

during that legal timeframe indicating that such discussions are ongoing and requests an extension. Details on requesting such an extension must be read in the CSAC Guidance Notes found on our website.

### **WHEN DO I FILE AN APPEAL?**

In accordance with the PSML, appeals to the CSAC must be lodged within 30 calendar days of the appellant being notified of the decision made by the Head of the Civil Service, Official Member, or Chief Officer.

### **CAN I WITHDRAW AN APPEAL?**

Appellants may withdraw an appeal at any time before the CSAC issues its decision, i.e. either after it is lodged and before it is considered by the CSAC; or after it is lodged and before the CSAC decision is issued. Appeals may be withdrawn by advising the CSAC Secretariat in writing.

Appeals do not need to be withdrawn merely because an appellant is leaving the Cayman Islands.

### **CAN I FILE A GRIEVANCE WITH THE CSAC?**

The PSML and Personnel Regulations draw a distinction between appeals and grievances.

Grievances are defined in Personnel Regulation 51(2) as concerns of a staff member relating to “workplace conditions or safety, the behaviour of another staff member in the workplace, or compliance of other staff members with the Public Servant’s Code of Conduct”. That Regulation also makes it clear that a grievance is not a matter which is the subject of the appeal process.

In other words the grounds for a grievance are different from the grounds for an appeal. Grievances, and a Chief Officer’s response to a grievance, cannot be appealed to the CSAC and fall outside the CSAC’s jurisdiction.

### **HELPFUL PARTNER AGENCIES**

Other agencies which may be useful to potential appellants include:

- Complaints Commissioner’s Office,
- Commission for Standards in Public Life,
- Information Commissioner’s Office,
- Portfolio of the Civil Service,
- Cayman Islands Civil Service Association, and
- Employee Assistance Programme.

### **WHERE CAN I GET MORE GUIDANCE?**

The CSAC has created comprehensive guidance notes which explain whose decisions can be appealed as well as how an appeal can be lodged. These guidance notes are available on our website or at our office.

### **HOW CAN I CONTACT THE CSAC?**

- Website: [www.civilserviceappealscommission.ky](http://www.civilserviceappealscommission.ky)
- E-mail: [info@civilserviceappealscommission.ky](mailto:info@civilserviceappealscommission.ky)
- Telephone: 244-3685
- Fax: 945-8649
- Mailing address: P.O. Box 391 Grand Cayman KY1-1106
- Physical address: 2nd Floor, Artemis House, 67 Fort Street, George Town, Grand Cayman

### **DISCLAIMER**

These materials are for informational purposes only and do not constitute legal advice. These materials are intended, but not promised or guaranteed to be current or complete and should in no way be taken as an indication of future results. Visit our website or office for more detailed information.



*What is the  
Civil Service Appeals  
Commission?*

# CSAC

## WHAT IS THE CSAC?

The Civil Service Appeals Commission (the CSAC) consists of a Chairman and not less than four or more than six other members, appointed by the Governor acting in his or her discretion. No person shall be qualified to be appointed as a member of the CSAC if they are a civil servant or if they are or have been within the preceding three years — an elected member of the Legislative Assembly, or the holder of any office in any political party.

## WHAT IS THE CSAC'S PURPOSE?

The sole purpose of the CSAC is to consider, and decide upon, appeals from civil servants about personnel-related decisions of the Head of the Civil Service, Official Members and Chief Officers of civil service entities (in accordance with sections 33, 34 and 54 of the Public Service Management Law). As such the CSAC is purely an appellate body.

## WHAT ARE THE CSAC'S POWERS?

The CSAC has all the powers of the Grand Court. In the performance of its functions under the Public Service Management Law (PSML), the CSAC is not subject to the direction or control of any other person or authority. It has no authority to be involved in civil service matters other than in relation to hearing appeals. Similarly it has no advisory role or authority to make public comments. The CSAC may only undertake investigations or inquiries in relation to appeals.

## WHAT IS AN APPEAL?

An appeal is a request to the CSAC to review a personnel-related decision on the following grounds: where the Appointing Officer is believed to have acted in an unfair or biased manner; the processes and procedures specified in the Law or Regulations for that type of decision were not followed; or the substantive requirements of the Law or

Regulations were not complied with. Before accepting an appeal, the CSAC will satisfy itself that the appeal falls within its jurisdiction and that it provides clear and sufficient legal grounds for the appeal under the PSML.

## WHO MAY MAKE AN APPEAL?

Under the PSML, only existing employees of government can lodge an appeal with the CSAC, including civil servants and Chief Officers.

The following are not eligible to lodge an appeal to the CSAC:

- persons who are not civil servants, and who have unsuccessfully applied for a position as a civil servant;
- employees of statutory authorities and government companies as they are not civil servants (and are therefore not covered by the CSAC appeals process);
- Royal Cayman Islands Police Service Officers as their employment conditions are otherwise governed within the remit of the Police Law; and
- Her Majesty's Cayman Islands Prison Officers relating to any disciplinary matter as this employment condition is governed within the remit of the Prisons Law and the Prison (Discipline) Regulations.

Appeals processes for civil servants and Chief Officers are different. More information on these separate processes can be found in the pamphlets entitled *I am a Civil Servant* and *I am a Chief Officer*.

## ONUS OF PROOF

In all cases the PSML places the onus of proof on the appellant by requiring appellants to provide evidence to support their appeal. This means that appellants need to be able to provide evidence that one or both of the aforementioned grounds exist.

## RESPONSIBILITY FOR PREPARING AN APPEAL

The responsibility for preparing and submitting an appeal rests with the appellant. However, an appellant may seek assistance from a family member, friend, lawyer, CICSA representative or other person when preparing the Appeal submission.

In order to maintain their neutrality and independence, the CSAC Members and staff of the CSAC Secretariat are not able to assist appellants in preparing appeal documents.

## HOW DO I FILE AN APPEAL?

An appeal must be in writing and be signed by the appellant.

As a general rule, the appellant should complete the standard appeal form which is available either from the CSAC office or online on the CSAC's website. Appeal submissions without the form will not be refused provided the appellant provides the information requested in the form in a clear and concise alternative format.

It must be noted that an appeal must be submitted in accordance with the Guidance Notes **within the required 30 calendar day timeframe**. In the event that the appellant is unable to file a completed appeal within the 30 calendar day timeframe, he or she should submit the appeal and supporting documents as they are able with a cover letter detailing what information is lacking, why and when it is expected to become available. The matter will be considered and the appellant notified as to the timeframe the Commission has agreed to complete the submission. A Notice of Appeal is not considered by the Commission to suffice in filing an appeal.

Where a potential Appellant is engaged in discussion (generally of a without prejudice nature) with the potential Respondent, an extension to submit appeal materials may be allowed if the Appellant communicates with the CSAC