecologist, will the Minister inform Members what action, if any, she has taken against those responsible for the 3-year exclusion and state whether she has personally welcomed the gynaecologist back to work and apologised to him personally on behalf of her department and, if not, why not?

### **Deputy E.J. Noel of St. Lawrence (Assistant Minister for Health and Social Services - rapporteur):**

The exclusion of the consultant gynaecologist was carried out under the relevant procedures which are in place to ensure patient safety. Members will be aware that the States Employment Board has commissioned a review into the circumstances relating to the exclusion. That review will consider all relevant facts as known at the time. The report will be available shortly and it will then be a matter to be considered by the States Employment Board and the Minister.

#### **2.8.1 The Deputy of St. Martin:**

The Assistant Minister said that the gynaecologist was suspended for patient safety. Can the Assistant Minister inform Members what patient safety when the gynaecologist was not even in the operating theatre when the operation was carried out, so what patient safety were they concerned about?

#### **Deputy E.J. Noel:**

Firstly, I would just like to make a correction to the Deputy of St. Martin; the consultant was not “suspended”, he was “excluded”.

#### **The Deputy of St. Martin:**

Come on, did he work for 3 years?

#### **Deputy E.J. Noel:**

These are employment matters and I will make no further comment about these at this time.

#### **2.8.2 Senator S.C. Ferguson:**

Will the Assistant Minister - he may not have the details with him - find out when the complaint to the General Medical Council will be amended or withdrawn and report back to this House in view of the fact that the consultant was totally exonerated by Verita?

#### **Deputy E.J. Noel:**

There were a couple of questions there; I will take the first one first. I believe that the good Senator is mistaken because I think she believes that it was the Medical Director that made the complaint to the General Medical Council (G.M.C.). That in fact is incorrect. It was in fact the police that informed the G.M.C. about both doctors immediately after the incident and not the Medical Director and, therefore, it really is a matter that you should address to the Minister for Home Affairs and not the Minister for Health and Social Services. On your second point, no, Verita was not requested to consider the aspects of the case that you refer to in the exoneration of the consultant.

#### **2.8.3 Senator S.C. Ferguson:**

I really must protest. Is the Assistant Minister telling us that the Minister for Home Affairs and the Minister for Health and Social Services do not communicate on these sorts of matters, which is very serious? We are talking about somebody's reputation, which is priceless.

**Deputy E.J. Noel:**

The good Senator has asked effectively what the Health Department were doing about the complaint made to the G.M.C. That complaint was not made by the Health Department staff and, therefore, we have no influence over the G.M.C. whether or not that complaint is withdrawn or G.M.C. is asked to cease their investigation. They are an independent body and they will carry out their investigation accordingly.

**2.8.4 Senator S.C. Ferguson:**

I am sorry, Sir, the Assistant Minister has not answered my question. I asked why there had been no communication between the Minister for Home Affairs and the Minister for Health and Social Services or *vice versa* with regard to this considering that a consultant was exonerated and yet his professional reputation at the moment is being besmirched by this?

**Deputy E.J. Noel:**

This really does boil down to this being an employment matter between an employee and an employer and it is not for us to discuss individual matters in this Assembly.

**2.8.5 Deputy M.R. Higgins:**

I must say I find the Assistant Minister's answers, as usual, totally unsatisfactory. [Approbation] Perhaps he can at least remind the Assembly how much it has cost the suspension of this doctor to the "public purse" which, to be honest, it is just scandalous?

**Deputy E.J. Noel:**

Approximately £570,000.

**2.8.6 Deputy S. Pitman:**

Following on from Deputy Higgins, really as a former staff representative I would ask for my benefit and I think the public, what is the difference between being "suspended" and "excluded" and the cost to the taxpayer on unnecessary squandered money, is it any less?

**Deputy E.J. Noel:**

I believe the difference between "suspension" and "exclusion" is that exclusion does not prevent the individual from carrying out C.P.D. (continuing professional development) and other activities such as that, but it means that they are not allowed into the workplace without prior permission.

