

Press release on behalf of Amar Alwitry

"I am grateful to the Court for the consideration it has given my case.

The last 6 years of my life have been some of the toughest for my family and I. My dreams of returning to the Island were taken away from me and my career was left in tatters. The world of ophthalmology is a small one and the consequences have been immeasurable for me and my young family.

Notwithstanding the obvious errors and unlawfulness of the decision the Hospital management, the States Employment Board (SEB) have fought this every step of the way. This latest judgment reinforces the earlier findings of the States Complaints Board that the decision to terminate my contract was unlawful.

The SEB has wasted hundreds of thousands of pounds of tax payers' money opposing my attempts to seek legal redress at every juncture possible. The internal investigations, including one by the then Solicitor General Howard Sharp Q.C., were flawed and unfit for purpose. My requests for access to my personal data were wrongfully refused and it took a judgment of the Royal Court to compel the SEB to do so. The SEB were roundly condemned by a detailed report of the States Complaint Board, but refused to accept its findings, necessitating formal proceedings for breach of contract. Today the Royal Court has found the SEB to have acted unlawfully and in breach of my contract of employment, and has rejected the SEB's argument that its liability for that breach can be capped at a nominal sum by reference to notice periods.

I am extremely saddened to learn that the SEB remain unwilling to accept the judgment of the Royal Court and intend to seek to appeal against it. Though I am not yet aware of the grounds upon which they intend to do so, it is naturally very concerning that the SEB wish to set a precedent that they can unlawfully sack a doctor for any reason or no reason at all with no greater exposure in damages than 3 months' salary. For the SEB to so contend in the face of a judgment of the Royal Court to the contrary is alarming.

I am very grateful to the British Medical Association for their continued support and funding, without which I might otherwise have been unable to pursue matters to this point, particularly given the hard line taken by the SEB and apparent willingness to throw endless sums of tax-payers' money at the defence of the indefensible. I cannot speak for the British Medical Association, but their involvement and support speaks volumes as to their concerns about the actions of the SEB in this case and the potential ramifications for the employment rights of all doctors on the Island.

If I have one regret it is that the Court did not address the legal argument in respect of whistleblowing protection (or potential lack of any such protection) in more detail as this may have provided some useful guidance for doctors and other clinicians who find themselves in difficult positions in the future, and for whistleblowing generally.

Nevertheless, I hope that lessons will have been learned and that the issues raised by this case will prevent Hospital management or the SEB acting in a similar way towards another medic on the Island.

I will continue to reflect on the Court's judgment and my wish is that the remainder of the case (in which damages fall to be assessed) is dealt with in a more collaborative manner. I hope and believe that there can be productive discussions between the parties to avoid yet more legal costs.

I remain saddened that I will not come back to serve the people of the Island. I was recently awarded UK Ophthalmologist of the Year and UK Patient Safety Innovator 2019. It would have been an honour to come home and work to protect and preserve the eyesight of the people of the Island. I would just like to say a big thank you to all who have supported me, including my wife and family and my many friends both on and off the Island."