

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD
BY DEPUTY M.R. HIGGINS OF ST. HELIER
QUESTION SUBMITTED ON MONDAY 15TH NOVEMBER 2021
ANSWER TO BE TABLED ON MONDAY 22ND NOVEMBER 2021**

Question

Further to [Oral Question 214/2021](#) regarding the amount of damages paid to Mr. Amar Alwitry following his successful legal action against the States Employment Board for an unlawful breach of contract, will the Chair advise members whether any civil or public servant has been disciplined, or held to account in any way, either for the actions that led to the aforementioned unlawful breach of contract or for pursuing the action which has resulted in considerable cost to the taxpayer; and if not, why not?

Answer

The answer is no. As regards the dismissal, public servants acted in line with policy and advice at the time and no disciplinary action was taken against any of the officers involved in the dismissal of Mr Alwitry. Officers acted in good faith as found by the Royal Court : *“We have considerable sympathy with the position of the hospital management **who we find were acting in good faith and motivated by the best long-term interest of the General Hospital** and we further find that its concerns over the conduct of Mr Alwitry were genuinely held.”*

Furthermore, no such discipline has been taken in respect of decisions taken during the course of court proceedings. Litigation is unpredictable and it is unreasonable to suggest any officer should face disciplinary action because the outcome is not the one desired. The States Employment Board acted on advice and was guided by local and UK precedent. Furthermore, it is worth noting that Mr Alwitry was not successful on several aspects of his claim (whistleblowing claims, defamation, tortious conspiracy, exemplary damages) and his total claimed losses were excessive. There was a strong public interest in defending this case and the amounts claimed.