



Judicial and Legal Services Commission Policies and Procedures Manual

Last Updated: 22 04 14

Preface

The purpose of this manual is to act as an operational guide for the Judicial and Legal Services Commission (the “JLSC” or the “Commission”).

It sets out the internal procedures, rules and processes that the Commission has established to govern its operation. It is published on the Commission’s website to assist members of the public to understand the operation of the Commission, and includes procedures necessary to file a complaint under the Constitution.

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Part A: Constitutional Provisions

The constitutional provisions relating to the JLSC, namely Sections 105 and 106 of the Cayman Islands Constitution Order 2009 (the “Constitution Order”), are as follows:

1.1 Section 105 - Judicial and Legal Services Commission

(1) There shall be in and for the Cayman Islands a Judicial and Legal Services Commission which shall consist of –

- (a) a Chairman and one other member, neither of whom shall be a lawyer, appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition;
- (b) the President of the Court of Appeal, *ex officio*;
- (c) a person appointed by the Governor, acting in his or her discretion, who holds or has held high judicial office in the Cayman Islands and has recent personal knowledge of the courts in the Cayman Islands;
- (d) two persons appointed by the Governor, acting in his or her discretion, who hold or have held high judicial office in a Commonwealth country or Ireland, but do not currently hold such office in the Cayman Islands; and
- (e) two attorneys-at-law qualified to practise in the Cayman Islands, one with experience in Government service and one with experience in private practice, appointed by the Governor, acting after consultation with representatives of legal professional organisations in the Cayman Islands and, where appropriate, the Attorney General.

(2) No person shall be qualified to be appointed to the Judicial and Legal Services Commission if he or she is a member of, or a candidate for election to, the Legislative Assembly or (except for appointment under subsection (1)(e)) holds or is acting in any public office.

(3) The office of a member of the Judicial and Legal Services Commission shall become vacant -

- (a) at the expiration of five years from the date of his or her appointment or such earlier time as may be specified in the instrument by which he or she was appointed;
- (b) if he or she resigns office by writing under his or her hand addressed to the Governor;
- (c) if he or she becomes a member of, or a candidate for election to, the Legislative Assembly, or (except for a member appointed under subsection (1)(e)) is appointed to or to act in any public office; or
- (d) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of that office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(4) If the office of a member of the Judicial and Legal Services Commission becomes vacant or if such a member is for any reason unable to perform the functions of that office, the Governor, acting in accordance with subsection (1) for the appointment of that member, may appoint another suitably qualified person to that office for the unexpired term of the previous holder of the office or until the holder of the office is able to resume his or her functions.

(5) Any decision of the Judicial and Legal Services Commission shall require the concurrence of not less than five members of the Commission, and the Commission shall take its decisions in such form and manner as it may determine; but any decision relating to the appointment of the President of the Court of Appeal or the Chief Justice shall require the concurrence of at least two members of the Commission who have judicial experience.

(6) In the exercise of their functions, the Judicial and Legal Services Commission and its members shall not be subject to the direction or control of any other person or authority.

(7) The Judicial and Legal Services Commission may regulate its own procedure, which may include meeting by teleconference or other electronic means of communication.

1.2 Section 106 - Functions of Judicial and Legal Services Commission

(1) Power to make appointments to the offices to which this section applies, and to remove and to exercise disciplinary control over persons holding or acting in such offices, shall vest in the Governor, acting in accordance with the advice of the Judicial and Legal Services Commission; but the Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if he or she determines that compliance with that advice would prejudice Her Majesty's service.

(2) Before exercising the powers vested in the Governor by subsection (1) the Governor may, acting in his or her discretion, once refer the advice of the Judicial and Legal Services Commission back to the Commission for reconsideration by it.

(3) If the Judicial and Legal Services Commission, having reconsidered its original advice under subsection (2), substitutes for it different advice, subsection (2) shall apply to that different advice as it applies to the original advice.

(4) This section applies to the offices of—

- (a) Chief Justice and other judge of the Grand Court;
- (b) President of the Court of Appeal and other judge of the Court of Appeal;
- (c) Attorney General;
- (d) Director of Public Prosecutions;
- (e) Magistrate;
- (f) such other offices in the public service, for appointment to which persons are required to possess legal qualifications, as may be prescribed by any law enacted by the Legislature.

(5) No member of the Judicial and Legal Services Commission shall participate in any proceedings of the Commission which affect him or her personally.

(6) In cases where the Judicial and Legal Services Commission conducts an inquiry under section 96(4) or 101(4), the President of the Court of Appeal and any current judge of the Grand Court who is a member of the Commission shall not participate in that inquiry other than as a witness.

(7) A person holding the office of Attorney General, Director of Public Prosecutions or Magistrate may only be removed from office for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

(8) Where the issue of the removal from office of any person holding one of the offices mentioned in subsection (4)(c), (d), (e) or (f) has been referred to the Judicial and Legal Services Commission, the Governor may, acting after consultation with the Commission, suspend that person from performing the functions of his or her office pending the outcome of the referral.

(9) Any suspension, removal or disciplinary action taken under this section shall be carried out in accordance with the highest appropriate standards of procedural fairness.

(10) The Judicial and Legal Services Commission shall –

- (a) draw up a code of conduct for the judiciary and a procedure for dealing with complaints; and
- (b) have such other functions as may be conferred on it by a law enacted by the Legislature.

(11) Subject to subsection (6), this section is without prejudice to sections 96 and 101.

The JLSC is also referred to in the Constitution in the following Sections:

1.3 Section 96 – Tenure and Offices of Judges of the Grand Court

(1) Subject to this section and section 95(4)*, a judge of the Grand Court shall vacate his or her office when he or she attains the age of 65 years; but -

- (a) the Governor may permit a judge who attains the age of 65 years to continue in office until he or she has attained such later age, not exceeding the age of 70 years, as may have been agreed between that judge and the Governor following the recommendation of the Judicial and Legal Services Commission;
- (b) a judge who has attained the age at which he or she would otherwise vacate office under this subsection may continue in office for such period as may be necessary to enable him or her to deliver judgment or to do any other thing in relation to any proceeding commenced before him or her before he or she attained that age.

(2) A judge of the Grand Court may be removed from office only for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (3).

(3) A judge of the Grand Court shall be removed from office by the Governor by instrument under the public seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of subsection (4), been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act 1833 or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a judge of the Grand Court from office for inability as aforesaid or misbehaviour ought to be investigated, then-

- (a) the Governor shall refer the matter to the Judicial and Legal Services Commission;
- (b) the Judicial and Legal Services Commission shall inquire into the matter and report on the facts of it to the Governor and advise the Governor whether he or she should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and
- (c) if the Judicial and Legal Services Commission so advises, the Governor shall request that the question should be referred accordingly.

(5) The Commissions of Inquiry Law as in force on the appointed day shall, subject to this section, apply as nearly as may be in relation to the Judicial and Legal Services Commission conducting inquiries under subsection (4) or, as the context may require, to the members of that Commission as it applies in relation to Commissions or Commissioners appointed under that Law.

(6) If the question of removing a judge of the Grand Court from office has been referred to the Judicial and Legal Services Commission under subsection (4), the Governor may suspend the judge from performing the functions of his or her office, and any such suspension may at any time be revoked by the Governor, and shall in any case cease to have effect –

- (a) if the Judicial and Legal Services Commission advises the Governor that he or she should not

request that the question of the removal of the judge be referred by Her Majesty to the Judicial Committee; or

(b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) The powers conferred on the Governor by this section shall be exercised by the Governor acting in his or her discretion.

