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2 Senator S.C. Ferguson of the Chief Minister regarding steps taken as a result of the ‘Alwitary case’ to ensure similar circumstances would not arise in future: [9766]

Have any sanctions been applied to politicians and staff involved with the ‘Alwitary case’ and what steps, if any, have been taken to ensure that similar treatment of a staff member as occurred in this case does not arise in the future?

Senator I.J. Gorst (The Chief Minister):

The States Employment Board conducted a number of reviews of this case, including one by the former Solicitor General. These reviews provided no evidence that sanctions were appropriate, however process improvements have been made giving confidence that similar circumstances will not occur in the future, including improvements to the hospital’s recruitment procedures for consultants, which have been received positively.

3.2.1 Senator S.C. Ferguson:

Would the Chief Minister supply a summary of these improvements to States Members to satisfy them, particularly after the very strong report produced by the Complaints Board?

Senator I.J. Gorst:

I am sure that the States Employment Board would be only too willing to provide a note of the improvements that have been made. I am also proposing to ask the States Employment Board if they agree that we give extra oversight to the Appointments Commission, as well as the oversight that we have from the Royal Colleges in those cases, and I see no reason why the States Employment Board would not provide a note on those changes.

3.2.2 Deputy M.R. Higgins of St. Helier:

Can the Chief Minister tell us, as he is chairman of the States Employment Board, whether he reviewed the recommendation that came from the hospital to terminate Mr. Alwitary’s employment? If not, why not?

Senator I.J. Gorst:

The Deputy seems to be confusing operational matters, which are rightly undertaken by management, and policy matters, which are the responsibility of the States Employment Board. The States Employment Board were informed of the action to be taken.

3.2.3 Deputy M.R. Higgins:

As I understand it, the States Employment Board is the employer of all States employees. Surely the States Employment Board should have made the final decision or reviewed all the evidence that came from the hospital, which was badly flawed, as was identified in the States Complaints Board report. Does the Minister not agree that you should have examined the evidence before rubber-stamping the termination?

Senator I.J. Gorst:

If we were to take such an approach that would be many hundreds, if not thousands, of contract decisions that politicians would get involved in and that would be wholly inappropriate. We do not sit on the recruitment panels. We do not have the expertise for each particular position that needs to be recruited. What we endeavour to do is ensure there are appropriate policies in place to make sure that those recruitments are undertaken to the

highest standard. The Deputy will know from reading the States Employment Board's response that there were improvements that could have been made in that case. Those improvements have now been made but they have been made at the policy level and will affect all recruitment of consultants.

3.2.4 Deputy G.P. Southern:

Does the Minister accept that 2 fundamental flaws occurred in this particular case wherein Mr. Alwitry was not clearly informed of what he was supposed to have done wrong and, secondly, was not given access to a fair tribunal hearing in order to put his case and to question the actions of the States Employment Board?

Senator I.J. Gorst:

As I have said, and as the States Employment Board said in their response to the Complaints Board, there were things which could have been improved, and that was around the process of signing a contract and saying that that contract was not appropriate. We have been quite clear about that. We have now put in place improved policies, as I said in answer to Senator Ferguson, to ensure that those situations cannot arise again.

3.2.5 Senator S.C. Ferguson:

Given that the Chief Minister was apprised of the Alwitry case at the very beginning and given that it was within the power of the Chief Minister to prevent the escalation of the case at the very beginning, why did he not take the appropriate action?

Senator I.J. Gorst:

The appropriate action has been taken. The States Employment Board requested a number of reports into the differing views of what occurred and we believe that the right decision was made. There were some difficulties along the way of reaching that decision. The States Employment Board have been quite clear about that. But as the Senator will know, from reading the former Solicitor General's report, ultimately the right decision was made and I am not sure that the Complaints Board have opined upon the merits of the decision or not. They simply talked about some of the flaws that they felt were in the process of which the States Employment Board have accepted.