

ATTENDANCE NOTE
**Beachcroft
Wansbroughs**

Client: Fareham and Gosport PCT, East Hampshire PCT and Hampshire and IOW strategic Health Authority

Matter No: JHS-0350656, EHP001-0332614 and HIW001-0359206

Matter: Gosport War Memorial Hospital

Lawyer: JHS

Person Attended: Lucy Docherty, Margaret Scott, Gareth Cruddace and others

Date: 17 January 2003

JHS attending meeting at Health Authority offices at Oakley Road Southampton.

Those present:

Gareth Cruddace – CEO, Hampshire and IOW Strategic Health Authority

Peter Bingham – Chairman, HIOWhA

Richard Samuel – Assistant CEO, HIOWhA

Bernard Carter – HR adviser to HIOWhA

Lucy Docherty – Chair, Fareham and Gosport PCT

Margaret Scott – Chair, East Hampshire PCT

In response to questions from both LD and MRS, GC confirmed that he had invited Bernard Carter to be present at the meeting in case any advice was required from an HR standpoint. Although BC is employed by another PCT the HA has a service level agreement with that organisation for HR advice and BC is present in the capacity as adviser to HA not in his capacity as employee of another PCT. MRS and LD confirmed that they had no objection to BC being present at the meeting provided it was understood that all discussion which took place at the meeting were to remain strictly confidential. MRS and LD pointed out that if they felt they needed HR advice they would look to their own HR advisers.

JHS reminded all present that she was presently acting for all three bodies, i.e. the Health Authority and the two PCTs. JHS was conscious of the fact that it may become apparent during the course of today's meeting that there is a conflict between some or all of those bodies – and if that were the case she could not continue to act for all three. In anticipation of that eventuality, JHS had checked her file and since FGP had sought JHS advice first about these issues, she would be obliged to continue to act for FGP but would need to invite HIW and EHP to seek advice elsewhere. JHS wanted confirmation that all present were prepared to proceed with the meeting on that basis and this was agreed.

Present Position

GC confirmed that just prior to Christmas 2003, the police had advised both the HA and CHI that they felt the management investigation and the 2nd CHI investigation could potentially prejudice the ongoing criminal investigation. The police had indicated that they had received advice from the CPS re the cases which had been referred to the CPS back in September 2002 that there was insufficient evidence to pursue prosecutions for unlawful killing on those cases. But, as a result of the publicity around those cases, the police were now in contact with 64 families who had asked police to investigate the deaths of patients at GWMH.

The police were therefore about to commission a new investigation into all those deaths by a team of medical experts, to include a toxicologist, an epidemiologist, a palliative care specialist, etc to look at those cases. This will include Professor Forrest of Hallamshire Hospital (a toxicologist) who has already challenged the CPS conclusion that there was no evidence of causation in relation to the five cases they had looked at in detail – apparently Professor Forrest does feel there may be some evidence which would support a finding of causation in relation to the deaths.

LD said that FGP were aware of nine families with whom they had been dealing in relation to deaths at GWMH. GC confirmed that his understanding was that the CPS had looked first at the case involving the death of Gladys Richards, then at another four (making five cases in all) and it was assumed by all present that the other four families complaints were included in the 64 cases now being talked about by the police.

The HA had convened a meeting between the police, the HA, CHI and the CMO on 18 December 2002 (BW represented at that meeting by Kiran Bhogal). At that meeting the police had agreed to obtain formal advice from the CPS on the likelihood of the management investigation prejudicing the police investigation (given that they had been informed by the HA from the outset of the fact that it intended to commission a management investigation and the police had indicated to start with that they did not object to that).

Last week the police had indicated verbally to the Authority that the management investigation could proceed, subject to certain caveats about notifying the police of who was being interviewed etc. Less than 24 hours later, however, the police contacted you again (verbally) to say that they felt the advice from the CPS lacked clarity, and they were therefore seeking further advice from both the lawyers to Hampshire Constabulary and from independent Counsel.

HA had previously arranged a meeting with the CMO which was due to take place last Monday (13 January) and at HA suggestion the police had been invited to attend that meeting, the purpose of which was to clarify who was doing what investigation, as between, Professor Baker, CHI, the police and the management investigation.