*95(4) It shall be lawful for a person qualified for appointment as a judge of the Grand Court to be so appointed (regardless of his or her age) for such term as may be specified in the instrument of appointment, and section 96 shall have effect in relation to any person so appointed as if he or she would attain the retiring age applicable to that office on the day on which the specified term expires.

1.4 Section 101 – Tenure of Offices of Judges of the Court of Appeal

(1) The judges of the Court of Appeal shall be appointed for such period as may be specified in their respective instruments of appointment; but a person whose appointment as a judge of the Court of Appeal has expired may, with the permission of the Governor, acting in his or her discretion, continue in office for such period as may be necessary to enable him or her to deliver judgment or to do any other thing in relation to any proceeding previously commenced before him or her.

(2) A judge of the Court of Appeal may be removed from office only for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour, and shall not be so removed except in accordance with subsection (3).

(3) A judge of the Court of Appeal shall be removed from office by the Governor by instrument under the public seal if the question of the removal of that judge from office has, at the request of the Governor made in pursuance of subsection (4), been referred by Her Majesty to the Judicial Committee of Her Majesty's Privy Council under section 4 of the Judicial Committee Act 1833 or any other enactment enabling Her Majesty in that behalf, and the Judicial Committee has advised Her Majesty that the judge ought to be removed from office for inability as aforesaid or misbehaviour.

(4) If the Governor considers that the question of removing a judge of the Court of Appeal from office for inability as aforesaid or misbehaviour ought to be investigated, then –

(a) the Governor shall refer the matter to the Judicial and Legal Services Commission;

(b) the Judicial and Legal Services Commission shall inquire into the matter and report on the facts of it to the Governor and advise the Governor whether he or she should request that the question of the removal of that judge should be referred by Her Majesty to the Judicial Committee; and

(c) if the Judicial and Legal Services Commission so advises, the Governor shall request that the question should be referred accordingly.

(5) The Commissions of Inquiry Law as in force on the appointed day shall, subject to this section, apply as nearly as may be in relation to the Judicial and Legal Services Commission conducting inquiries under subsection (4) or, as the context may require, to the members of that Commission as it applies to Commissions or Commissioners appointed under that Law.

(6) If the question of removing a judge of the Court of Appeal from office has been referred to the Judicial and Legal Services Commission under subsection (4), the Governor may suspend the judge from performing the functions of his or her office, and any such suspension may at any time be revoked

by the Governor, and shall in any case cease to have effect –

- (a) if the Judicial and Legal Services Commission advises the Governor that he or she should not request that the question of the removal of the judge from office should be referred by Her Majesty to the Judicial Committee; or
- (b) if the Judicial Committee advises Her Majesty that the judge ought not to be removed from office.

(7) The powers conferred on the Governor by this section shall be exercised by the Governor acting in his or her discretion.

**Part B: Composition, Appointments, Powers and Functions of the
JLSC**

2.1 Composition

The JLSC consists of –

- (a) a Chairman and one other member, neither of whom shall be a lawyer, appointed by the Governor, acting after consultation with the Premier and the Leader of the Opposition;
- (b) the President of the Court of Appeal, *ex officio*;
- (c) a person appointed by the Governor, acting in his or her discretion, who holds or has held high judicial office in the Cayman Islands and has recent personal knowledge of the courts in the Cayman Islands;
- (d) two persons appointed by the Governor, acting in his or her discretion, who hold or have held high judicial office in a Commonwealth country or Ireland, but do not currently hold such office in the Cayman Islands; and
- (e) two attorneys-at-law qualified to practise in the Cayman Islands, one with experience in Government service and one with experience in private practice, appointed by the Governor, acting after consultation with representatives of legal professional organisations in the Cayman Islands and, where appropriate, the Attorney General.

2.2 Qualifications

No person is qualified to be appointed to the JLSC if he or she is a member of, or a candidate for election to, the Legislative Assembly or (except for appointment under paragraph (e) in 2.1 above) holds or is acting in any public office.

2.3 Appointments

All Commissioners are appointed by the Governor, with the Chairman and one other non-lawyer member being appointed after consultation with the Premier and Leader of the Opposition.

2.4 Vacancies

The office of a member of the JLSC becomes vacant -

- (a) at the expiration of five years from the date of his or her appointment or such earlier time as may be specified in the instrument by which he or she was appointed;
- (b) if he or she resigns office by writing under his or her hand addressed to the Governor;
- (c) if he or she becomes a member of, or a candidate for election to, the Legislative Assembly, or (except for a member appointed under paragraph (e) in 2.1 above) is appointed to or to act in any public office; or
- (a) if the Governor, acting in his or her discretion, directs that he or she shall be removed from office for inability to discharge the functions of that office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

If the office of a member of the JLSC becomes vacant or if such member is for any reason unable to perform the functions of that office, the Governor, acting in accordance with 2.1 above for the appointment of that member, may appoint another suitably qualified person to that office for the unexpired term of the previous holder of the office or until the holder of the office is able to resume his or her functions.

2.5 Power to make Appointments, to Remove and to Exercise Disciplinary Control

The power to make appointments to the offices of Chief Justice and other judge of the Grand Court; President of the Court of Appeal and other judge of the Court of Appeal; Attorney General; Director of Public Prosecutions; Magistrate; and such other offices in the public service, for appointment to which persons are required to possess legal qualifications, as may be prescribed by any law enacted by the Legislature; and to remove and to exercise disciplinary control over persons holding or acting in such offices, shall vest in the Governor, acting in accordance with the advice of the JLSC; but the Governor, acting in his or her discretion, may act otherwise than in accordance with that advice if he or she determines that compliance with that advice would prejudice Her Majesty's service.

Before exercising the powers vested in the Governor by 2.1 above, the Governor may, acting in his or her discretion, once refer the advice of the JLSC back to the Commission for reconsideration by it. If the JLSC, having reconsidered its original advice, substitutes for it different advice, the same procedure shall apply to that different advice as it applies to the original advice.

In cases where the JLSC conducts an inquiry under sections 96(4) or 101(4) of the Constitution, then neither any current judge of the Grand Court who is a member of the Commission nor the President of the Court of Appeal, respectively, may participate in that inquiry other than as a witness.

A person holding the office of Attorney General, Director of Public Prosecutions or Magistrate may only be removed from office for inability to discharge the functions of his or her office (whether arising from infirmity of body or mind or any other cause) or for misbehaviour.

Where the issue of the removal from office of any person holding one of the offices mentioned in paragraphs(c), (d), (e) or (f) in 2.1 above has been referred to the JLSC, the Governor may, acting after consultation with the Commission, suspend that person from performing the functions of his or her office pending the outcome of the referral.

Any suspension, removal or disciplinary action taken under this section shall be carried out in accordance with the highest appropriate standards of procedural fairness.

2.6 Other Functions

The JLSC is also required to –

- (a) draw up a code of conduct for the judiciary and a procedure for dealing with complaints (see 2.7 below); and
- (b) have such other functions as may be conferred on it by law enacted by the Legislature.

2.7 Code of Conduct

The JLSC has adopted a Code of Conduct for the Cayman Islands judiciary, including magistrates, which can be found in appendix 6.1 of this document. That Code of Conduct may be revised or amended by the JLSC from time to time.

Those persons appointed under paragraph (f) of 2.1 above are bound by the Civil Servants Code of Conduct and should additionally comply with the Public Service Values stated in the Public Service Management Law (2007 Revision). The Civil Servants Code of Conduct and the Public Service Values are found in appendices 6.2 and 6.3 respectively of this document.

