

CHAPTER 2

APPOINTMENTS, PROMOTIONS, TERMINATIONS, AND RETIREMENTS

AUTHORITY FOR APPOINTMENTS

- 2.1 Save as may otherwise be provided in the Constitution, appointments to public offices are made by the Governor acting after consultation with the appropriate Service Commission. The Governor may, however, delegate power in this respect.

TEMPORARY STAFF

- 2.2 No expenditure shall be incurred on the employment of temporary officers over and above the approved establishment of a Department without the agreement of the Permanent Secretary Public Administration and unless adequate funds are available in that Department's approved Estimates.

APPLICATION FOR APPOINTMENT

- 2.3 Applications for temporary or permanent appointments to the Government Service should be made on the relevant forms and should be submitted to the Permanent Secretary, Public Administration. Forms can be downloaded from the government's website at www.gov.ai or be obtained from the Department of Public Administration.

APPOINTMENTS AND PROMOTIONS PROCEDURE

- 2.4 When a post on the authorised establishment becomes vacant, it may be filled by the appointment of a candidate with the requisite qualifications and experience as may be prescribed from time to time, selected from within or outside the Service. Bids by meritorious officers, with adequate qualifications, already in the service will normally take precedence over those not in the Service.
- 2.5 Under the terms of Section 65 of the Constitution the Governor shall appoint a Public Service Commission (hereinafter referred to as "the Commission") to advise the Governor on appointments and promotions to vacant offices, on transfers of suitable officers, and on the confirmation, disciplinary control and termination of appointment of all serving officers. The Commission shall consist of five members, of whom three shall be appointed by the Governor on whose discretion and two shall be appointed after consultation with the Public Service Staff Associations. None of the members shall be a public officer. The Governor, after consultation with the Chief Minister, shall appoint one of the members to be Chairperson. In the exercise of

its duties the Commission shall be bound by the Public Service Commission Regulations, 1976, as amended from time to time.

- 2.6 As soon as a vacancy occurs or is known to be pending, the details of the post, the qualifications required, the emoluments attached thereto, and the effective date of the vacancy (if known) shall be reported by the Head of Department concerned together with a recommendation for filling the vacancy, to the Permanent Secretary Public Administration on the relevant form (See Appendix Form P/15). The Permanent Secretary Public Administration shall either arrange for the post to be advertised or in exceptional circumstances (e.g. where an officer received job specific training) recommend to the Commission that the post be filled based on the recommendation of the Head of Department. All applications submitted on the relevant application form, and which are received by the date stipulated in the advertisement, shall be considered by the Commission, provided the applicant meets the requirements for the post.
- 2.7 In considering the filling of a vacancy, the Public Service Commission shall take into account the claims of eligible serving officers. The Commission will report its recommendation for filling the vacancy to the Governor and if it is unable so to recommend, it will inform the Governor accordingly, stating the steps which have been taken to ascertain whether a suitable candidate is available and the reason why a recommendation cannot be made.
- 2.8 In making recommendations for promotions in the Public Service, the Public Service Commission will consider the claims as put forward by the relevant Heads of Department and Permanent Secretary on the basis of seniority, professional and educational qualifications, experience, ability and performance. Recommendations for promotion will state whether the officers recommended are the most senior officers in their department eligible for promotion and where this is not the case, detailed reasons will be given in respect of all officers in the same department over whom it is proposed that the officers recommended should be promoted.

PROBATION

- 2.9 The appointment of officers to the permanent establishment is normally subject to a period of probation for one year. Exception may be made for those officers who have completed a period of satisfactory temporary service in excess of one year in the same or similar position.
- 2.10 The period of probation begins on the date of assumption of duty on probation in the appointment. During the period of probation, officers should be regarded as being on trial with a view to learning the work and being tested as to their suitability for it. Officers should, therefore, not only be given all possible facilities for acquiring experience of the duties of the post but should be kept under continual and sympathetic

observation and, so far as practicable, should not be posted where such observation is impossible.

