

2.4 The Deputy of St. Martin of the Chief Minister regarding the background to Mr. Bellwood's appeal to the Employment Tribunal:

Now that Mr. Bellwood's appeal to the Employment Tribunal has been compromised, will the Chief Minister explain - why the case was contested; who was responsible for that decision; what cost was involved; why a member of Greenfields staff has been suspended; and whether there will be an inquiry into the circumstances surrounding Mr. Bellwood's dismissal?

Senator F.H. Walker (The Chief Minister):

The case was contested because it was considered that, notwithstanding certain procedural errors in the manner in which Mr. Bellwood was dismissed, there were sound reasons for his dismissal. During the course of the tribunal, Mr. Bellwood agreed, as had previously been alleged - not I have to say by Mr. Bellwood - that he had not been dismissed for whistle-blowing. As the States had already accepted that there were procedural errors in his dismissal there was no further point in continuing with the hearing. A joint statement was therefore agreed and the application was formally withdrawn. The decision to contest the application was made by the Health and Social Services Department in conjunction with the Chief Minister's Department. I cannot release the details of the out-of-court settlement because the agreement was confidential to both parties, but I can say that the settlement did not exceed Mr. Bellwood's contractual and statutory entitlement. A member of the Greenfields staff was subsequently suspended following the emergence of allegations made during the course of the Employment Tribunal hearing. There will now be an independent investigation into those allegations and this begins today. It was announced on the day of the out-of-court settlement, which was 12th March, that there will be a full independent inquiry into all of the circumstances surrounding Mr. Bellwood's dismissal and what lessons may be learnt from it. It was announced yesterday that this inquiry will be conducted by Professor Robert Upex, an expert in the field of employment law whose name and C.V. (curriculum vitae) along with others were provided to the States Employment Board by the Director of J.A.C.S. (Jersey Advisory and Conciliation Services).

2.4.1 The Deputy of St. Martin:

Will the Minister agree that there are really 3 major decisions surrounding the whole case? One was to dismiss Mr. Bellwood, the second one was obviously to defend the claim and the third was to give way halfway through the case. Will the Minister advise the House whether those decisions were made by civil servants or by Ministers?

Senator F.H. Walker:

Ultimately they were made by Ministers and I have to say I stand by them.

2.4.2 Senator S. Syvret:

When Mr. Bellwood, who I did not know at that time, came to me in the early part of last year with his case, it was immediately clear to me that the case against him by management was an absolute farrago of nonsense. I put this view to the senior officers in the department. They...

The Deputy Bailiff:

Sorry, this must be a question.

Senator S. Syvret:

Yes, it is going to be a question. They told me that no, they insisted that everything was procedurally perfectly in order when it manifestly was not. Does the Chief Minister think it acceptable for senior civil servants to lie to their Ministers in this manner? After Panorama last night... you bloody idiot. **[Member: Oh!]**

The Deputy Bailiff:

Senator, Senator, that was... one moment. Senator Syvret, that was completely unparliamentary language. I must ask you to withdraw it.

Senator S. Syvret:

I will withdraw the word "bloody", Sir.

The Deputy Bailiff:

Now there was a question asked of the Chief Minister.

Senator F.H. Walker:

The case against Mr. Bellwood was not a farrago of nonsense. There were and remain good reasons for his dismissal and I have no doubt that those will all be fully explained and clarified during the inquiry into all the circumstances surrounding his dismissal. Sir, I too deplore the fact that the Senator has chosen, yet again, to say that senior civil servants have lied to him. There is no evidence to support that and again I am confident that that too will be made clear during the inquiry.

2.4.3 Deputy R.G. Le Hérisier:

Would the Chief Minister confirm that given the embarrassment of the agreement that was reached and therefore the information which was denied to the public, that all the information that was denied as a result of the abrupt termination of the inquiry will now be revealed publicly through the findings of the Professor's report?