Part C: Administrative Matters

3.1 Calling of Meetings

The Chairman of the Commission (the “Chairman”) may call meetings of the Commission on reasonable notice.

Commission members may waive notice of any meeting before, during or after that meeting.

3.2 Agenda and Chairman

The agenda for a meeting shall be in such form as the Chairman may determine, provided it sets out the items for discussion at that meeting.

The agenda for a meeting shall be distributed to Commission members by e-mail or fax a reasonable time prior to that meeting.

The Chairman shall be the chairman of any meeting of the Commission, provided that if the Chairman is unable to attend a meeting, the members present at it may choose the chairman of that meeting.

3.3 Meetings

The Commission may meet in person or by teleconference or any other electronic means of communication by which each member can hear and be heard by all the other members.

All meetings of the Commission will be held in private unless the Chairman determines otherwise.

3.4 Sub-Committees

The Commission may create sub-committees, including interview panels (“subcommittees”), consisting of a minimum of at least one member of the Commission plus any other member or members, or non-members, as the Commission chooses, to assist in or determine whatever aspects of the work of the Commission it may determine (provided it does so in accordance with the Constitution). The Commission may also determine the rules, procedural or otherwise, pursuant to which a sub-committee will operate.

A sub-committee will be chaired by a member of the Commission and will act within such terms of reference as may be determined by the Commission. In the event that there is a deadlock of votes on a sub-committee, its chairman shall have a casting vote.

No sub-committee will make statements or issue reports on behalf of the Commission without the written permission of the Commission.

All minutes of a sub-committee’s meeting shall be circulated to Commission members once approved by the chairman of the sub-committee. 3.1, 3.2 and 3.3 above will apply *mutatis mutandis* to meetings of sub-committees.

3.5 Quorum

The quorum for any meeting of the Commission is five members.

3.6 Reports

The Commission may, from time to time, publish reports on its activities.

3.7 Decision-Making

Any decision of the Commission shall require the concurrence of not fewer than five members of the Commission, and the Commission shall make its decisions in such form and manner as it may determine, provided that any decision relating to the appointment of the President of the Court of Appeal or the Chief Justice shall require the concurrence of at least two members of the Commission who have judicial experience.

All members of the Commission will be given adequate opportunity to offer input on the matter at hand. Any dissenting members may have such dissent recorded in the minutes of the meeting.

3.8 Spokesperson

The Chairman, and nobody else without his permission, will act as the official spokesperson for the Commission. He may delegate that role, whether generally or on a case-by-case basis, to any other Commission member or representative of the Commissions Secretariat as he determines.

3.9 Confidentiality

No matters relating to the business of the Commission or any sub-committee or interview panel shall be discussed outside meetings of the Commission or sub-committee or interview panel, as the case may be.

If the Governor and/or Chairman so determines, members of the Commission or any sub-committee or interview panel will sign a confidentiality agreement on such terms as he or she sees fit.

3.10 Concerns

If a member of the public has concerns regarding the behaviour of a member of the Commission as such, then those concerns should be directed to the Governor. If a member of the Commission has concerns regarding the behaviour of another member of the Commission as such, then those concerns should be directed to the Chairman, who shall inform the Governor. If a member of the Commission has concerns regarding the behaviour of the Chairman, then those concerns should be directed to the Governor.

3.11 Conflicts of Interest

Section 106 (5) of the Constitution provides that “no member shall participate in any proceedings of the Commission which affects him or her personally.”

3.12 Independence

The Commission is a wholly independent body that is not subject to the direction or control of any other person or authority.

3.13 Analytical/Administrative Support

Analytical and administrative support for the Commission is provided by the Commissions Secretariat. The Secretariat is a division of the Governor’s Office.

Part D: Recruitment and Appointment Processes

Pursuant to Section 106 (1) of the Cayman Islands Constitution Order 2009 (the “Constitution Order”), the Appointing Officer (“AO”) for all posts stipulated in that section is HE the Governor. The AO makes appointments under that Section on the advice of the Commission in the manner required by the Constitution and in the procedures in the following pages.

These procedures are managed by the manager of the Commissions Secretariat (the “Manager”)

The following policies and procedures apply to the recruitment of all appointments to which Section 106 of the Constitution Order applies, including, but not limited to, new office-holders from within the Cayman Islands, new office-holders from overseas, existing office-holders to new positions and acting office-holders. The procedures cover all appointments and are based on good practice as well as the law and regulations in force for the Cayman Islands civil service from time to time.

The Commission is an advisory body to the Governor and no member of it may participate in any proceedings which affect him or her personally.

The Commission and the Manager will endeavour to ensure that all steps required to be taken by them under these policies and procedures are taken within a reasonable time.

All or any of the procedures in the following pages may be altered, either generally or on a case-by-case basis and either in whole or in one or more detail and following consultation with the Commission, by the Chairman, where in good faith he sees it as administratively convenient to do so and is satisfied that nobody is treated unfairly as a result.

4.1 Recruitment and Appointment (Except Acting Positions)

General

For the purpose of recruitment to any position hereunder (a “Position”), where the Commission identifies, within three months from the date on which it submitted a recommendation to the AO, a person who, from the recruitment steps and interviews undertaken by it to enable it to make that recommendation, the Commission is already satisfied is duly qualified for and otherwise meets the requirements of the Position, the Commission may advise the AO to offer the Position to such person instead of following the procedure set out below. If the person declines the Position, then the process to fill it will resume from 4.1.3 below.

Subject to the foregoing, for all appointments made to offices within Section 106 (4) (a), (b) and/or (e) of the Constitution, whether on an individual basis or to a panel (as referred to in paras 4.2.1 and 4.2.3 below), the following procedure shall be followed:

4.1.1 Identify Vacant Position, Confirm Funding, Prepare or Update Job Description. Request Remuneration Banding

- 4.1.1.1 In the case of a Grand Court Judge or a Magistrate, the Chief Justice identifies the vacant (or impending vacant) position.

- 4.1.1.2 In the case of a Court of Appeal Judge, the President of the Court of Appeal identifies the vacant (or impending vacant) position.
- 4.1.1.3 In all other cases, the Manager identifies the vacant (or impending vacant) position.
- 4.1.1.4 In each case, the relevant person completes a Recruitment Request Form (“RRF”) and attaches to it the following documents and sends them to the Commission:-
 - (a) Job Description on prescribed template, including the evaluated grade by the Portfolio of the Civil Service (except as regards judges, whose remuneration is prescribed by law); and
 - (b) proposals as to advertisement (with draft text).

4.1.2 Approval to Recruit

- 4.1.2.1 The Commission reviews and recommends any changes to those documents.
- 4.1.2.2 The Manager sends the recommendations of the Commission, and any supporting documentation, to the AO for approval.
- 4.1.2.3 The AO accepts or rejects the recommendations of the Commission. If the AO does not accept the recommendations, he or she sends the RRF back to the Commission for reconsideration.
- 4.1.2.4 In the event the AO does not approve the filling of the post, he or she provides reasons.

4.1.3 Advertise Vacancy

- 4.1.3.1 The Manager places the advertisement as approved by the AO.
- 4.1.3.2 The time between the appearance of the advertisement and the closing date for applications must allow candidates a reasonable time to see it and submit their applications.
- 4.1.3.3 Applicants submit their applications to the Manager.

4.1.4 Receipt & Acknowledge Applications

The Manager provides applicants with written acknowledgements of their applications.

