



CSAC Appeal 007/2019 – Record of Decision

Appeal 007/2019 was received on 17 April 2019 from an Appellant alleging that the Respondent acted unfairly and/or acted in a manner inconsistent with the requirements of Part VII of the PSML in disciplining the Appellant, by way of a written warning, for serious misconduct and redeploying her to a different work location.

Following receipt of submissions from the Respondent and further supporting documents from the Appellant, an Appeal Hearing was held on 11 October 2019. It is noted that Chairman Huw Moses along with members Shomari Scott, Jennifer Skinner and Olivaire Watler participated in the Appeal Hearing.

The Commission subsequently considered the submissions and relevant legislation. In the Commission's view the process adopted by the Chief Officer to reconsider what action to take in respect of the Appellant's alleged misconduct was flawed and in several respects inconsistent with either PSML Regulation 39 or Regulation 42. In addition, the Commission considered that the time which elapsed (between the Respondent's reconsideration of the matter and the subsequent written communication of the final decision to the Appellant) was in itself a breach of natural justice in that the Respondent failed to have regard to the need to determine the disciplinary process in a reasonable period (having regard to the facts).

The Commission made the following orders:

- all records of the reconsideration of the disciplinary process should be removed from the Appellant's personnel file;
- the written warning (if actually given) is revoked;
- no further disciplinary proceedings may be brought against the Appellant in respect to the Incident detailed during the course of the appeal in the interests of natural justice; and
- A contribution of CI\$9,000 is made by the Respondent to the Appellant's legal costs.

The Commission's decision was duly issued on 24 October 2019 to the legal representatives of both the Appellant and Respondent.

Huw St. J. Moses OBE
CHAIRMAN
CIVIL SERVICE APPEALS COMMISSION