Senator F.H. Walker:

Yes, Sir, absolutely.

2.4.4 The Deputy of St. Martin:

I hold no brief, either Mr. Bellwood or the man suspended, I have never met Mr. Bellwood and certainly the man suspended I have only met twice about 4 years ago. But I think it is quite fair to say there have been 2 casualties as a result of the problem up there. Could I ask the Chief Minister; will Mr. Bellwood be reinstated? Secondly, I have heard this morning - we all heard this morning which I think was good news - that the matter of the suspension was going to be started, I think, either today or tomorrow - soon. Can I, Sir, have reassurance that the matter of the suspension will be dealt with prior to the full inquiry therefore the person suspended will not have to suffer further duress while waiting for the outcome of the review?

Senator F.H. Walker:

Yes, Sir, the Deputy is correct when he said the inquiry into the suspension starts today and it is intended that that will be a relatively short-running inquiry and should be complete, I hope, within the next few days, and certainly in advance of the full inquiry into all the circumstances surrounding Mr. Bellwood's dismissal. But, Sir, I will maintain or repeat another point; there were and remain good reasons for Mr. Bellwood's dismissal.

The Deputy of St. Martin:

I did ask whether Mr. Bellwood would be reinstated.

Senator F.H. Walker:

Well, Sir, so long as good reasons remain for his dismissal he will not be reinstated. The only possible circumstances I could envisage in which that might happen is if the Committee of Inquiry came out strongly and clearly and supported his view that he was wrongfully dismissed and found indeed that to be the case. But I very much doubt that that will be the outcome. But of course it is a fully independent inquiry and we will have to await its conclusion.

2.4.5 The Deputy of St. Martin:

Could I just press the Chief Minister to come back? I feel rather strange that Mr. Bellwood has received a full compensation for being sacked yet he will not be offered his job back because he was guilty of something. I find it hard to follow.

Senator F.H. Walker:

The Deputy misunderstands the position. There were and remain good reasons for Mr. Bellwood's dismissal. Now I cannot repeat that too often. The problem from the States perspective was that there was a technical glitch in the way in which he was dismissed. It was purely technical in that he was not given the notice that he was entitled to. That is the only problem and that is why the settlement was within his statutory rights and well below - well below - the figure Mr. Bellwood originally requested to settle the issue some months before the tribunal sat.

2.4.6 Deputy R.G. Le Hérisier:

I wonder if the Chief Minister could clarify; there are an awful lot of inquiries going on or being announced and I think we are all getting slightly confused. There seems to be an immediate inquiry starting today with a narrow remit and then a broader inquiry into Greenfields. Could he clarify how those 2 inquiries are going to run; whether they are concurrent and when each of them are going to report?

Senator F.H. Walker:

I thought I had answered that in the response to the Deputy of St. Martin. The inquiry into the suspension starts today, as both Deputies have correctly observed, and as I said in answer to the Deputy of St. Martin, we anticipate that being concluded within a very short timescale. The full inquiry into all the circumstances of Mr. Bellwood's dismissal will start when that has finished and that will take much longer to resolve. It will be a full public inquiry and Members already have details of the expert who has been employed to chair it.

2.4.7 The Deputy of St. Martin:

I have got to thank the Chief Minister because I really felt this morning I may well have got very few answers because everything is *sub judice* until we had a review. So I think it is refreshing the answers I have had this morning. But one question remains; when the full review on Greenfields with - I cannot remember the name of the gentleman who will be doing it - but will there be a full panel working with him and will the States have any say in the make up of that panel?

Senator F.H. Walker:

Are we talking here about Mr. Bellwood's dismissal or the Andrew Williamson inquiry into Greenfields?

The Deputy of St. Martin:

The Bellwood dismissal.

Senator F.H. Walker:

No, Sir, it is not planned that there will be a tribunal sitting with Professor Ubex, it is planned that he will conduct the inquiry himself.