

STATES OF JERSEY



VERITA INVESTIGATION: EXTENSION TO COVER EXCLUSION OF CONSULTANT OBSTETRICIAN AND GYNAECOLOGIST (P.131/2009) – COMMENTS

Presented to the States on 8th September 2009
by the Chief Minister

STATES GREFFE

COMMENTS

The Verita inquiry is primarily about patient safety and establishing the facts of the circumstances relating to the death of Nurse Elizabeth Rourke.

The management of the exclusion process regarding an employee in relation to that incident is a matter for the States Employment Board. It is not appropriate to divulge details of employment matters which should remain confidential between the employer and the employee while the matter is still under investigation.

The incident happened on 17th October 2006 and until the criminal proceedings were completed in January 2009, clear legal advice was given to the management of the Department that all internal investigations should not be progressed so as not to impede the criminal proceedings. The Hospital's own internal investigation was therefore stopped upon these instructions from the Law Officers. On completion of the criminal proceedings in the Royal Court, it was deemed more appropriate to commission an external investigation into the death of Elizabeth Rourke and this is being undertaken by Verita.

Subsequent to the completion of the criminal proceedings, an independent investigation, under the auspices of the Personal Misconduct procedure for Senior Doctors, was commissioned. This was being undertaken by an external consultant, but was halted by a court injunction preventing any further work until completion of the Verita inquiry.

The significant delays in dealing with employment matters relate to legal proceedings, initially the criminal prosecution case, and latterly a court injunction preventing the disciplinary investigation proceeding.

As Chairman of the States Employment Board, I have asked to be kept updated on developments regarding employment issues, and I have been advised that the exclusion process was handled appropriately by Health Management, supported by the Senior HR Manager in accordance with the relevant disciplinary procedures and in conjunction with advice from the National Clinical Assessment Service (NCAS).

Given the length of time that has elapsed, the cost to the taxpayer and the understandable concern of States Members and the public, I have asked for an independent review to be carried out by an external competent person with relevant experience of dealing with health management, to assure the States Employment Board that the management of the exclusion process was initially carried out correctly and the ongoing review process has been done in line with due process. I expect this review to be completed within a matter of weeks once a suitably competent HR person has been appointed. Verita deal with health-related issues rather than HR ones. I will report the main findings to Members, but I will not be able to go into specific detail whilst there are ongoing investigations being carried out under the code of conduct for senior doctors and other matters are the subject of litigation.