At Monday's meeting the CMO had outlined in confidence the preliminary conclusions of Professor Baker's Audit as follows:

- it was very difficult to draw any clear conclusion because of the absence of a proper control group;
- the initial information gathered seemed to suggest a significant pattern of deaths at GWMH;

- at CMO's request Professor Baker had then put the initial data through some further statistical analysis;
- then it appeared there was no significant pattern of deaths.

CMO had emphasised that the audit was at a very early stage – Professor Baker had not looked at all the records/information – and it was not clear how long it would take to get to that point. The police had confirmed however that they were content for Professor Baker's audit to continue, because he would not be interviewing anyone but was merely looking at records/data. One of the difficulties Professor Baker has is that there is insufficient data available from the records about the severity of the condition of the patient on admission, for example and it may be that he is unable to draw any conclusion in some cases as a result. There was no suggestion at this meeting that based on the initial findings, Professor Baker would not proceed to complete this investigation, but rather the CMO will judge at what point that particular line of inquiry should close and will then share the outcome with all interested parties.

GC had then updated those present at Monday's meeting on the progress of the management investigation thus far.

The police had then done the same for the criminal investigation, and had concluded by saying that they expected that the investigation would take up to 18 months/two years to complete, and then it could be a further 18 months /2 years before any proceedings were to go to trial.

The police had indicated to the CMO that on that basis they felt that the management investigation should be suspended and that the second CHI investigation should not proceed.

Also present at the meeting with the CMO had been Marcia Fry, head of the CMO's inquiry unit, Janet Waldon (from CHI) and a solicitor for the Department of Health.

At that point, the CMO had agreed that the second CHI investigation would stop. As far as the management investigation was concerned, the CMO had indicated that it was a matter for the HA and the two PCTs to decide what to do, but that his view was that it should stop forthwith.

MS queried what the position was with regard to the second CHI investigation – PB/GC confirmed that a letter had been issued by Lord Hunt to CHI requiring them to conduct an investigation – and although there had been no public announcement to date of that fact, it was a matter of public record and would come out sooner or later.

LD asked if the HA/PCTs had taken their own advice on the stance of the police re the management investigation – i.e. that it should not proceed. JHS confirmed that she had not commissioned any independent view on behalf of either the HA or the PCTs but her view was that (subject only to seeing written confirmation of the police' position) the likely advice would be to go along with the request from the police, or possibly face charges of obstructing the course of justice. GC did not think it was a worthwhile expense to request such advice, but had requested the police to confirm their view in writing – they have

indicated that they will provide us with a copy of their counsel's advice – but to date nothing has been received.

Discussion followed about whether there was any prospect of conducting the management investigation alongside the police investigations, as had been originally discussed. RS said that he had understood from discussions with the police that the police were not willing to share the investigation – it was to be one of the most complex and expensive police investigations undertaken in Hampshire and police were sensitive about the criticisms levelled against them in relation to earlier police investigations into Gladys Richards death – they were therefore likely to want a clear run at it. They had said that they had no problem with a management investigation that was purely concerned with patient safety and making sure that current practice at the hospital did not pose any risk to patients, but they would be very concerned about any investigation into historical aspects and the actions of individuals in the past – which to some extent is precisely the scope/purpose of the management investigation.

JHS confirmed in response to questions that the police would be interested in the actions/omissions of individuals from the point of view of the corporate manslaughter investigation. If they wanted to pursue a corporate manslaughter charge, they would need to identify an individual(s) who they could point to as being a “controlling mind” behind the corporate organisation responsible at the time of any acts/omissions which resulted in a death, since it was not possible for them to sue a body corporate. In terms of the level of seniority of such individuals, JHS confirmed that normally it would involve looking at Chief Executive officers or their equivalents, or possibly other “main board” directors of a corporate body or its equivalent, but it was unlikely to include anyone employed at senior manager level because they would always be able to point to someone with more responsibility than themselves for what had taken place. In JHS view they would be looking to establish either that there was a specific individual who had been directly responsible for a death, or to a specific individual(s) employed at a sufficiently senior level to be able to be described as a “controlling mind” behind the organisation who had acted in a grossly negligent fashion, when in possession of information about practices within GWMH, either in terms of what they had done or had failed to do, and that had resulted in deaths of patients at GWMH.

