

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD  
BY SENATOR S.C. FERGUSON  
ANSWER TO BE TABLED ON TUESDAY 2nd JUNE 2020**

**Question**

Will the Chair advise –

- (a) how many legal actions involving members of staff who are no longer employed by the States are currently ongoing;
- (b) what the legal costs to the States for such actions have been over the past 5 years (for each year), whether or not they have been completed or are ongoing; and
- (c) in cases over the past 5 years where the States Employment Board has either lost such a case or a stand-off with the other party has been reached, why the Board has not negotiated a settlement?

**Answer**

- (a) There are currently 3 case files ongoing brought by former members of staff.
- (b) The majority of the resources associated with the above case files are provided by staff within the Chief Operating Office and the Law Officers' Department.

Precise external spend is not held by the States Employment Board on a calendar year basis, although costs data on significant cases will typically be available after formal resolution/settlement (subject to any confidentiality obligations).

Current external spend in relation to ongoing case files is approximately £200,000 to £250,000

- (c) The States Employment Board has engaged in confidential settlement discussions in several cases, whether that be through “without prejudice” correspondence, settlement meetings or mediations conducted by independent third parties such as the Jersey Advisory and Conciliation Service. In some cases, matters have been amicably resolved without the dispute proceeding to the Royal Court or the Jersey Employment and Discrimination Tribunal. However, agreement is not always possible.

In directing or agreeing to any such discussion, the Board receives advice from case officers and the Law Officers' Department (where such discussions are subject to litigation privilege, which is not waived). Additionally, the Board considers any such terms of agreements in the context of its public duty that such settlements are proportionate to the liabilities. Where there is an unrealistic expectation from the other party regarding liability and/or quantum, the Board cannot enter into such terms.

This approach is consistent with that taken by other large employers, in Jersey and other jurisdictions.