

**WRITTEN QUESTION TO THE CHAIR OF THE STATES EMPLOYMENT BOARD
BY DEPUTY M.R. HIGGINS OF ST. HELIER
ANSWER TO BE TABLED ON TUESDAY 20th OCTOBER 2020**

Question

Will the Chair explain to Members with regard to case involving the breach-of-contract dispute with Mr. Amal Alwitry –

- (a) the States Employment Board’s rationale for repeatedly attempting to re-litigate the case having already exhausted all other legal avenues with regards to the final decision of the Privy Council;
- (b) who is responsible for the decisions to pursue this case to its current position;
- (c) the number of hours of legal time at each level that have been expended on this case, the (notional) charge out rate of each of the lawyers involved and the total sums expended on the case to date; and
- (d) whether the Board sought external legal advice rather than relying solely on the advice of the Law Officers Department, and if so from whom?

Answer

- (a) The States Employment Board has not “*repeatedly attempt[ed] to re-litigate the case*” regarding Mr Amar Alwitry. The issue of quantum is outstanding and due to be heard at a 5-day trial in 2021. Ahead of this quantum hearing, the SEB appropriately sought clarification from the Royal Court on a preliminary point regarding the assessment of damages as a result of a significant finding by the Court of Appeal.
- (b) The States Employment Board makes all decisions regarding this case based on advice received.
- (c) As noted by the Chair of the SEB in his answer to the Deputy’s question of 16 June 2020 [WQ.230/2020], £140,000 had been spent on external legal costs as at that date. An additional £16,000 has been incurred since. The charge out rates of external counsel have been agreed at favourable Crown rates. All other legal work has been carried out by the Law Officers’ Department within its existing budgets and at no cost to the SEB or Department of Health and Social Services.

We have not been able to identify the number of hours that have been expended on this case within the time available, but we will report back to the Assembly by the end of the month with this figure.

- (d) The SEB has been advised throughout by leading employment law QCs from England and Wales. The identity of counsel is privileged information.

We note that we have previously offered a briefing to the Deputy and that offer still stands should it be of benefit.