

Witness Name: Jude Cohen
Statement No.: WITN4565002
Exhibits: None
Dated: 8th March 2021

INFECTED BLOOD INQUIRY

WRITTEN STATEMENT OF JUDE COHEN

I provide this statement in response to a notice under Section 21 of Inquiries Act 2005 dated 4 March 2021

I, Jude Cohen, will say as follows: -

1. I have been asked to provide further evidence concerning my departure from the MFT. As I explained in paragraphs 201 to 203 of my first witness statement, I signed a written agreement after my employment with the MFT came to an end. I no longer have a copy of this agreement and the Inquiry has been unable to provide me with a copy from the records that it holds. As a result, I have been unable to check the precise terms that were agreed and therefore have no alternative but to rely upon my recollection. Consequently, I believe that the information contained in my answers below should remain confidential and I am therefore supplying it to the Inquiry on that basis and I am seeking a restriction order over its further disclosure.
2. I would also like to put on record that the decision to serve me with a s.21 Notice has put me in a very difficult position. Having agreed to keep certain matters confidential, I have now been forced to consider whether I must nevertheless break that confidence in order to answer the questions posed by the Inquiry. I have therefore had to assess whether the public interest in the Inquiry being

able to fulfil its terms of reference is likely to outweigh the public interest in that confidence being maintained. This has not been an easy assessment for me to make. However, the fact that the Inquiry has determined it is necessary to serve me with a s.21 Notice has led me to the conclusion that it must consider the questions to be of sufficient importance to its terms of reference to justify that approach. I have also had regard to the fact that this is a public Inquiry, established by a government Minister, which by its very nature must therefore be in the public interest. Accordingly, I have concluded that the public interest in the Inquiry fulfilling its terms of reference is very likely to outweigh the interest in maintaining the confidence that I owe and that I therefore have no alternative but to provide the information requested.

3. In deciding that I will answer the questions posed, I have also taken into account the Inquiry's ability to restrict the further disclosure of this confidential information and I am therefore seeking a Restriction Order that it is disclosed no further than is necessary for the Inquiry to fairly fulfil its functions.

Q1. Please set out the circumstances in which you were dismissed from your employment with the Macfarlane Trust.

4. I do not know why I was dismissed from the MFT. I was not then, or at any other time, given any written reasons for my dismissal, which I believed was contrary to employment law, as was a lack of any earlier warnings regarding unsatisfactory performance, misdemeanour or other performance issues.
5. Whatever the reason(s) may have been, in late August 2005 I was offered a financial settlement to leave. Because proper processes had not been followed, I rejected that offer and when I was then dismissed, started a case for unfair dismissal instead.
6. Sometime after that case had begun, I was offered a significantly larger sum to drop the claim. By that stage, I had no desire to return to the MFT and I therefore entered into a settlement agreement with the MFT. I no longer have a copy of that agreement and cannot now remember how much I was paid in

exchange for signing it, but I do recall it was free from deductions such as tax and I believe it was in the region of GRO-C

7. Having now reflected upon my dismissal and reviewed the documents provided to me by the Inquiry, there are a number of factors that may have been relevant to my departure:

- a. I believe that the Chair, Peter Stevens, may have been unhappy with my persistence in pursuing greater openness about grant availability. As may be seen from my report to the NSSC dated 25 August 2005 [**MACF0000101_079**], I was continuing to pursue this issue up until the point that I was dismissed, which was before the meeting of the NSSC on 2 and 3 September 2005 [**MAC0000101_058**].
- b. The Chief Executive, Martin Harvey, may have been concerned that my requests for support in dealing with the emotional and physical stress of my excessive workload, as detailed in my letters of the 19 May 2005 [**MACF000000_082**] and 23 August 2005 [**HSOC0029509_002**] would have led to further employment law issues that the MFT would then have had to deal with.
- c. There may also have been feeling that the post of Head of Support Services was not actually necessary. From the documents made available to me by the Inquiry, I believe that my post was not replaced and that the Office Manager was instead made a Support Services Manager, and the planned Regional Support Worker network was abandoned.

8. What was not a factor in my dismissal, but which appears to have been suggested to the Inquiry during the evidence of Peter Stevens on the 24 February 2021, was that I was dismissed because I was passed information arising from the 'hacking' episode within the MFT¹. This is completely

¹ Peter Stevens, 24 February 2021, transcript pages 35-36

inaccurate, as I was only ever passed confidential information that was not intended for me after I had been dismissed from the MFT and was bringing the case for unfair dismissal. At that time, I received a selection of documents in the post from an anonymous sender and drew this to the attention of my solicitor. Following receipt of legal advice, I destroyed those documents as they were clearly never intended to be seen by me as they concerned my legal case against the MFT.

9. It seems that Peter Stevens may therefore have unfortunately confused the chronology of events with the earlier 'hacking' episode, referred to in [HSOC0005357, p.4]. This had nothing to do with me and I only discovered the detail of those hacked documents when reading Inquiry evidence during the past two weeks. As I believe [HSOC0005357] demonstrates, I remained at the MFT for several months after that earlier incident, passing my probationary period, and there was never any suggestion that I was involved.

Q2. Please describe the circumstances in which you signed the non-disclosure agreement with the Macfarlane Trust.

10. As I have described above, I entered into a settlement agreement with the MFT in exchange for dropping my claim for unfair dismissal. As I recall it, that agreement contained confidentiality provisions, although I no longer hold a copy of that agreement to be able to check exactly what was agreed. The copy of that agreement that was in my possession was destroyed, along with all of my other employment records from throughout my career, following my retirement in 2015.

Q3. Please set out what issues the non-disclosure agreement covered.

11. As I no longer have a copy of the agreement, I cannot say with any certainty what the scope of the confidentiality provisions covered.

12. To the best of my recollection, I believe it covered the circumstances of my departure from the MFT and the terms of the agreement itself, and a guarantee of good references.

Statement of Truth

I believe that the facts stated in this witness statement are true.

Signed GRO-C _____

Dated 22 March 2021