

9 The Minister for Health and Social Services will make a statement regarding the Verita investigation

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

Some 40 States Members attended a presentation by Verita last Wednesday to hear about the experience of the company, the calibre of the investigative team and the progress of investigation to date. At that presentation I also told Members the action I have taken as the new Minister for Health and Social Services to ensure that this investigation is robust, independent and thorough. I hope Members will realise that this action was necessary regardless of any proposition concerning the investigation as a responsible review of priority issues by a new Minister. Management of Health and Social Services no longer have direct communications with Verita. I have instructed the Health and Social Services Department and Verita that all further contact is to be undertaken initially through the Chief Minister's Department and subsequently through the Greffe. Accommodation for Verita will no longer be available on Health and Social Services premises and interviews will only take place away from Health and Social Services. I was encouraged by last Wednesday's meeting and States Members' questions and their wish to meet with Verita. I can confirm that Verita are willing to meet with any States Member and I invite Members to take up that opportunity directly with Verita. However, I believe there are still some misconceptions and some confusion surrounding Verita's investigation which is still giving rise to questions. I am happy to answer any questions but, to help Members who still harbour some doubts, I will briefly summarise the actions I have taken around the terms of reference. The terms of reference have been clarified and strengthened by making it fundamentally clear that Verita are investigating the details of what happened and the actions of individuals; making it clear that the investigation will also be considering hospital and Health and Social Services Department procedures and practices strengthening the report procedure and editorial control of the report; requesting that an addendum be added to include matters that might be outside the terms of reference but about which I, the Minister, should be aware and requesting Verita to revisit in 6 months' time following the publication of the report to give a written report on progress with implementation. The letter that I am sending to Verita is attached.

9.1.1 Deputy P.V.F. Le Claire:

I am happy not to ask this. I did not realise there was going to be a statement. I heard there might be one but I did not realise that it had been tabled and I am wondering if I can ask the Minister for Health and Social Services the question I had originally down for this morning in this context. I had asked for it to be emailed, but is she happy? She is happy, okay. Given that on 2nd June 2009 the Minister mentioned a wholly separate disciplinary process would take place in relation to the excluded consultant, would she advise why the department is attempting to investigate his actions before the Verita investigation is completed and confirm whether the Medical Director has been appointed as case manager and, if so, explain the reasoning for this when he had a major role in the incident.

The Deputy of Trinity:

I will be forwarding the answer to the question so I will just give a brief answer, because I am sure there are some other questions. The 2 processes are not linked. Because Verita is independent, there cannot be categorically no pressure to complete the disciplinary case before the Verita case is completed. Similarly, there is no reason for the matter to wait after Verita has finished and it simply will follow its own course. As regarding the role of the Medical Director, I am content that he is properly appointed in accordance with the relevant policy. I should point out, however, that the individual investigating and subsequently reporting on the disciplinary issues in this case is an external U.K. consultant appointed on the recommendation of the National Clinical Assessment Service.

9.1.2 The Deputy of St. Martin:

If I could ask the question that I was going to ask under number 9, if the Minister could be ready for the answer. Will the Minister inform Members of the original estimated cost of the Verita investigation and the revised estimated cost now that Verita has replaced one member and added another member to its team and is she confident that the new Verita team has the expertise and terms of reference to allow for a thorough and satisfactory investigation?

The Deputy of Trinity:

I again will email the answers to these questions shortly. I will give a résumé. The original cost of this investigation was £250,000 and this has not been revised by the replacement of one member of the team. It was always anticipated that various experts will be brought in by Verita as necessary and will be charged separately. This is done to further demonstrate independence and not done through the commissioning body, which is normal practice. The terms of reference, as I have mentioned, have been enhanced and strengthened to make sure that they are robust and independent and the letter is attached.

9.1.3 The Deputy of St. Martin:

Could I ask a supplementary on the terms of reference because the Minister will have received, I would hope ... I did circulate an email to all States Members this morning asking the Minister if she would provide Members with a copy of the original terms of reference as they are now because they definitely have been changed by the Minister's own admission through her statement.

