

Scott Margaret - Chair EHPCT

From: Hayden Smith Jane [Code A]
Sent: 15 January 2003 10:58
To: 'Margaret Scott'; 'Margaret Scott (home)'; 'Lucy Docherty'
Cc: [Code A]
Subject: GWMH

Importance: High
Sensitivity: Confidential

Attachments: GWMH3.rtf

Dear All

Please find attached a note re the meeting on Friday next.

Regards,

JHS



GWMH3.rtf (10 KB)

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Hayden Smith Jane

To: Margaret Scott; Margaret Scott (home); Lucy Docherty

Cc: Code A

Subject: GWMH

Dear Margaret and Lucy

I understand from Margaret's telephone call to me yesterday that the police attended the meeting with the CMO on Monday last and have persuaded him that the management investigation should not proceed until the police have completed the criminal investigation. I further understand that the time estimate given by the police for completion of their investigation is 18 - 24 months.

It is not clear to me whether: -

- The Audit by Professor Baker is still continuing?
- The CHI investigation is also on hold?

I should be obliged if Gareth could confirm the position in that respect.

As you know we are all due to meet on Friday next to discuss the implications of this position, and in advance of that meeting I thought it might be helpful for me to indicate some of the issues which I think will need to be considered at that meeting.

Obviously, if the management investigation is not proceeding at present, the PCTs must each consider what action they should take in relation to both IP and TH as employees. On that question, in my view, the following points arise: -

- What were the reasons for the redeployment originally? My understanding is that redeployment was principally for two reasons - to facilitate an investigation, and to encourage public confidence (in both the PCTs and the NHS). We need to be clear about which investigation was being facilitated by the redeployment - was it solely the management investigation, or did it extend to the various other investigations as well (police, Baker, CHI?);
- If the management investigation is to be put on hold at the request of the police, what has changed since the original decision to redeploy was taken? Clearly the criminal investigation is still on going, and possibly also the Baker audit (?) - is there still a need to encourage public confidence in both PCTS and the wider NHS as a result?
- What will public perception be (and therefore effect on public confidence) if either IP/TH or both are reinstated whilst the police investigation (and possibly other inquiries) are still on going?
- What would be the rationale for reinstating either IP/TH or both, if that were to happen now?
- If IP/TH were not employed as Chief Executives, but were employed in a less senior role, what line would the PCT as their employer take, and does the fact that they are employed as Chief Executives mean that they should be treated any differently?
- What are the risks faced by each PCT and the HA now in terms of a decision either to keep one or both redeployed or to reinstate one or both?
- What would be the position of either the relevant PCT or the HA if IP/TH returned to work now, and were subsequently charged with a criminal offence?
- If the police investigation results in no charges being brought against any individuals, will the management investigation (and indeed any other investigations) then proceed?

I will be looking at those issues from the legal perspective of each organisation before the meeting so that I will be able to advise on them at the meeting when all parties are present but if there are any other issues which might arise and on which advice might be required, please contact me. In that respect please note I am out of the office all day tomorrow, although I will be contactable for some part of the day on my mobile.

Is it safe for them to be back at work

- risk of repeating 'errors' of past
- impacting investigation.

Risk if return & then 'guilty'

- their role is not 'life threatening'

However-

- influence of 'chief exec' on role of reportees
- could hinder/influence

- 'unfair' to Tony to have him back without resolution/closure on his 'guilt'

Options for Tony

- job elsewhere

Role of chairman in giving 'advice' & then working together again.

Thinking from PCT viewpoint

- Tony accepting an offer elsewhere