LD confirmed that her understanding was that neither IP nor TH had been employed as a chief executive or board member at the relevant time, nor indeed they had not been senior managers. LD pointed out that there were other individuals who might be more directly involved in any deaths, such as nurses and Doctors. GC confirmed that they had established at the meeting with the CMO last Monday that both the GMC and the LMC had suspended their investigations into the actions of both nurses and medical staff who had been referred to them, at the request of the police.

At Monday's meeting it seemed to GC that the CMO assumed that the management investigation would **not** proceed. GC had raised the issue of the two suspended CEOs. The point had been made that there are other individuals who may be involved who have not been suspended – e.g. Dr Jane Barton, the GP at the centre of all this. The CMO had confirmed that he was content with the position with regard to Dr Barton.

A discussion had then ensued with the CMO about either continuing the suspension of these two individuals or allowing them to return to work.

The CMO had acknowledged that he was not the employer nor the HA for the area. He had said that he had sympathy with the view that there were lots of other people who were involved with this situation who had not been suspended. GC has requested that the CMO take soundings from Ministers about what their position would be in relation to these two individuals and GC intends to use the outcome of today's meeting to inform the briefing to Ministers about the situation (which the HA has yet to prepare).

GC confirmed that various things are in the public domain, which means that there has to be a concerted approach at both local and government level. One of the two local MPs – Mark Holborn – had written to Allan Milburn asking what was happening and complaining that the action taken against the two CEO's was unfair. He had not had a reply to that letter as yet. Peter Viggers MP had also tabled parliamentary questions in an adjournment debate about Gosport and the Government needs to issue a reply to those questions. The response will acknowledge the fact that there was going to be a second CHI investigation, but the Department doesn't want to see that information coming out merely as part of a reply to a question so will want to announce it separately.

LD confirmed that she was due to see Mark Holborn this afternoon – he had arranged the appointment some time ago, and she would need to agree with GC what (if anything) she could say to him in response to any questions he might ask of her.

GC said on the basis of all the information he had provided, he wanted to come to a view at this meeting about:

- whether or not to proceed with the management investigation; and
- What action to take in relation to the two CEOs.

Should the management investigation proceed?

On the first question, GC's view was that it was not an issue which should attract much debate and that it should not proceed.

MS asked what the region's view was on that issue. GC confirmed that he had spoken to Ruth Carnall and PB said he had also spoken to Mike Gill (Regional Director of Public Health). On the issue of the investigation, Ruth Carnall is of the same view as GC, i.e. that it should not proceed.

In relation to the position of the two individuals, RC acknowledges that it is a very complex situation, which has got more complicated as it has gone on. The impression GC has is that the department regards it as an issue for the local players to come to a view on, and that they would support the judgement of the HA.

JHS asked if that also included supporting the PCTs. GC confirmed that he had indicated to RC that there might be a difference of opinion between the HA and the PCTs about what action to take as a result and the response had been that the Department would support the HA – although not said expressly, by implication, that did not include the PCTs.

GC said that this was a reflection of the fact that the region felt that matters had been handled appropriately at a local level thus far, and if region continued to feel that the right decisions were being made at a local level then they would continue to support such action. GC felt that as a result it was necessary for all concerned to weigh up the pros and cons of the options available before deciding on a particular course.

What action to take in respect of IP/TH?

In that regard GC had looked again at the main public statement issued by the HA at the time of the suspension, which had referred to the intention to investigate management decisions in the past, and to ensure that such investigation was seen to be independent by removing both TH and IP because of their previous involvement. GC posed the question what had changed since then? The police investigation was proceeding – but now instead of looking at just five cases, they were looking at 64 complaints – so from a perception point of view things may have got worse.

In terms of the lines of enquiry being pursued by the police, HA understands that they are looking at three areas: -

- if anyone withheld evidence from police/CHI in relation to the original (1998) police inquiry (perverting the course of justice); and
- unlawful killing; and
- Corporate manslaughter.

The police have confirmed that they have interviewed both IP and TH in relation to the first of those issues, and verbally they have indicated that there is no evidence to support charges about withholding evidence. They have said however that they will not formally drop that line of inquiry, until their investigation into all the potential allegations is complete – effectively reserving their position.

MS indicated that she had understood that the police were looking at four charges – JHS said she expected that the police are regarding the possible “malfeasance in public office” allegation as being subsumed within the “perverting the course of justice” allegation.