- 2.11 It is the responsibility of Heads of Department to ensure that Line Managers pay special attention to the training of officers on probation. If at any time during the period of probation officers should exhibit tendencies which render it in any way doubtful that they will be suitable for permanent retention, they should at once be warned in writing and given such assistance as may be possible to correct the faults. Officers' probationary period may be extended for a period not exceeding one year where they have not had proper opportunity, either through illness or for other good reason, of displaying fitness for confirmation.
- 2.12 Heads of Department are required to forward to the Permanent Secretary Public Administration a confidential report (See Appendix Form P/10) on officers on probation as soon as they have completed six months service and thereafter one month before the end of the probationary period (Appendix Form P/10B). Such reports will be made available to the Public Service Commission.

RE-APPOINTMENT

- 2.13 Officers who are re-appointed after a break in service may be required, at the recommendation of the Public Service Commission, to undergo a period of probation of up to one year.
- 2.14 No officer who has resigned or been dismissed from the Service may be re-appointed in any capacity until the Public Service Commission has received and considered a written statement about the officer and the facts surrounding the officer's departure from the Service from the Permanent Secretary Public Administration.

CONFIRMATION TO THE PERMANENT ESTABLISHMENT

- 2.15 Unless an officer's appointment on probation is extended or is terminated, the officer will be confirmed to the permanent establishment on satisfactory completion of the probationary period, and notified in writing. Confirmation to the permanent establishment should also be published in the Official Gazette. One month before the period of probation is due to expire, the Head of Department (via the Permanent Secretary) must notify the Permanent Secretary Public Administration in writing whether confirmation is recommended or whether the probationary period should be extended or the officer's services be terminated. This should be accompanied by a detailed report on the officer's conduct and capabilities, stating whether the officer's conduct and service have been satisfactory or otherwise and whether the officer has acquired all the

qualifications for confirmation. The Permanent Secretary Public Administration shall forward such report to the Public Service Commission for its consideration.

TERMINATION OF PROBATION

- 2.16 The probationary appointment of an officer may be terminated at any time by the Governor acting on the recommendation of the Public Service Commission on the grounds of unsuitability or inefficiency. In such circumstances the officer may be given one calendar month's notice or be paid one month's salary in lieu of notice. There will be no recourse to normal disciplinary procedure.

LETTERS OF APPOINTMENT

- 2.17 Every officer appointed to the Service shall receive a letter of appointment on the relevant form. Every officer on being so appointed shall complete the relevant Personal Record Form (see Appendix P/2). Notification of an officer's appointment shall be made to the Head of Department to which the officer is posted, and to the Accountant General.

DATE OF APPOINTMENT

- 2.18 The date of appointment shall be the date on which the officer assumes duty.

MEDICAL EXAMINATION PRIOR TO APPOINTMENT

- 2.19 A candidate selected for appointment must undergo medical examination by an authorised Medical Officer and be passed as fully physically fit before a letter of appointment is issued. To this end, the candidate must fill in the relevant form (see Appendix Form P/3) and the Medical Officer should complete the relevant form (see Appendix Form P/4). Once a candidate has been passed as physically and mentally fit, the candidate's selection for appointment should be confirmed on the relevant form (see Appendix Form P/6).

TRANSFERS AND MOBILITY OBLIGATION

- 2.20 An officer may be required at any time to serve in any department in the exigencies of the Service. When an officer is required, whether permanently or otherwise to perform the duties of some public office other than that to which the officer was last substantively appointed, which does not constitute promotion and

which does not refer to the normal posting of an officer between duty posts in the same grade, the officer shall be transferred.

SECONDMENTS

- 2.21 When an officer is required temporarily for duty in another post within the same grade, with the intention of reverting to the officer's substantive post at a later date, the officer will be seconded for a period not exceeding one year in the first instance. The Commission shall make recommendations to the Governor with respect to secondments within the Anguilla Public Service. Secondments of officers to agencies outside the Anguilla Public Service are granted on the authority of the Governor.