The Deputy of Trinity:

The original terms of reference are attached to my comments of the proposition, P.76, at the back. I stress that they have been strengthened and enhanced. The most important thing, I think, is submission of the draft report and final report, that the draft copy goes to the Greffier, the Deputy Viscount, the Chair of the Health and Social Services and Housing Scrutiny Panel once it is complete. This report will not be sent to the Health and Social Services management team without the explicit written agreement of me or the Greffier. The other terms of reference which I have enhanced are that Verita is to retain full editorial control of the draft report while it is being fact checked. This will ensure that the contents of the final report are considered the views of the investigation team. I reconfirm that I propose to publish the investigation report and I would like to do this in a manner that the findings and conclusions are widely available. I would also like the Verita team to present the findings of the investigation to States Members and separately to the Health and Social Services Department's team and staff and, in addition, if any press conference needs to be held, and 2 things which I think I have done which I hope Members will agree will strengthen this report, I would like to ask Verita to prepare an addendum to the report. If matters do come to light during the work that are outside the terms of reference that the investigation team think that I should know about, and should feel that they need to prepare such a document, then it should be submitted at the same time to the 4 individuals set out above. Can I add, too, that reports are very good but what are we going to do to deal with them? My final bit in that letter is the follow-up, that I am determined that the investigation report should not sit on the shelf. I expect the management team to draw up action plans in response to the recommendations. I expect them to explain how the actions will be implemented and monitored. I want to know exactly who is responsible for each action and the time scale for the completion and I want the Verita team to revisit the hospital in 6 months' time after the publication to check on progress and submit a written account of that visit to me, the Greffier, the Deputy Viscount and the chair of the Scrutiny Panel and based on those findings, I may wish to add further visits to report on progress within the hospital.

9.1.4 Senator S.C. Ferguson:

I appreciate that the Minister has done a considerable amount of work on this but I ask her, can this report really be salvaged when the original briefings and terms of reference were dictated by

the senior management team of Health and Social Services and therefore have compromised the independence of this inquiry and particularly those parts which have already been completed?

The Deputy of Trinity:

I do not think the terms of reference are flawed. The Verita team had to be given the scene, so to speak. From that, they are independent and that is what I really want, a robust, independent and thorough investigation. The terms of reference, and I point to the first one, the original, examine the care, treatment and management of Mrs. Rourke from her related G.P. referral up to and the start of the police investigation. That includes everything, the cost of the treatment, care treatment and management and that includes hospital procedures and policies. It encompasses everything.

9.1.5 Senator A. Breckon:

My question is very similar and it refers to the terms of reference. I would like to ask the Minister if she thinks it is appropriate to change the terms of reference partway through an inquiry.

The Deputy of Trinity:

I do not think I have changed them fundamentally. I would like to say that I have enhanced and strengthened them and it is within my right as commissioner and also listening to the concerns of States Members because, at the end of the day, I want a report that will answer all the questions of what happened on that awful, terrible day nearly 3 years ago. I want a timeline to know exactly what happened and why did it happen and what actions people took and I want to know the answers.

9.1.6 Deputy A.E. Jeune of St. Brelade:

I have to say I am most reassured to see the Minister has taken the action she has to make the terms of reference much more robust. Enhancing or making alterations to terms of reference in a situation like this is not unusual.

The Bailiff:

Are you going to put a question, Deputy?

Deputy A.E. Jeune:

Yes, I am coming to that. My question is more one of clarity. Did the Minister say N.C.A.S. (National Clinical Assessment Service) has, in fact, already been involved and have any of the colleges been involved yet? Also for clarity, the current disciplinary is, in fact, not related to the specific incident?

The Deputy of Trinity:

The investigation of an employee is a totally separate procedure and comes under policies and I will not comment on that any further because it is going through separate procedure. As I said, a U.K. N.C.A.S. consultant has been appointed for those procedures, which is totally separate to the Verita investigation.

Deputy A.E. Jeune:

I am sorry, could the Minister just answer my question on had N.C.A.S. already been here?

The Deputy of Trinity:

The U.K. consultant appointed is on the recommendation of the National Clinical Assessment Service.