

3.14 Senator S.C. Ferguson of the Minister for Health and Social Services regarding hospital doctors prevented from practising their contracted clinical duties:

Would the Minister advise whether a number of hospital doctors are presently prevented from practicing their contracted clinical duties and, if so, state what grade of doctor, what specialities, how long they have been affected and outline precisely what work are they permitted to undertake; whether that be personal study or office work only, observing but not practicing clinical work or limited clinical work?

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

I will not be able to divulge the grades, specialities or periods affected but I confirm, however, that there are currently 4 doctors in the hospital under restricted clinical practice. Restricted duties are used to protect patients from risk while concerns are properly investigated. All training is put in place to address any deficiencies in skills. Restricted practice is also used as a measure to avoid unnecessary exclusion of a doctor from work. The precise restriction will vary with the nature of the concern but can include restricting the practitioner to certain forms of clinical duties, working under the supervision of a more experienced colleague, office-based clinical work with no patient contact including research, clinical audit, teaching, observation or other educational duties.

3.14.1 Senator S.C. Ferguson:

Supplementary, Sir. The Minister has said that she cannot mention specialties and so on but does the Minister think it satisfactory that the surgeon suspended after the Moyano case is limited to desk work only and has only seen one patient, which was last May, contrary to what this House was told. That the surgeon suspended in late 2008 may enter the operating theatre but only watch and that a surgeon requiring retraining is finding little co-operation in obtaining a training place? Is this satisfactory and, particularly the first case, is this what the Minister led the House to believe?

The Deputy of Trinity:

I have a duty of care to all my employees and the most important thing is patient safety and retraining or whatever medical skills are required must be paramount and each one is dealt on a needs basis.

3.14.2 Deputy M.R. Higgins:

Can the Minister explain whether replacements have been brought in to cover the duties that are currently restricted and, if so, at what cost, and also explain what the consequences of these restrictions have been on hospital waiting lists?

The Deputy of Trinity:

Regarding those specific questions I do not have that information but I can get it for the Deputy.

3.14.3 The Deputy of St. Martin:

In stating that there are 4 surgeons who are not working - they are working but not to a full capacity - is the Minister accepting the fact that this is really a way of circumventing the new States suspension policy? In other words, they are not

suspended from their real job but they are suspended nevertheless. What right of appeal have these 4 surgeons got to ensure that they are treated fairly?

The Deputy of Trinity:

They are 4 doctors, I would not like to specify which grade or speciality. As I have said, I have a duty of care to my employees. They all go through due process of H.R. (Human Resources) as set down in policy and I am kept abreast of where we are on a monthly basis. As regarding training or whatever, training is important and I have said patient safety is important. Each one is an individual doctor with specific needs and is addressed in that way because I would like to think that no doctors are excluded or on restricted practice but I live in reality and sometimes, unfortunately, that does happen.

3.14.4 The Deputy of St. Martin:

I did not get the answer to the right of appeal. If the surgeons are not able to carry out their full duties because they are put on restricted practices what form of appeal have they got to ensure they are able to carry out their job in the proper manner?

The Deputy of Trinity:

I would say that the right of appeal is set down in the H.R. policy.

3.14.5 Deputy A.E. Jeune:

While I respect the Minister's view that patient safety must always come first, of the 4 doctors who are currently on restricted practice, how many of those actually have no patient contact at all?

[11:15]

Can the Minister identify the value and benefit that the Island gets by continuing to employ such persons? Thank you.

The Deputy of Trinity:

For anyone in this situation it is the last resort but as I keep on saying patient safety is the most important thing. But also we are looking at the doctors' needs and training is put into place for any deficiencies in skill. As I said, I do get a regular update but also we have now introduced workshops for doctors that are already in place and we have had some and will continue to have some.

3.14.6 Deputy A.E. Jeune:

Supplementary, Sir. If one of those persons was able to obtain training in an N.H.S. (National Health Service) trust in the U.K. for example, would the department support the person in doing that? Thank you.

The Deputy of Trinity:

We would set any training on a needs basis, working with the doctors and working within H.R. policy. It would be addressed on each specific need. As I said, we have a duty of care to the employees - to my employees - which includes a duty of care to employees.

The Bailiff:

Senator Perchard and then the final question from Senator Ferguson.

3.14.7 Senator J.L. Perchard:

Will the Minister confirm that she does not sit on the States Employment Board and, as a consequence, has little or nothing to do with the H.R. practices of the States and that this question and these types of questions would perhaps be better directed at the Chairman of the States Employment Board?

The Deputy of Trinity:

Yes, the Senator is quite right. I do not sit on the States Employment Board. As I said, I do get regular updates from my H.R. director.

3.14.8 Senator S.C. Ferguson:

The Minister mentions a duty of care and of safety. Can she say that it is fair that a surgeon, who was exonerated in the Verita report, is limited to office work while the team responsible for prolonging his suspension are still working without any restrictions?

The Deputy of Trinity:

I do not want to go down in any specific detail because of the confidentiality. As I have said, the needs of each doctor is taken as an individual and - if it is training or whatever - investigations, training or whatever is necessary for that doctor will be put in place alongside addressing the doctor's needs.

The Bailiff:

Very well, we come next then to the question which the Deputy of St. John will ask of the Minister for Treasury and Resources. The Deputy of St. John.