ACTING APPOINTMENT

- 2.22 Unless it is required for statutory reasons, an acting appointment will not necessarily be made in all cases where an office is vacant. An officer is not entitled to receive acting pay unless the officer has been specifically appointed in writing to act and is actually performing the substantive duties of the acting post. The decision whether an acting appointment is necessary or desirable in any particular case will rest with the Governor. The officer will qualify for acting allowances after carrying out the duties of the higher position after five working days.

PROMOTION SUBJECT TO PROBATION

- 2.23 An officer may be promoted on probation to fill a vacant post for a period normally not exceeding one year and to receive the emoluments attached to the post during the probationary period. If the promotion is made substantive, it will be with effect from the date on which the officer assumed the duties of the vacant post. If the promotion is not confirmed, the officer will revert to the substantive appointment or grade on the expiry of the period of promotion on probation but will be allowed to count the probationary period towards increments in that appointment or grade.

SENIORITY

- 2.24 Seniority is determined by the date of appointment to a particular grade. (Where two or more officers are promoted to a higher grade with effect from the same date, their relative seniority one to the other in the lower grade will be maintained on promotion.)
- 2.25 The seniority of an officer who has served on a temporary basis and who, without interruption of service, is appointed on probation or confirmed to the permanent establishment in a post with the same or similar duties, is reckoned from the date on which his uninterrupted service began.

- 2.26 The seniority of an officer who leaves the service and is re-appointed to it will be reckoned from the date of re-appointment.

ANNUAL PERFORMANCE APPRAISALS

- 2.27 Annual Performance Appraisals on all officers appointed to the permanent establishment must be submitted before the end of December each year by the Head of Department to the Permanent Secretary, Public Administration. Such reports will be available at any time to the Public Service Commission.

OFFICERS TO BE NOTIFIED OF APPRAISALS

- 2.28 The Head of Department or Reporting Officer must discuss the appraisal with the officer reported upon, who must acknowledge by signing that it was so discussed.

PERSONAL RECORD FORMS

- 2.29 When an officer is appointed to the permanent establishment the relevant Personal Record Form (see Appendix Form P/2) must be completed and updated as circumstances dictate.

CERTIFICATE OF SERVICE

- 2.30 On leaving the service an officer may, if the officer so desires, obtain a formal Certificate of Service (see Appendix Form P/7).

RESIGNATIONS

- 2.31 Officers on probation may resign after giving not less than one month's notice in writing to the Permanent Secretary, Public Administration. Officers who have been confirmed to the permanent establishment should, if they intend to resign, give not less than three months' notice of their intention, in order that arrangements may be made for filling their posts. In such cases officers may, instead of giving due notice resign their appointment at any time but will be required to pay to the Government one month's salary in lieu of notice.

- 2.32 Except as provided in the Pensions Legislation and these General Orders, on resignation officers forfeit all rights and privileges of their office.
- 2.33 A pension or gratuity can only be granted to officers who resign from the public service in circumstances defined in the pensions law of Anguilla.
- 2.34 Officers who have resigned their appointment may, after the circumstances which prompted the resignation have been investigated, be re-employed. Their pension rights will be governed by the pensions law of Anguilla.

TERMINATION OF APPOINTMENT ON CONTRACT

- 2.35 The services of officers serving on contract may only be terminated in accordance with the terms of the contract.

LEAVE ON TERMINATION

- 2.36 In cases of termination of service, except for disciplinary reasons, officers **may be** granted the vacation leave for which they are eligible.

RETIRING AGE

- 2.37 The normal retiring age or the age at which officers may be called upon to retire is as specified in the Pensions Act as amended and adapted.

RETIREMENT BEFORE NORMAL RETIRING AGE

- 2.38 Provision is made in the pension legislation for retirement with the award of pension and/or gratuity before reaching the normal retiring age.

RETENTION BEYOND NORMAL RETIRING AGE

- 2.39 Retention beyond the normal retiring age is subject to the approval of the Governor, after consultation with the Public Service Commission. The criterion is not the officers' convenience but the public interest. A recommendation for the retention of officers beyond the normal retiring age must, therefore, be supported by strong reasons, including a statement whether there are any suitably qualified serving officers who could be promoted to fill the vacancy which would otherwise arise. The procedure to be followed is set out in the Regulations of the Public Service Commission.

