

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 16th JUNE 2020**

Question

As Dr. Alwitry's case against the States Employment Board has now run its course through the legal system, following the most recent judgement by the Privy Council, will the Chair –

- (a) set out the timeline of the case and explain the rationale for each of the actions taken by the Board at each stage of the legal proceedings;
- (b) state the total cost to the States of the proceedings, breaking this information down into the cost of each stage of the action; and
- (c) state the cost of the legal advice received by the Board at each stage of the action and from whom the advice was obtained?

Answer

It is not correct to say that Mr Alwitry's case has "now run its course." The Royal Court, on 22 July 2018, gave a direction that the trial in September 2018 would be limited to the issue of liability, and the issue of quantum of damages would be determined at a later date.

It is the issue of liability for the breach of contract which has now been concluded but the issue of quantum remains for the Royal Court to determine and therefore the matter remains *sub-judice*. It would not be appropriate to make any comment on (a) of the question.

As regards (b) and (c), the external legal advice provided to the Board in respect of Mr Alwitry's Order of Justice of January 2017 is approximately £140,000.

This includes legal advice on aspects of Mr Alwitry's case which failed (allegations that he was dismissed due to raising patient safety concerns, and claim for exemplary or punitive damages) or claims which were withdrawn (defamation of character, tortious conspiracy/inducement to breach contract).

Otherwise, the majority of the legal advice, and all of the advocacy, has been provided by the Law Officers' Department within existing budgets and with no further cost to the SEB and or Health Department.

To date, the SEB has paid approximately £100,000 towards Mr Alwitry's legal costs, with some costs unresolved and outstanding pending the resolution of the matters described above.