GC requested confirmation from JHS of the legal position with regard to the redeployment issue.

JHS confirmed that in her view, the “redeployment” amounted to a suspension of both IP and TH. JHS had checked their contracts of employment, and neither contract contained an express right for the employer to suspend them pending an investigation. The only power that existed was in the disciplinary procedure of each PCT – but that power would be exercised in relation to a disciplinary investigation into specific allegations against each individual. At the time of the original suspensions, there had been no specific allegations against either of them – and as a result JHS took the view that the suspensions may amount to a breach of contract.

Both individuals had been legally advised and both had raised the issue in correspondence with their employer about a potential breach of contract by their employer. Although both had agreed that they would go along with the redeployment whilst the management investigation was underway, they had said they would do so on the basis that it would be

concluded swiftly, and that a decision would be taken then about them being able to return to work. Both had said that they would not be prepared to remain redeployed pending the outcome of a lengthy police investigation. If therefore the decision was taken not to allow them to return to work, now that the management investigation wasn't going to proceed, then it was highly likely that one or both would pursue legal remedies against their employer.

In JHS view the remedies available to them were: -

- To resign and claim constructive dismissal – to do so obviously would involve them deciding to terminate their employment. There were two venues for such claims – one was the Tribunal, where there was a cap on the compensation they could be awarded if the claim was successful, of about £60,000. The other venue was the High Court, where there was no limit on the amount of compensation they could receive. Any compensation awarded would be calculated with regard to how long they remained out of work, and given the salary level they were on, it would not be unreasonable to expect them to be advised to pursue a breach of contract claim in the High court.
- To seek an order for specific performance of their employment contract, such that they are allowed back to work as Chief Executives. They would not need to resign to pursue that claim – and it seemed likely to JHS that they would be advised to pursue that route first since it would not involve them putting their income stream at risk.

The PCT's were at risk of these claims as employers – and in order to assess their chance of successfully defending such claims if made, then it was necessary to be clear as to the reasons the PCTs would rely on for not returning them to work now, if that was the decision. JHS had always advised that the PCTs would need to keep their original decision to redeploy/suspend under review, and that was the position that they had taken in relation to each individual. The fact that the management investigation was to be halted at their request of the police meant that an opportunity had presented itself for that review to be undertaken now – and each PCT would need to be clear about why it was not willing to allow either of these two to return to work at this point, if indeed that was the position.

JHS asked if, given that some time had elapsed between the original suspension and now, and in that period both the police and the HA investigators had had the chance to carry out some investigation, it could be said that all the necessary evidence had been secured so that there was no longer any risk in terms of either of these individuals having the opportunity to influence the ongoing investigation. The HA believe that they have done as much as can be done to secure the evidence which might be required – but obviously the police might request further information as their inquiries developed and everyone would need to co-operate with any such requests as the investigation proceeded.

JHS asked if the police had indicated whether they would have a problem if either of these individuals were to return to work – GC said that this had been raised with the police, and the HA understood that the police would not object to either individual returning to work.

MS said that as far as she was concerned, letters had been sent to TH which stated that he had been redeployed pending the outcome of the management investigation, and that if it was not proceeding then there was no reason to continue the redeployment. She acknowledged that the risks of allowing him to return were that he might face some charges at some point in the future, and the fact that if he returned to work now, he would not be

returning on the basis that he had been completely cleared, because a major police investigation was still underway, and therefore there would still be a question mark hanging over him – she would need to consider the implications of that for the organisation but did not think it was a reason for keeping him on redeployment.

LD agreed with MS about the risks of charges being brought at some time in the future. LD pointed out however that the longer the investigation took to be completed, the more chance IP would have had to demonstrate how good he was as a CEO of the PCT in the meantime, and over time the balance of risks might change. LD felt it was very difficult to second guess what might happen in the future, and in her view the risk that something might happen in the future was not a good reason for keeping him off work now. LD recognised where MS was coming from in relation to the “question mark” argument, but did not quite agree with her. LD felt the greater risk to the organisation would occur if IP were not allowed to return to work, in terms of the damage to the credibility of the organisation with GPs, etc.

PB asked how LD would deal with the family groups, given the larger number of complaints police were now investigating – LD confirmed that as she saw it they had never had a problem with IP, and had been content with the action he had taken to make sure that they were being listened to – they had always been more concerned to see that someone took seriously their suspicions about what had happened in the past, and that was happening now in the form of the police investigation.