- 2.40 Retention will be subject to a medical certificate from a Government Medical Officer that the officers are fully fit physically and mentally to perform all the duties of the post; it will not be for a longer period than five years beyond the officer's normal retiring age, save in very exceptional circumstances, and it will be subject to annual reviews and the presentation of medical certificates that the officers continue to be fully fit physically and mentally to perform all the duties of the post.

NOTIFICATION OF OFFICERS REACHING NORMAL RETIRING AGE

- 2.41 Heads of Department are required to notify the Governor through the Permanent Secretary, Public Administration of all officers in their Departments who are within one year of their normal retiring age. Such notifications should be made when the officers are within one year of the normal retiring age and should indicate whether the Head of Department recommends the officers should be retained beyond the normal retiring age. Such notification will also be made to the Permanent Secretary, Public Administration for transmission to the Public Service Commission.

COMPUTATION AND AWARD OF PENSION AND GRATUITY

- 2.42 Application for pension and other retiring allowances should be made on the relevant form from the GO's Appendix or the Government Website. The computation and authorisation of pensions and gratuities must be treated as urgent matters of high priority. The Permanent Secretary, Public Administration is required to ensure that the necessary particulars relating to officers whose retirement is known to be pending are furnished with accuracy and the least possible delay, in order to enable the computation and checking of pension and/or gratuity to be completed by the Public Service Pension Board. As far as possible, authority for the payment of pension and/or gratuity should be given before the date of officers' retirement; if this is not possible, consideration should be given to the payment of a special interim allowance, where this is permissible from the date of retirement.

ILL HEALTH

- 2.43 Officers shall be retired on the grounds of ill health if the Governor, after consultation with the Public Service Commission, is satisfied on medical evidence that the officers are incapable by reason of any infirmity of mind or body of discharging the duties of their office efficiently and that such infirmity is likely to be permanent. Officers may be called upon at any time by the Governor to present themselves for examination to a Government Medical Officer or to a medical board or to a private medical

practitioner authorised to make an examination, with a view to it being ascertained whether the officers are fit to perform the duties of their office. The expenses of such examination, if conducted by a private medical practitioner duly appointed in that behalf, shall be paid from public funds.

PENSIONS

- 2.44 All pensionable officers must have regard to the pension legislation governing the award of pensions and gratuities.
- 2.45 The award of pensions to police officers is governed by the provisions of the Police Pensions Act, as amended and adapted.

TERMINATION OF APPOINTMENT ON ABOLITION OF OFFICE

- 2.46 The termination of appointment on abolition of office shall be in the discretion of the Governor, save where a number of like posts exist when the Public Service Commission shall recommend which substantive holders of such posts ought to have their appointment terminated. In the case of termination in the public interest the matter shall be referred to the Commission in accordance with its Regulations.

RE-ENGAGEMENT OF RETIRED OFFICERS

- 2.47 Officers who have retired from the Service may be re-engaged on the authority of the Governor acting on the recommendation of the Public Service Commission, provided they are medically fit, the vacancy cannot otherwise be readily filled and provided the prospects of serving officers are not prejudiced. The payment of pension to any former public servant so re-engaged shall be suspended during the new period of employment. Exceptions to this rule will be granted only with the approval of the Governor in Council in circumstances where it can be demonstrated that there would be a clearly defined benefit (e.g. significant financial advantage) to the Government of Anguilla.

OPTIONS FOR GRATUITY AND REDUCED PENSION

- 2.48 Officers who wish to receive a gratuity and reduced pension on retirement must exercise this option, subject to the provisions of the Pensions Legislation, by notice in writing to the Public Service Pension Board at least one month immediately preceding the officers' retirement from the Service.

OFFICERS INJURED OR KILLED IN THE DISCHARGE OF DUTY

- 2.49 If officers are injured or killed in the performance of their duty while inside or outside of Anguilla, the Head of their Department must at once report the full particulars to the Governor. Officers or their dependants may be eligible for pension under the Pensions legislation.