4.1.5 Collation of Applications and Formulation of Short List

- 4.1.5.1 The Manager collates applications and prepares a summary spreadsheet containing key information about them.
- 4.1.5.2 For all appointments that fall under Sections 106(4)(a) and (e) (with the exception of the post of Chief Justice):
 - (a) Application forms and a summary spreadsheet are sent to the Commission following the closing date. The Commission prepares a shortlist of candidates for interview.
 - (b) The Manager forwards the summary spreadsheet containing the Commission’s shortlist to the Chief Justice. The Chief Justice has the opportunity to comment on it within ten business days or such longer period as the Chairman may agree. If the Chief Justice chooses to comment on the list, the Commission is informed and gives those comments due consideration.
 - (c) The Manager forwards the shortlist to the AO for approval.

- 4.1.5.3 For all appointments that fall under Section 106(4)(b) (with the exception of the post of President of the Court of Appeal):
- (a) Application forms and summary spreadsheet are sent to the Commission following the closing date. The Commission prepares a shortlist of candidates for interview.
 - (b) The Manager forwards the shortlist to the AO for approval.
- 4.1.5.4 For all appointments that fall under Section 106(4)(a) (post of Chief Justice only), (b) (post of President of the Court of Appeal only), (c) and (d):
- (a) Application forms and the summary spreadsheet are sent to the Commission following the closing date. The Commission prepares a shortlist of candidates for interview.
 - (b) The Manager forwards the Commission's shortlist to the AO for approval.
- 4.1.5.5 For all appointments (except those that fall under Sections 106(4)(a) and (b)) the procedure should comply with the Public Service Management Law to the extent applicable.
- 4.1.5.6 If there are no (or insufficient) suitable applications, then return to 4.1.3.
- 4.1.5.7 The Manager notifies unsuccessful candidates in writing.

4.1.6 Appoint Interview Panel

- 4.1.6.1 The Commission appoints a minimum of three of its members to the interview panel, with one of those members serving as its chairman.
- 4.1.6.2 The Commission may co-opt, in addition, up to one other person (who does not have to be a Commission member) to the interview panel, provided, if he or she is not a Commission member, he or she agrees in advance to keep its deliberations and conclusions and the identity of the candidates confidential on such terms as the Chairman determines.
- 4.1.6.3 The AO may, if he or she so chooses, co-opt one further person to the interview panel, provided, if such person is not a Commission member, he or she agrees in advance to keep its deliberations and conclusions and the identity of the candidates confidential on such terms as the AO determines.
- 4.1.6.4 In the case of the appointments of President of the Court of Appeal or Chief Justice or any judges of the Court of Appeal or the Grand Court or any magistrates, at least two Commission members of the interview panel must have judicial experience.

4.1.7 Arrange Interviews

- 4.1.7.1 The Manager establishes the date and place for interviews to be held, in consultation with the interview panel.
- 4.1.7.2 The Manager settles interview times and dates with the interview panel and candidates.
- 4.1.7.3 The Manager organises interview logistics, including venue, refreshments and travel.
- 4.1.7.4 Wherever possible, interviews are held in Grand Cayman. Where it is more convenient for interviews to be held elsewhere, another location may be established, subject to the approval of the AO.
- 4.1.7.5 Video or audio conferencing or Skype or its equivalent may be used for interviews.

4.1.8 Prepare Interview Panel

4.1.8.1 The Manager prepares suggested criteria for assessment and a scoring matrix where appropriate. Proposed interview questions shall be prepared by the chairman of the interview panel.

4.1.8.2 The interview panel agrees the interview approach.

4.1.9 Conduct Interviews

The interview panel, when coordinating interviews, will keep in mind the desirability of adopting a consistent approach for each candidate.

4.1.10 Select Preferred Candidate & Prepare Interview Report

4.1.10.1 The interview panel selects the first- and (where possible) second-choice candidates.

4.1.10.2 An interview report is prepared by the interview panel.

4.1.10.3 The interview report contains for each short-listed candidate:

(a) brief biographical details

(b) a summary of responses to questions

(c) an assessment of qualifications, skills, knowledge and experience compared to job description

(d) a recommendation for appointment of first- and second-choice candidates (if possible)

(e) signatures of the interview panel members

4.1.10.4 the interview report may recommend that the vacancy be re-advertised if no candidate is deemed suitable

4.1.11 Commission to consider the Interview Report

4.1.11.1 The Manager circulates the interview report to all members of the Commission for the purpose of reaching the required concurrence regarding the recommendation to be given to the AO.

4.1.11.2 The interview report and final recommendation of the Commission are forwarded by the Manager to the AO.

4.1.12 Decision of the Governor

The AO considers the advice of the Commission and if-

4.1.12.1 the AO accepts the advice of the Commission that there is not a successful candidate, the process returns to 4.1.3; or

4.1.12.2 the AO accepts the advice of the Commission for appointing a candidate, the Manager notifies that candidate and takes the steps necessary to engage him or her to the relevant position on behalf of the AO; or

4.1.12.3 the AO does not accept the advice of the Commission and instead refers it back to the Commission for reconsideration, the AO will send the report and advice to the Manager with a note stating that the Commission should reconsider its original advice and the process proceeds to 4.1.13.

4.1.13 Commission reconsiders original advice

- 4.1.13.1 The Manager arranges for the report, original advice and note from the AO to be circulated to Commission members.
- 4.1.13.2 The Commission reconsiders its original advice and determines either–
 - (a) to substitute the original advice with different advice; or
 - (b) not to substitute the original advice with different advice.
- 4.1.13.3 The Manager forwards the Commission’s determination to the AO.
- 4.1.13.4 If, after having been instructed to reconsider its original advice, the Commission decides not to change its original advice, the AO can act otherwise than in accordance with that advice if he or she determines that compliance with it would prejudice Her Majesty’s service.

4.2 Appointments to Acting Positions

4.2.1 Judges of the Grand Court

- 4.2.1.1 A list has been established of persons approved by the Governor on the advice of the JLSC who may be invited to sit from time to time as Grand Court judges in accordance with sections 95(4) or 97(2) of the Constitution (“Panel Judges”).
- 4.2.1.2 The same procedure applied and shall apply to the appointment of Panel Judges to that list as is set out in relation to the appointment of Grand Court judges in Section 4.1 of this Manual.
- 4.2.1.3 The list of Panel Judges shall be reviewed by the JLSC every two years (commencing June 2015).
- 4.2.1.4 Judges of the Grand Court to be appointed pursuant to Sections 95(4) or 97(2) of the Constitution may be selected by the Chief Justice from that list and appointed without further advice or recommendation from the JLSC.
- 4.2.1.5 In cases where none of the Panel Judges is available for appointment at the time needed or has the necessary experience and/or expertise in relation to the matter for which appointment is sought (“Panel Judge Exceptional Cases”), the same procedure shall apply for appointment as is set out in Section 4.1 of this Manual as it relates to Grand Court judges, save that the Chief Justice shall certify why it is a Panel Judge Exceptional Case.
- 4.2.1.6
 - (a) In Panel Judge Exceptional Cases of urgency arising from causes beyond the control of Judicial Administration, the Chief Justice may, instead of following the foregoing procedure, suggest to the JLSC the name of an otherwise qualified judge whom he regards as a suitable alternative candidate for appointment as an acting judge, as the case may be. The JLSC, having considered such information from the Chief Justice on that candidate as it requires, shall then determine whether or not to advise the Governor to approve his or her appointment pursuant to Section 4.1 of this Manual.
 - (b) If the JLSC determines to advise the Governor to appoint that candidate, then paragraphs 4.1.12 and if relevant 4.1.13 of this Manual shall apply in relation to his or her appointment.
 - (c) If the JLSC determines to advise the Governor not to appoint that candidate, it will notify the Governor of such and the Governor will forward that notification

to the Chief Justice, who shall then be at liberty to suggest another candidate and the procedure in 4.2.1.6(a) will apply again.

