



Record of members present and business transacted at meeting held on 1<sup>st</sup> July 2014 at 9:30am, in the Commissions Secretariat Conference Room, Corporate Centre.

### **Members Present**

Mr. Donnie Ebanks	-	Chairman
Mr. Lemuel Hurlston	-	Member (for part) and Acting Chairman (for part)
Mrs. Andrea Bryan	-	Member
Ms. Deanna Lookloy	-	Member
Mrs. Stacey van Develde	-	Member

### **Apologies**

Mrs. Dorothy Crumbley	-	Member
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### **Others Present**

Mrs. Kirsten Houghton	-	Legal Advisor to the CSAC
Ms. Deborah Bodden	-	Manager, Commissions Secretariat

### **Confirmation of Previous Minutes**

The minutes of 3 June and 17 June 2014 were confirmed.

### **Outstanding Business**

- Policies and Procedures Manual

Members approved the relevant changes to the Policies and Procedures Manual in accordance with the legal advice which clarifies the CSAC's remit in regards to appeals filed by Police or Prison Officers.

### **Outstanding Appeals**

- Appeal 004/2014

As agreed at the last meeting the Secretariat requested, on behalf of the CSAC, that the appellant provide proof of the date on which he received the letter from the Chief Officer, against whose decision he is appealing. The information was deemed necessary to determine whether the appeal was made within the time required by law. Following the appellant's response a determination was made that the appeal was made in the time required by law and the appellant was subsequently asked to complete the Appeals Form and submit within ten calendar days all documentation referenced in the original submission as well as any other documentation the appellant would wish for the Commission to consider.

The CSAC considered the Appeals Form and all supporting documentation, inclusive of the material submitted on 9 March and 26 June 2014 and, by majority decision, agreed that there was no evidence to suggest that the Chief Officer acted in an unfair or biased manner, or in a manner inconsistent with the requirements of Part VII of the PSML. It is noted for the record that Member Andrea Bryan and Member Deanna Lookloy dissented with this decision.

The members of the Commission present had considerable sympathy for the Appellant's situation, as it has for many of the appellants, but the majority agreed that, having resigned for the reasons set out in his letter dated 2 December 2012, and his resignation accepted by the Acting Head of Department on 9 January 2013, after consultation, to take effect from 21 February 2013, the Ministry was under no obligation to agree to rescind that resignation and the Chief Officer's decision contained in its letter dated 6 February 2014 was unimpeachable.

The Commission again discussed that this case is yet another example of one in which CSAC would, if it had the jurisdiction to do so, write to the Ministry involved, copied to the Deputy Governor, regarding the poor administrative handling of personnel matters.

#### Outstanding Appeals

- Appeal 005/2014

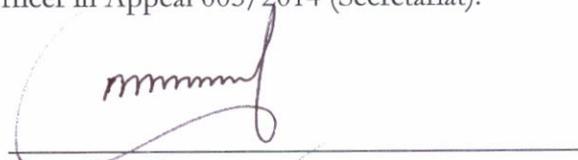
For the record it is noted that the Chairman Donovan Ebanks continues to recuse himself from this matter as his former role of Deputy Governor placed him in a relationship of close proximity with both parties. He will continue to recuse himself from any meeting or matter which relates to this appeal and Member Lemuel Hurlston will continue to serve as Acting Chairman.

The CSAC considered the submissions filed by both the legal counsel for the Appellant and from the Attorney General's Chambers on behalf of the Respondent Chief Officer. The members of the Commission unanimously agreed that, on the basis of the material provided, there has not yet been a final determination of the matter being appealed, and accordingly, decided that the Appellant's appeal is premature. In the circumstances, the CSAC declined to accept the appeal. The appellant's lawyers will be notified that the appellant may submit a formal appeal in the future following a final determination in the matter should he choose. The Respondent Chief Officer will also be notified of the decision.

#### Actions

- Draft correspondence to the appellant in Appeal 004/2014 (Secretariat);
- Draft correspondence to the appellant in Appeal 005/2014 (Secretariat); and
- Draft correspondence to the relevant Chief Officer in Appeal 005/2014 (Secretariat).

  
Donovan Ebanks  
CHAIRMAN  
CIVIL SERVICE APPEALS COMMISSION

  
Lemuel Hurlston  
ACTING CHAIRMAN  
CIVIL SERVICE APPEALS COMMISSION