



CSAC Appeal 006/2019 – Record of Decision

Appeal 006/2019 was received on 26 March 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 during the process in which the Appellant was not selected for a position during a recruitment exercise.

Following receipt of submissions from the Respondent and further supporting documents from the Appellant, an Appeal Hearing was held on 3 October 2019. It is noted that Chairman Huw Moses along with members Stacey VanDevelde, Shomari Scott and Kimbert Solomon participated in the Appeal Hearing.

The Commission subsequently considered the submissions, witness testimony and relevant legislation. The Commission found that there was a breach of Part VII of the PSML by the Respondent who shortlisted the Appellant in error given that he lacked the essential requirements detailed in the job description. However on the facts of the matter the Commission did not consider this to be a material breach. If the Commission were to require either the entire recruitment process to be undertaken ab initio (on the same job criteria) or even only from the point of shortlisting, the outcome would remain the same in that the Appellant would not be considered for the position. Further, the Commission found that the outcome was in fact the appointment of an applicant that satisfied the essential requirements of the position.

The Commission further found that the recruitment/interview process was conducted fairly, there was no breach of s.47(1) of the PSML, and the Respondent did not act in an unfair or bias manner.

No orders were made.

The Commission's decision was duly issued on 21 October 2019 to the legal representatives of both the Appellant and Respondent.

Huw St. J. Moses OBE

CHAIRMAN

CIVIL SERVICE APPEALS COMMISSION