**2.8.7 Deputy S. Pitman:**

Supplementary: could the Assistant Minister explain whether the consultant gynaecologist was told that he was suspended or excluded because I have to say I am none the wiser? It gets more and more confusing with the Assistant Minister's answer.

**Deputy E.J. Noel:**

The consultant was excluded.

**The Deputy Bailiff:**

The question was whether he was told that.

**Deputy E.J. Noel:**

I believe that was the case; I believe he was told that he was excluded.

**2.8.8 The Deputy of St. John:**

The original question asked if an apology had been given to the gynaecologist consultant. Is that the case because we have not had a response from the Assistant Minister?

**Deputy E.J. Noel:**

The Minister has not apologised to the consultant, but welcomes him back to work as she would any other member of staff. It is, of course, very sad when a man or woman who has had a long, successful career is excluded, but it is essential to understand that “exclusion” is a neutral act and not a judgment. The consultant gynaecologist was excluded in accordance with the relevant procedures that are in place to ensure patient safety.

**2.8.9 Deputy A.E. Jeune of St. Brelade:**

I know I have a question coming up later, but I think it might be prudent to ask what I want to here now. Given that the consultant has been welcomed back, we now hear from the Assistant Minister that there is a review going on, and it will be available shortly, which contradicts a welcome back. Can he please advise has he returned to work; has he been welcomed back?

**Deputy E.J. Noel:**

I can confirm that the consultant has been welcomed back. There is a difference that the Deputy of St. Brelade is making. The review is a review being carried out on behalf of the States Employment Board and it is a review of the procedures taken and the actions taken during the exclusion. It is not a review of the individual’s working practices.

**The Deputy Bailiff:**

I think the question was also, Assistant Minister, whether he has returned to work.

**Deputy E.J. Noel:**

The consultant is going through a process of returning to work. It is not a straightforward matter. To give the Members an analogy, if you were an airline pilot and you had not flown a jumbo jet for 3 years you would not expect to get straight back into the pilot seat and fly it across the Atlantic. You would expect to go on to a simulator and to have a certain amount of re-skilling. That is the process that is being undertaken at the moment.

**2.8.10 The Deputy of St. Peter:**

Would the Assistant Minister accept the fact that this is a very public exercise and, in answer to an earlier question where he said this should be left purely to the States Employment Board, this has become a very public exercise against a particular individual and we must bear that in mind when answering the questions?

**Deputy E.J. Noel:**

I agree entirely with the Deputy of St. Peter, but we also must bear in mind that it is States policy not to discuss employment matters in this forum. This is an inappropriate forum to discuss individuals' employment matters. That is a private matter; it is a contractual matter.

**2.8.11 Deputy R.G. Le Hérisser:**

Would the Assistant Minister tell the House what lessons have been learnt by the Health Department and by the political team from this episode?

**Deputy E.J. Noel:**

There have been very many lessons learnt and there has been a substantial report produced by Verita that has given us 29 or 30 recommendations which we are actioning.

**2.8.12 Deputy R.G. Le Hérisser:**

Supplementary: could the Assistant Minister identify from his own observations what lessons has he learnt from this whole episode?

**Deputy E.J. Noel:**

There is one lesson I have learnt from this whole episode and that is that this House meddles too much in individual people's private matters.

**The Deputy Bailiff:**

Final question, the Deputy of St. Martin.

**2.8.13 The Deputy of St. Martin:**

The Assistant Minister mentioned about the S.E.B. report. Will the Assistant Minister confirm that I am bringing a similar proposition regarding the Chief Officer of Police, and I brought that report to the House in early September only for it to be scuppered by the Chief Minister, and the Chief Minister said that the report would be ready within 4 to 6 weeks which was in the September. Will the Assistant Minister confirm that it has now cost well over £40,000 and the report has not been submitted and it is probably not going to be complete for maybe another month or 2?

**Deputy E.J. Noel:**

The good Deputy of St. Martin knows full well what the current position is because the report is a States Employment Board report, not a Health and Social Services report, and it is my understanding that it is due out shortly.