



Record of members present and business transacted at meeting held on 4 January 2018 at 10:00am in the Commissions Secretariat Conference Room, Artemis House.

Members Present

Mr. Donovan Ebanks	-	Chairman
Mrs. Stacey van Develde	-	Member
Mr. Colin Ross	-	Member
Mrs. Sheena Sigsworth	-	Member
Mrs. Vicki Hulse	-	Member

Apologies

Ms. Deanna Look Loy	-	Member
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Others Present

Ms. Deborah Bodden	-	Manager, Commissions Secretariat
Ms. Kirsten Houghton	-	Legal Advisor (part attendance)
Ms. Lise Hurlstone	-	Administrator/Analyst

Appeals

- **Appeal 006/2017**

After a brief discussion, including consideration of advice from the Commission's legal representative, Members agreed that the appropriate course of action in this matter would be to remit the substantive decision being appealed back to the Chief Officer now responsible for the Appellant's employment for reconsideration within 30 calendar days. The reconsideration should ensure that a properly informed decision is reached following proper procedures and processes as required by the Public Service Management Law. The Appellant will retain the right to appeal this decision should she wish.

Members also agreed that two secondary elements of the appeal may be considered an abuse of process because they attempt to resurrect matters which have previously been raised with, and decided by, the Commission. These matters should not be re-raised in future appeal submissions to the Commission, and the Appellant's legal representative will be advised as such.

- Appeal 007/2017

The Commission reviewed the status of this matter beyond the issuance of its Orders on 20 December 2017, wherein the Respondent indicated the intention to apply for leave for judicial review. The Commission's legal representative confirmed that the Commission is given no authority by the PSML, from which it derives its jurisdiction and powers, to involve itself in the matter beyond the Orders it made. Should the Respondent apply for leave for judicial review, the Commission take advice from counsel.

- Other Business

During the meeting Members raised the issue of possible changes to the PSML to clarify the role of the Commission and the appeal process. The Commission therefore directed the Secretariat to circulate previously suggested changes to the PSML to Members.

Actions

- The Secretariat was asked to:
 - draft correspondence to the Respondent and Appellant in Appeal 006/2017 for the Commission's review; and
 - circulate previously suggested changes to the PSML to Members for the Commission's review.



Donovan Ebanks
CHAIRMAN
CIVIL SERVICE APPEALS COMMISSION