

6.2 Deputy G.P. Southern of the Minister for Health and Social Services regarding thorough review of the complaint made by an Ophthalmic Consultant:

More of the same I am afraid. Given the recent statement from the States Complaints Board in relation to his and the States Employment Board's immediate reaction to its findings, would the Minister assure Members that he will be conducting a thorough review of the complaint made by Mr. A. Alwitry with the same degree of open-mindedness with which the findings were made?

Senator A.K.F. Green (The Minister for Health and Social Services):

Thorough reviews have already been carried out by the Solicitor General. What I will be doing though is making a detailed response to the Complaint Board's findings.

6.2.1 Deputy G.P. Southern:

In Article 9.5 of the Complaints Board's report it says here: "The best alternative that the board is able to recommend is that the Chief Minister and the Minister for Health and Social Services give Dr. Alwitry an absolute and unqualified acknowledgement that the termination of his contract was unlawful and contrary to natural justice." Will he do so?

Senator A.K.F. Green:

In a word, no. I urge Members to read the report of the Solicitor General which clearly lays out the investigation that he carried out, totally independent, the only investigation in this that interviewed all the parties concerned. The Complaints Board did not interview all the parties concerned but the Solicitor General did. I urge Members to read that and then see if they come to the same conclusions.

6.2.2 Deputy R. Labey:

Would the Minister not accept that the appropriateness of the Solicitor General to carry out this review is one of the things that is under challenge from the States Complaints Board because he is effectively reviewing actions of his subordinate?

Senator A.K.F. Green:

You know well the appointment of Crown Officers is utterly independent and made by Her Majesty, not by this States Assembly. So the Solicitor General is utterly independent. In fact if you read his report, he came in thinking, possibly, that the States Employment Board were wrong and he changed his mind when he had heard all the evidence and I urge Members to read the evidence.

6.2.3 Deputy M. Tadier:

Does the Minister accept finding and recommendation 9.71 which says: "That as a matter of urgency a comprehensive and independent review should be undertaken of the management structure and practices for recruitment and disciplinary matters"?

Senator A.K.F. Green:

I accept the principle behind that but it has been done. We already have appointed, about 3 years ago, a director of medical staffing. A very experienced medical H.R. person who has made significant change into our procedures. I could list them all and take up the full 15 minutes but I am happy with the work that has been carried out by the new managing director of the hospital and the new medical staffing officer.

6.2.4 Deputy M. Tadier:

There do not seem to be many recommendations that the Ministers do want to accept. The point is that they have recommended a comprehensive and, underline, independent review to be undertaken. If the Minister accepts the spirit of this, can he not simply acquiesce that we do need what is being suggested by this panel.

Senator A.K.F. Green:

There was a further review undertaken, the Beale Review, and that is another experienced H.R. and medical person. But to give Members some assurance that we are open-minded on this, I joined with the Chief Minister in asking the chair of the Appointments Commission to look at the changes we have made and see if she is happy with that and whether there are any further recommendations that she would like to make.

6.2.5 The Deputy of St. John:

Both the Chief Minister and the Minister for Health and Social Services have kept referring to the Solicitor General's report so I will ask them to respond to the specific points that are of real concern with regards to assumptions being made and really bad communication, but also the fact that he advises that the hospital management receive further training in respect of employment law and the importance of procedure, not the clinicians. Can he clarify what the position is? What is being taken forward and when Members will see evidence that that process has changed?

Senator A.K.F. Green:

I can go through. As I said, we have had the appointment of a new managing director. We have had substantive appointment of the head of medical staffing and she brought about immediate changes into recruitment processes. The hospital managing director now chairs all panels. Senior medical staffing representation takes place at all parts of the process including short listing. There has been a revision of the conditional offer pending all pre-employment checks and agreements. Competency-based questions have been introduced. Mandatory questions regarding disciplinary-type questions have been introduced. A pre-interview meet and greet for all candidates with existing consultants has commenced. A pre-interview meeting with key stakeholders has been put in place with feedbacks to panels. All candidates are now required to produce 3 references of which their line manager and clinical director must be at least one of those. The Royal College representatives now are on the interview panel as a norm. A total review of all the paperwork, including detailed panel members' records and feedback to candidates post interview. As the Chief Minister said, we have appointed in that time 21 new consultants and the feedback from not only those who have been appointed, because they would be pleased, would they not, but those that have been rejected, is that the process is fair, robust and they were very happy with the way that they were treated.

6.2.6 Deputy S.Y. Mézec:

One of the points which is made in the report is about the quality and, in some instances, non-existence of records of meetings and discussions which turned out to be incredibly relevant to the decisions which were made.

[12:00]

So, therefore, I ask, will the Minister ask that the hospital puts in place a proper and efficient system for recording contemporaneous matters which are relevant to decisions which end up being made so that this does not happen again?

Senator A.K.F. Green:

This has already been done but I am very happy to ask the chairman of the Appointments Commission just to have a look at it to make sure this is right. As I have said, there has been a total review of all the paperwork including detailed panel member's records.

6.2.7 Deputy R.J. Renouf of St. Ouen:

Does the Minister accept that the Complaints Panel members are appointed by this Assembly to act independently and they give their time freely and spend a lot of time investigating, thoroughly, complaints brought before them? So even though the Minister has the findings of the Solicitor General why does the Minister run to one set of findings that favours his own position? Why does he not at least conduct a thorough open-minded review of the Complaints Board's findings and not immediately issue press statements denigrating their findings as independent persons?

Senator A.K.F. Green:

Yes, I do acknowledge the work that the Complaints Board put in but unfortunately on this occasion the Complaints Board moved from their terms of reference and lots of assumptions were made without evidence being able to be produced to prove to the contrary. The Solicitor General's report proves most of those assumptions to the contrary but was not accepted as part of the review. It is for that reason that I want to make a detailed response.

6.2.8 The Deputy of St. Ouen:

Supplementary. Does the Minister not accept that it was for his department or his representative at the Complaints Board to put their case fully in order to try and rebut the complaint?

Senator A.K.F. Green:

Absolutely, but when you are given one terms of reference and then you end up in front of the panel with a different terms of reference it is very difficult to do so.

6.2.9 Deputy G.P. Southern:

Does the Minister accept the findings in 9.73 which suggest that the only assumptions going into this case were the assumptions made by senior clinicians in the hospital and in this case it says: "The senior clinicians and managers put their perceived criticisms of Dr. Alwitry together, concluded that we ought to sack this bloke before he gets here" and then proceeded to do just that. Does he accept that criticism?

Senator A.K.F. Green:

I do not accept that. It is a preposterous and outrageous statement to make.

6.2.10 Deputy G.P. Southern:

It may be preposterous, it may be outrageous, but it is the findings of the Complaints Board. He should pay good attention to it.

The Deputy Bailiff:

Well, Deputy, that was your final supplementary and that is a point rather than a question in any event.