GC suggested that everyone focus on the worst case scenario – which in his view was that:-

- the CHI/management investigation was put on hold;
- Police continued their investigation;
- IP and TH returned to work;
- 18months later, Professor Baker reports that there is a significant pattern of deaths at GWMH;
- police then say they are going to look at all deaths which occurred at the hospital because they are satisfied there was involuntary euthanasia going on;
- CHI and management investigation then proceed, and either police or CHI or management conclude that either of these individuals acted in such a way as not to stop these deaths when they could have done so.

GC asked what might be said the about the judgement to allow these individuals to return in the intervening period? LD felt that hindsight could be used either way – it was clear that there was no information currently available to indicate that either of them had done anything wrong, and as soon as such information came to light then obviously it would need to be acted upon – but in the meantime there was need to ensure that the PCT got on with the business at hand.

JHS pointed out that there was another difficulty – if the decision was made not to allow either of them to return to work, and a claim followed from that, then such claims would have to be defended – and in doing so the PCT would be forced to reveal such information as it had about the current situation. JHS was concerned about the extent to which such disclosure might prejudice any on going investigation by the police, and whether that might be of concern to them.

LD would prefer that they were allowed back, both PCTs having taken such steps as were necessary to ensure that they were not put in a position to have any say in the ongoing investigation – as far as she was concerned, her acting CEO now had a grip on the investigation process and would be able to continue dealing with it so that IP need not be involved, and in any event the PCT was much less involved now in the investigation than had been the case earlier on as the police are now running on with the investigation themselves. JHS pointed out that the other difficult issue for the PCT would be the extent to which either of these individuals would be able, if they returned to work, to influence any other members of staff in terms of their evidence to the ongoing investigation, but if the police are not concerned about this issue it might be difficult for the PCT to justify them having any great concern about it.

LD referred to the fact that IP/TH could be asked to sign some kind of affidavit confirming that they had had no involvement with the deaths etc. JHS acknowledged that some time ago she had suggested that asking IP to sign some kind of statement about his lack of involvement might have been a way to get him back to work quickly, but having thought about it since, JHS was of the view that they would both be advised not to make any such statement, given the ongoing police investigation, in case it prejudiced their subsequent defence of any charges that were made. JHS said on balance she did not feel either PCT should expect to be able to have such a statement from either individual.

Discussion followed about the way in which any return to work might be announced, and what could be said by the PCTs about why they had returned. LD suggested including a statement about the Board having full confidence in them – but JHS said that to say so might imply that there had not been full confidence before, or to prejudice the position of the Trust if at some time in the future either individual were the subject of charges. JHS felt any announcement should be couched in terms of the police having requested the management investigation to be placed on hold pending the outcome of the police investigation (which may take some time) and that the organisation is committed to co-operating fully with that investigation; but in the meantime and in order to ensure that the PCT gets on with the job in hand it has taken a decision to get its management team back up to full strength.

JHS pointing out that whilst it was to some extent co-incidence to date that they had both been handled in the same way – and that each PCT had to make its own decision whether or not to allow their CEO to return to work – both would have to take the same approach now, in terms of their return to work or not – since if you allowed one to return but not the other, then the public perception would be that the one who did not return was guilty of something. The assumption we were working to was that both wished to return – but if for any reason either of them did **not** wish to return until the police investigation had been completed (e.g. because they felt that it would not be in their interests to return until they had been completely “cleared”), then we would have to respect their wishes about not wishing to return, but this would have to be reflected in any announcement made.

GC said that he was increasingly of the view that the PCTs could not continue to be managed on the basis of long term acting up arrangements - i.e for however long it took for the police to complete their investigation (which could be two years or more). If therefore the decision was that they could not return to work GC would want to be able to appoint someone on a more substantive basis to fulfil the CEO role. MS and LD agreed that long term acting up arrangements were unsatisfactory. JHS pointed out that if the decision was

that they were not to return to work, but were to remain redeployed pending the outcome of the investigation, then in her view it would be compounding the breach of contract by the PCTs for them to appoint a replacement CEO, even on a fixed term basis. Her view was that if either of these two individuals were to remain redeployed, it should be on the basis that the acting arrangements would continue pro-tem, because to do otherwise risked compounding any existing breach of contract by the PCTs. That would also enable the PCTs to maintain the position that the redeployment would be kept under regular review.