4.2.2 Judges of the Court of Appeal

- 4.2.2.1 The President of the Court of Appeal may suggest to the Governor the name of an otherwise qualified judge whom he regards as a suitable candidate for appointment as an acting judge of the Court of Appeal. The Governor shall refer the matter to the JLSC, which, having considered such information from the President of the Court of Appeal on that candidate as it requires, shall then determine whether or not to advise the Governor to approve his or her appointment pursuant to Section 4.1 of this Manual. Although a member of the JLSC, the President of the Court of Appeal shall not vote on such determination.
- 4.2.2.2 If the JLSC determines to advise the Governor to appoint that candidate, then paragraphs 4.1.12 and if relevant 4.1.13 of this Manual shall apply in relation to his or her appointment.
- 4.2.2.3 If the JLSC determines to advise the Governor not to appoint that candidate, it will notify the Governor of such and the Governor will forward that notification to the President of the Court of Appeal, who shall then be at liberty to suggest another candidate and the procedure in 4.2.2.1 will apply again.

4.2.3 Magistrates

- 4.2.3.1 A list has been established of persons approved by the Governor on the advice of the JLSC and who may be invited to sit from time to time as acting magistrates (“Panel Magistrates”).
- 4.2.3.2 The same procedure applied and shall apply to the appointment of Panel Magistrates to that list as is set out in relation to the appointment of magistrates in Section 4.1 of this Manual.
- 4.2.3.3 The list of Panel Magistrates shall be reviewed by the JLSC every two years (commencing January 2016).
- 4.2.3.4 Acting magistrates may be selected by the Chief Justice from that list and appointed without further advice or recommendation from the JLSC.
- 4.2.3.5 In cases where none of the Panel Magistrates is available for appointment at the time needed or has the necessary experience and/or expertise in relation to the matter for which appointment is sought (“Panel Magistrate Exceptional Cases”), the same procedure shall apply for appointment as is set out in Section 4.1 of this Manual as it relates to magistrates, save that the Chief Justice shall certify why it is a Panel Magistrate Exceptional Case.
- 4.2.3.6 (a) In Panel Magistrate Exceptional Cases of urgency arising from causes beyond the control of Judicial Administration, the Chief Justice may, instead of following the foregoing procedure, suggest to the JLSC the name of an otherwise qualified individual whom he regards as a suitable alternative candidate for appointment as an acting magistrate. The JLSC, having considered such information from the Chief Justice on that candidate as it requires, shall then determine whether or not

to advise the Governor to approve his or her appointment pursuant to Section 4.1 of this Manual.

- (b) If the JLSC determines to advise the Governor to appoint that candidate as an acting magistrate, then paragraphs 4.1.12 and if relevant 4.1.13 of this Manual shall apply in relation to his or her appointment.
- (c) If the JLSC determines to advise the Governor not to appoint that candidate, it will notify the Governor of such and the Governor will forward that notification to the Chief Justice, who shall then be at liberty to suggest another candidate and the procedure in 4.2.3.6(a) will apply again.

4.2.4 Other Acting Positions

As regards appointments to any other acting positions for which the Governor seeks the advice of the JLSC pursuant to Section 106 (4)(a), (b), (c) and (d) of the Constitution, the JLSC has provided, and shall when the need arises continue to provide, to the Governor standing written advice as to those appointments.

Part E: Disciplinary and Complaints Process

5. Disciplinary and Complaints Process

5.1 Breach of Adopted Codes of Conduct

The JSLC has drawn up a Code of Conduct for the Judiciary which can be found in appendix 6.1 of this document. This Code of Conduct affects all persons appointed under Section 106 (4) (a), (b) and (e) and any person acting in the capacity of one of the aforementioned positions.

Those persons appointed under Section 106 (4) (c), (d) and (f), and any person acting in the capacity of one of the aforementioned positions, are bound by the Civil Servants Code of Conduct and they should operate in line with the Public Service Values as stated in the Public Service Management Law (2007 Revision) and found in appendices 6.2 and 6.3 respectively of this document.

5.2 Making a Complaint about a Judicial Office-Holder

Complaints may be made by any member of the public regarding the conduct of any judicial office-holder. Any such complaints must be made by completing the appropriate form found in the appendices of this manual.

5.3 Accessibility of the JSLC

The JSLC may be contacted through the Secretariat in the following ways:

Phone: 244-3685

Fax: 945-8649

E-mail: deborah.bodden@gov.ky

Mailing Address: P.O. Box 391 KY1-1106

Physical Address: 2nd Floor Smith Road Centre

FOI requests: foi.cos@gov.ky.

5.4 Complaints Procedure

The JSLC has drawn up a Complaints Procedure for judicial office-holders, which follows.

JUDICIAL AND LEGAL SERVICES COMMISSION



Complaints Procedure

in relation to the Cayman Islands judiciary

This procedure is drawn up by the Cayman Islands Judicial and Legal Services Commission pursuant to Section 106(10)(a) of the Cayman Islands Constitution Order 2009.

XX May 2014

1. INITIATION OF COMPLAINTS

(i) Complaints concerning a judicial office-holder (which, for the avoidance of doubt, includes a magistrate) shall be made to the Commissions Secretariat on the form in Schedule I.

(ii) Notwithstanding (i) above the JLSC may of its own motion initiate a complaint against a judicial office-holder where the JLSC has reasonable cause to believe that the conduct of the judicial office-holder should be investigated. In these circumstances, the provisions in Section 3 “Referral for Inquiry and Report” will apply.

2. PRELIMINARY CONSIDERATION

(i) Upon receipt of a complaint (other than a complaint by the Commission of its own motion) on the prescribed form the Manager shall refer it to a Sub-Committee of the JLSC (the “Complaints Committee”), comprising of not less than two members appointed by the Chairman of the JLSC, for preliminary consideration, and the Manager may, if so directed by the Commission, serve the judicial office-holder with a copy of the complaint.

(ii) Unless there are reasons why it believes that a complaint should be investigated, the Complaints Committee must dismiss a complaint, or part of a complaint, if it falls into any of the following categories –

- (a) it does not adequately particularise the matter complained of;
- (b) it is about a judicial decision or judicial case management, and raises no question of misconduct;
- (c) the action complained of was not done or caused to be done by a judicial office-holder;
- (d) it is vexatious, frivolous or unmeritorious;
- (e) it is without substance or, even if substantiated, would not require any disciplinary action to be taken;
- (f) it is manifestly untrue, mistaken or misconceived;
- (g) it raises a matter which has already been dealt with, whether under these regulations or otherwise, and does not present any material new evidence;
- (h) it is about a person who no longer holds any judicial office;
- (i) it is about the private life of a judicial office-holder and could not reasonably be considered to affect his or her suitability to hold judicial office;

- (j) it is about the professional conduct in a non-judicial capacity of a judicial office-holder and could not reasonably be considered to affect his or her suitability to hold judicial office;
 - (k) for any other reason it does not relate to misconduct by a judicial office-holder.
- (iii) The Complaints Committee may not dismiss a complaint under paragraph (a) unless it has given the complainant a reasonable opportunity to provide adequate particulars of the complaint.
- (iv) Where a complaint is about a judicial decision or judicial case management, and raises a question of misconduct, the Complaints Committee shall defer consideration until the appeal process in the case is complete or the time for appealing has expired without an appeal being lodged. It shall then review the matter, and proceed in the light of any appellate ruling.
- (v) Complaints that allege criminal offences, including corruption, should not be investigated by the Complaints Committee, and the complainant should be advised to report the matter to the police or other appropriate authority for investigation by them and in an appropriate case the Commission may itself do the same.
- (vi) Where a judicial office-holder is convicted of a criminal offence (including any traffic offence other than a parking offence) the Manager shall ask the Director of Public Prosecutions for a report on the matter, and on receipt of that report shall refer it to the Governor who shall treat it in the same way as he would a report from an Investigating Judge, and proceed accordingly.

3. REFERRAL FOR INQUIRY AND REPORT

- (i) Unless it dismisses a complaint under Part 2 above, or the complaint alleges a criminal offence, the Complaints Committee, or in the case of a complaint by the Commission of its own motion, the Commission, must refer the matter for investigation as follows –
- (a) in respect of complaints concerning the President of the Court of Appeal or the Chief Justice, to an investigating judge from outside the Islands, to be appointed by the Governor.
 - (b) in respect of complaints concerning Judges of the Court of Appeal, to the President of the Court of Appeal;
 - (c) in respect of complaints concerning Judges of the Grand Court and Magistrates, to the Chief Justice.
 - (d) in respect of complaints initiated by the JLSC under Section 1(ii).

- (ii) The person to whom a complaint is referred under this part shall be known as ‘the Investigating Judge’.

4. CONDUCT OF INQUIRY

- (i) Upon receipt of a referral from the Complaints Committee, the Investigating Judge shall, as soon as practicable, notify the subject of the complaint, provide him or her with a copy (which may be an extract or summary in an appropriate case), and invite his or her comments in writing within 14 days or such larger period, not exceeding sixty calendar days, as the Investigating Judge may direct.
- (ii) Upon receipt of comments in writing from the subject of the complaint, or at the expiry of the 14 day period, the Investigating Judge must -
 - (a) decide how to conduct the investigation;
 - (b) notify the subject of the complaint and the complainant of the proposals for the conduct of the investigation, and whether oral evidence will be taken;
 - (c) invite the subject of the complaint and the complainant to make representations about the procedure to be adopted and the case; and
 - (d) record the representations on the proposals which those persons may make.
- (iii) Any representations from the subject of the complaint or the complainant must be provided to the Investigating Judge within ten business days or such longer period as the Investigating Judge may direct of an invitation under paragraph (ii)(c).
- (iv) The Investigating Judge may invite the subject of the complaint, the complainant or any other person who may be able to assist the investigation to give evidence about the case.
- (v) The Investigating Judge may take oral evidence if he considers it necessary to do so.
- (vi) The Investigating Judge must disclose any evidence obtained from the complainant or other person under paragraph (iv) to the subject of the complaint and must invite the subject of the complaint to make representations on that evidence.
- (vii) Where the Investigating Judge decides to take oral evidence, he or she must arrange for that evidence to be recorded electronically and transcribed.
- (viii) The Investigating Judge shall fix a date for taking the evidence and notice of such date shall be sent to the subject of the complaint and the complainant.

(ix) Where the Investigating Judge considers that it is necessary to disclose evidence obtained during the course of an investigation to any person other than the subject of the complaint, he or she must first invite—

- (a) the person who provided the evidence, and
- (b) the subject of the complaint

to make representations about the proposed disclosure.

5. REPORT

- (i) At the conclusion of his or her investigation the Investigating Judge shall report to the Governor as to the facts of the case and whether the complaint is substantiated or not. The report should be limited to his or her findings of fact, and should not include recommendations as to disciplinary sanctions or the future conduct of the matter.
- (ii) Where it falls to the Investigating Judge to establish any fact, any question as to whether that fact is established must be decided on the balance of probabilities.
- (iii) The Investigating Judge must send a copy of his or her final report to the JLSC, the complainant, and the subject of the complaint and to any other person who has been invited to make representations on a draft of his report, at the same time as he or she sends the final report to the Governor.

6. GOVERNOR'S ACTION

- (i) On receipt of the Investigating Judge's report the Governor may –
 - (a) if he or she considers that further investigation is required, refer the case back to the Investigating Judge to conduct such further investigation, or appoint a judge from outside the Islands or other appropriate person to conduct it;
 - (b) if he or she considers that no misconduct is involved, dismiss the complaint;
 - (c) if he or she considers that, in the light of the report, the question of removing a judge of the Grand Court or a judge of the Court of Appeal from office for misbehaviour ought to be investigated, then he or she shall refer the report to the JLSC for investigation and advice under either section 96(4) or 101(4) of the Constitution as applicable;
 - (d) if he or she considers that, in the light of the report, the question of removing a Magistrate from office for misbehaviour ought to be investigated, then he or she shall refer the report to the JLSC for investigation and for advice under section 106(1) of the Constitution; or

- (e) if he or she considers that, in the light of the report, the case may call for the exercise of such powers of disciplinary control short of removal from office as may be conferred by section 106(1) of the Constitution or otherwise then he or she shall refer the report to the JLSC for advice under that section.
- (ii) Before making a referral under sections 96(4) or 101(4) of the Constitution or under sub-paragraph 6(i)(d) above, the Governor may refer the matter to the JLSC to advise whether the case can properly be disposed of by a lesser sanction than removal.

7. JLSC'S CONSIDERATION

- (i) Upon receipt of a referral from the Governor otherwise than under sections 96(4) or 101(4) of the Constitution or under sub-paragraph 6(i)(d) above, the JLSC shall consider the Investigating Judge's report and, in the light of the report, advise –
 - (a) that no disciplinary action is required; or
 - (b) upon a referral under sub-paragraph 6(ii), that the case can properly be disposed of by a lesser sanction than removal; and/or
 - (c) that the case does call for the exercise of such powers of disciplinary control short of removal from office as may be conferred by section 106(1) of the Constitution or otherwise.
- (ii) Upon receipt of a referral from the Governor under sections 96(4) or 101(4) of the Constitution, the JLSC shall conduct the inquiry required by the Constitution, and report on the facts to the Governor and advise whether he or she should request that the question of the removal of the Judge in question should be referred by Her Majesty to the Judicial Committee of the Privy Council.
- (iii) Upon receipt of a referral from the Governor under sub-paragraph 6(i)(d) above, the JLSC shall carry out its own investigation and report on the facts to the Governor and advise whether the Magistrate should be removed from office for misbehaviour; and, if not, whether the case calls for the exercise of disciplinary control short of removal from office.
- (iv) Before giving advice under sub-paragraph 7(i)(c) or reporting or advising under paragraphs 7(ii) or (iii) above, the JLSC shall afford the subject of the referral an opportunity to be heard or to make written representations.

8. INTERNAL CONCERNS

- (i) Where the Chief Justice in respect of a Judge of the Grand Court or Magistrate, or the President of the Court of Appeal in respect of a Judge of the Court of Appeal, has a concern about the conduct or performance of such a person which they consider may merit the exercise of such powers of disciplinary control as may be conferred by section 106(1) of the Constitution, they shall, after notifying the Governor and the Complaints

Committee, treat such concern as a referral by the Complaints Committee and proceed to conduct the inquiry required by Part 4, and the above procedure shall apply thereafter.