GC queried what would happen if both were asked to return to work but one or both indicated that they were **not** willing to return until the police investigation was completed. JHS said then that the PCT would agree to allow them to remain redeployed but only on the basis that they also agreed to some back filling of the post in the interim. The difference in that situation would be that the PCT would have offered them the chance to return, and thereby remedied the previous breach of contract. If they did not want to return, then their options would be to either agree to a long term redeployment and the temporary appointment of a replacement, or to resign and seek employment elsewhere (which seemed unlikely).

Agreed that all three organisations were caught on the horns of a dilemma – there were downsides to every option. However, in terms of what was the worst position, it was agreed that: -

- in financial terms – worst option would be to decide not to reinstate them – because of potential claims, and/or cost to NHS of retaining them and employing a temporary replacement;
- in terms of “selling” the decision to the public – there were problems in either case; and
- in terms of what was in the interests of patients – it was probably the case that not allowing them to return would be worse than getting them back to work.

After short adjournment, GC said that it was clear that all present had looked at both options and for all the reasons already discussed it seemed clear that it was not the right option to keep them redeployed.

On that basis he wanted to the remaining discussion to focus on the options/methodology for their return to work.

It was clear that they needed to be invited to return to work, on a date to be agreed. It must be made clear to them (if it has not been already) that there is no question about their competence to do the job. It must equally be made clear that the PCT is content for them to return to their CEO post, but if they feel that they are not willing to return until the police investigation is complete, then they will **only** be allowed to remain redeployed on the basis of an agreement as to the substantive arrangements for the CEO post in their long term absence.

LD queried what the salary arrangement would be in the event that they remained redeployed – GC confirmed that in such an event the usual arrangement would be for a recharge of salary so that PCT would have money to pay the replacement. LD and MS said that they had had no luck in terms of recharging salary costs to date, and GC indicated that was probably because to date it had always been seen as a short term arrangement.

There would need to be some assurances about them not being directly involved nor seeking to influence the investigation and co-operating with the on going investigation – JHS felt this would be best recorded in correspondence from the chairs to each CEO.

The announcement (which HA will seek guidance on from John Underwood of Clear Communications) will say: -

- that management investigation has been suspended at police request;
- that all paperwork has been secured;
- that police are satisfied that it will not prejudice their investigation for either of these two individuals to return to work;
- so they are returning; and
- PCT will continue to co-operate fully with police in pursuing their investigation.

JHS advising the HA/PCTs will need to get police agreement to an announcement of that nature – RS believes the police will co-operate.

As to timing- the PCTs need to ensure that the family groups are aware of police investigation and fact that it is to proceed before any announcements about CEOs. LD believes the families are already aware of police position.

As to process – JHS advised that each PCT should have Rem. Committee approval of decision to allow them to return to work. JHS also advised that we should obtain letter from Police confirming their position as a matter of urgency and before decision announced. GC to also submit ministerial brief ASAP and to discuss with DOH when announcement is to be made about CHI investigation – it is essential for the PR about the various decisions and responses to questions from MPs to be co-ordinated.

Action

GC will obtain a view from the DoH as to where they are, following the meeting with the CMO last Monday.

HA will prepare a brief for ministers based on the outcome of today's meeting (which will be shared with JHS before being sent on).

In terms of timescale it was acknowledged that there had never been a greater risk of the current position being disclosed or released in an unplanned way and thereby attracting adverse publicity – so the sooner the decisions made could be acted upon and announced the better for all concerned.

Each of the PCTs will need to seek Remuneration Committee approval of a decision to allow IP/TH to return to work, and such meetings could take place before the end of January 2003, but there would be no point in seeking Rem. Committee approval unless the Department had indicated that they were content with this approach.

HA will chase police for their letter confirming their request not to proceed with the management investigation and will copy it to JHS.

JHS will provide advice to each Chair to be shared with their Remuneration Committees.

The PR advisers to each PCT will be involved in discussions about the content and process of any announcements, once the decisions have been approved but before any announcement is made.

JHS will prepare letters from each PCT to both IP/TH confirming the decision and setting out PCTs expectations with regard to the on going investigation etc.

Time engaged in meeting 3 hours.

JHS