- (ii) Notwithstanding the above, the Chief Justice or the President of the Court of Appeal may informally reprimand or warn a judicial officer without the need to follow this Complaints Procedure.

Complaints Form

Complaints Procedure – Schedule I

PLEASE READ BEFORE PROCEEDING FURTHER:

1. Unless there are reasons why it believes that a complaint should be investigated, the Complaints Committee of the Judicial and Legal Services Commission (the JLSC) will dismiss a complaint, or part of a complaint, if it falls into any of the following categories –
 - (a) it does not adequately particularise the matter complained of;
 - (b) it is about a judicial decision or judicial case management, and raises no question of misconduct;
 - (c) the action complained of was not done or caused to be done by a judicial office-holder;
 - (d) it is vexatious;
 - (e) it is without substance or, even if substantiated, would not require any disciplinary action to be taken;
 - (f) it is manifestly untrue, mistaken or misconceived;
 - (g) it raises a matter which has already been dealt with and does not present any material new evidence;
 - (h) it is about a person who no longer holds any judicial office;
 - (i) it is about the private life of a judicial office-holder and could not reasonably be considered to affect his or her suitability to hold judicial office;
 - (j) it is about the professional conduct in a non-judicial capacity of a judicial office-holder and could not reasonably be considered to affect his or her suitability to hold judicial office; or
 - (k) for any other reason it does not relate to misconduct by a judicial office-holder.
2. The Complaints Committee will not entertain any complaint which is anonymous and/or where the complainant provides no, or insufficient, contact information.

Part A – About you (the complainant)

1. Name: Mr/Mrs/Miss/Ms _____
2. Physical Address: _____
3. Mailing Address: P.O. Box _____ Postal Code: KY - _____
4. Contact numbers: Home: _____ Work: _____ Cell: _____
5. Email: _____

Only fill out this box if someone is assisting you with the complaint – for example a lawyer

Name of representative: _____

Organisation: _____

Physical Address: _____

Mailing Address: P.O. Box _____ Postal Code: KY - _____

Contact numbers:

Work: _____ Cell: _____ Email: _____

Part C – Further information

Supporting evidence

Please attach copies of any documents that may help us investigate your complaint (for example, letters). If you cannot do this, please tell us about such documents or other evidence and how it or they can be obtained.

Have you made a complaint about this to anyone else? (For example, the office of the Complaints Commissioner)

If so, please provide details of the complaint, to whom it was made and the outcome. Please also attach copies of any correspondence relating to the complaint.

I hereby declare that the above information is accurate to the best of my knowledge.

Signature: _____

Date: _____

Consent to Release Information

I understand that the Governor's office and the JLSC may have to work with various individuals and agencies to investigate my complaint. Therefore I give my consent to the use and release of my complaint, any or all of its subject-matter and any additional information that the Governor's office, the JLSC or any person investigating my complaint feels is necessary to complete that investigation. I also understand that they will have to be released to the person who is the subject of my complaint.

Signature: _____

Date: _____

Remember:

- to sign and date this document; and
- to attach copies of any relevant documents.

**FAILURE TO PROVIDE ALL INFORMATION AND DOCUMENTS REQUESTED WILL
DELAY CONSIDERATION OF YOUR COMPLAINT**

Send your completed form to:
Manager, Commissions Secretariat
P.O. Box 391
Grand Cayman KY1-1106
CAYMAN ISLANDS

Part F: Appendices

JUDICIAL AND LEGAL SERVICES COMMISSION



Code of Conduct

for the Cayman Islands judiciary

This code is drawn up by the Cayman Islands Judicial and Legal Services Commission pursuant to Section 106(10)(a) of the Cayman Islands Constitution Order 2009.

9 March 2012

A. INTRODUCTION

- [1] Section 106(10)(a) of the Cayman Islands Constitution Order 2009 (“the Constitution”) requires the Judicial and Legal Services Commission to draw up a code of conduct for the judiciary. The Commission has approached that task on the basis that such a Code should be founded on the commonly-accepted values which were adopted by the international judicial community some twenty years ago and have become known as the *Bangalore Principles of Judicial Conduct*. The Commission believes that those who accept appointment as judges and magistrates in the Cayman Islands will recognise those principles as fundamental to the proper discharge of the duties of their office, and that adherence to those principles is essential if public confidence in the judiciary is to be maintained.

The terms “judge” and “judiciary” as used herein include magistrates, save where indicated otherwise.

- [2] The stated purpose of the *Bangalore Principles* is:
- “To establish standards for ethical conduct of judges. They are designed to provide guidance to judges and to afford the judiciary a framework for regulating judicial conduct. They are also intended to assist members of the Executive and the Legislature, and lawyers and the public in general, to better understand and support the judiciary”.**

The Commission adopts that statement as the purpose of this Code.

- [3] The *Bangalore Principles* are enshrined in a succinct statement of six core values:
- **Judicial independence is a prerequisite to the rule of law and a fundamental guarantee of a fair trial. A judge shall therefore uphold and exemplify judicial independence in both its individual and institutional aspects.**
 - **Impartiality is essential to the proper discharge of the judicial office. It applies not only to the decision itself but also to the process by which the decision is made.**
 - **Integrity is essential to the proper discharge of the judicial office.**
 - **Propriety and the appearance of propriety are essential to the performance of all of the activities of a judge.**
 - **Ensuring equality of treatment to all before the courts is essential to the due performance of the judicial office.**
 - **Competence and diligence are prerequisites to the due performance of judicial office.**

This Code is intended to embody those core values. It should be understood and applied accordingly.

- [4] The Commission recognises that it is impossible to foresee, or to make provision for, the whole spectrum of circumstances to which those principles may fall to be applied in practice. It recognises, also, that the application of the principles to particular circumstances may give rise to difficult questions on which there is room for reasonable differences in view. Those questions will need to be resolved as and when they arise. Nevertheless the Commission believes that the purpose of this Code will be served by setting out, under each of the six *Bangalore Principles*, propositions which are likely to command general acceptance in the Cayman Islands. Those propositions should be seen as establishing standards by reference to which judges will regulate their conduct. Conduct which falls below those standards will not meet legitimate public expectation.
- [5] The Commission may from time to time revise or vary this Code as circumstances shall require. Judges, whenever appointed, will be expected to adhere to the Code as so revised or varied.

B. INDEPENDENCE

- [6] It is a fundamental principle of the rule of law under a democratic Constitution that the judiciary is, and is seen to be, independent of both the Legislature and the Executive. Judicial independence is sometimes mistakenly perceived as a privilege enjoyed by judges, whereas in fact it is a cornerstone of our system of government in a democratic society and a safeguard of the freedom and rights of the citizen under the rule of law. The judiciary, whether viewed as an entity or by its individual membership, is and must be seen to be independent of the legislative and executive arms of government. The relationship between the judiciary and the other arms should be one of mutual respect, each recognising the proper role of the others. Judicial independence is underpinned by security of tenure and remuneration, and by the constitutional convention under which the Executive neither directs nor criticises the Judiciary. The Legislature acts only through measures passed in the Legislative Assembly.
- [7] The independence of the judiciary imposes obligations upon the judges to respect the proper role of the Legislature and the Executive. Judges cannot avoid determining politically contentious disputes if those are properly brought before them in legal proceedings; but they should take care not to express views in a judicial capacity which go beyond what is necessary for that purpose.
- [8] A judge should not make extra-judicial statements upon politically contentious matters. The general rule is that if a matter of public controversy calls for a response from the judiciary or a particular court, it should come from the Chief Justice or with his or her approval. There will be cases in which it may assist public debate if individual judges provide information relating to the administration of justice and the functions of the judiciary, as explained in paragraph 26.8 below. But such cases are likely to be rare and the participation of individual judges in public debate requires careful consideration.
- In particular:

- [8.1] If matters which affect the judiciary directly (for example, terms of service) become the subject of public comment or debate, the response (if any) on behalf of the judiciary should be made through the Chief Justice.
 - [8.2] Communication with the Executive on behalf of the judiciary is the responsibility of the Chief Justice. Such communication should be open and formal.
 - [8.3] Communication with political parties or members of the Legislative Assembly (other than purely social) or any appearance of political lobbying (for example, the signing of petitions) should be avoided.
 - [8.4] A judge should not make submissions or give evidence before any committee or similar body on a matter affecting the legal system without first consulting the Chief Justice.
- [9] Invitations from the Executive to undertake non-judicial functions (for example, service on commissions and working parties) should not be accepted without careful consideration whether such functions are compatible with the judicial function. Relevant considerations will be the impact upon judicial strength during the time of the secondment and any implications for judicial independence. It is expected that such invitations will be communicated by the Executive through the Chief Justice. If that is not so in any particular case, then the judge receiving the invitation should refer it to him. In any event, a judge should consult the Chief Justice before accepting it.
- [10] A judge must protect his or her independence by rejecting any attempt to influence his or her judicial decision other than by public advocacy in the courtroom. In particular, no judge can be directed as to his or her own judicial decision by any other judge. Consultation with colleagues when points of difficulty arise is important in the maintenance of standards. In performing judicial duties, however, the judge shall be independent of judicial colleagues and solely responsible for his or her decisions.
- [11] Membership of, or association with, political organisations is inconsistent with judicial independence and should be avoided.
- [12] In the discharge of his or her judicial functions, a judge should keep in mind that collegiate support is an important element in the maintenance of judicial independence. He or she should show respect and support for his or her judicial colleagues, and should refrain from criticising or denigrating them in public or in private.

C. IMPARTIALITY

- [13] Impartiality is essential to the proper discharge of the judicial function. Indeed, independence may be seen as a means to that end.
- [14] A judge must avoid both partiality (or bias) in fact and the appearance of partiality. Justice must both be done and be seen to be done.
- [15] A judge who has the least doubt as to his or her ability to decide the issues before him or her impartially - because, for example, he or she recognises that he or she has actual bias arising from personal knowledge of the disputed facts, or from personal knowledge of the credibility (or lack of credibility) of one of the parties or a witness, or from a pre-disposition to take an unfavourable view of one of the parties individually or, more generally, of a class of litigants to which one of the parties may belong - must disqualify himself or herself and decline to hear the case.

- [16] Appearance of partiality or bias can arise where bias does not exist in fact. The test is whether a reasonable, fair-minded and informed observer would reasonably conclude that there is a real possibility that the judge is not impartial. The appearance of partiality may be impossible to dispel: leaving the litigant – and the informed observer – with a sense of injustice which is destructive of confidence in judicial decisions.
- [17] Circumstances which might lead a reasonable, fair-minded and informed observer reasonably to conclude that there is a real possibility that the judge is not impartial include (but are not limited to) an apparent conflict of interest, judicial behaviour on the Bench, or associations and activities off the Bench. In particular, a judge may give an appearance of bias by expressing views in relation to race, gender, religious belief or culture. Whether a judge's associations or conduct gives an appearance of bias may be very difficult for that judge to recognise or determine in advance or at the time. Where a judge concludes that (applying the relevant test) his or her associations or conduct may give an appearance of bias, he or she should disqualify himself or herself and decline to hear (or to continue hearing) the case.
- [18] Apparent conflicts of interest can arise in many different situations. A judge must be alert to any appearance of bias arising out of connections with litigants, witnesses or their legal advisors. The parties should always be informed by the judge of facts within his or her knowledge which might reasonably give rise to a perception of bias or conflict of interest. In particular:
- [18.1] A judge should disqualify himself or herself where he or she or (while he or she was in practice) his or her firm acted as a legal advisor in connection with the subject matter of the dispute which has given rise to the proceedings.
- [18.2] A judge should disqualify himself or herself if in a close relationship to litigants, witnesses or the legal advisors in the case.
- [18.3] A judge should disqualify himself or herself if he or she or a close relative or member of his or her household has, directly or indirectly, a financial, beneficial or other similar interest in the outcome of the proceedings. Such conflicts may arise out of current commercial or business activities, financial investments (including shareholding in public or private companies) or membership of or involvement with educational, charitable or other community organisations which may be interested in the litigation. Shareholdings in litigant companies or companies associated with litigants should be disclosed. They should always lead to disqualification if the shareholding is large or if the value of the shareholding would be affected by the outcome of the litigation. Where the shareholding is small, full disclosure should still be made.
- [18.4] A judge should give most careful consideration whether to disqualify himself or herself if the case raises issues in relation to which he or she has made public statements of firm opinion after appointment.
- [19] The question whether to disqualify himself or herself on the grounds of actual or apparent bias is, in the first instance, for the judge to consider and determine. A judge should be careful to avoid giving encouragement to attempts by a party to use procedures for disqualification illegitimately. There is a need to avoid the practice of “forum shopping” by litigants who raise objections on the ground of apparent bias without good reason to do so.

Additionally, a judge will need to have in mind, amongst other matters: (i) the burden which will fall on other judges if he or she disqualifies himself or herself without good reason; (ii) the burden that will be imposed on the litigants if an appellate court reverses his or her decision not to disqualify himself or herself; and (iii) the possibility that a decision not to disqualify himself or herself may (if reversed on appeal) lead to an erosion of confidence in the judiciary. In the latter context a judge should have in mind that, although the fact that the appellate court reverses the judge's decision not to disqualify himself or herself does not, of itself, imply that he or she lacked impartiality, that may not be the perception of the litigant or of the public. If the issue of apparent bias is raised before the judge has embarked on the hearing, it may be sensible for the judge to decline to sit in order to avoid adding that issue to the other contentious issues in the case.

D. INTEGRITY

- [20] Lack of integrity in private dealings and financial affairs, such as would expose the judge to the censure of reasonable, fair-minded and informed persons, is incompatible with judicial office.
- [21] Judgments once finally delivered and released for publication must stand without further clarification or explanation. Where a decision is subject to inaccurate comment, any appropriate response should be from the Chief Justice. Generally the most effective response is to get the full text of the judgment into the public arena promptly.

E. PROPRIETY

- [22] Judges should not behave in such a manner as would or might, in the eyes of a right-minded member of the public, bring themselves, the judiciary or the administration of justice into disrepute.
- [23] Appointment to the judiciary should not lead to social and civic isolation. Judges are not effective if isolated from the community which they serve; and the community is not well-served by judges whose personal development is arrested by judicial appointment. Judges are entitled to private and civic lives which are not stunted or disadvantaged by office. And, generally, judges should not be denied the right to act in protection of rights of property and other personal interests: nor, without good reason, should they be denied the freedoms of association and expression which they would otherwise enjoy.
- [24] Nevertheless a judge's conduct, both in and out of court, inevitably attracts closer public scrutiny than that of most other members of the community; and the standing of the judiciary as a whole may be adversely affected by conduct which, in others, would not attract serious criticism. Judges must accept some restrictions on conduct and activities as a consequence of appointment.
- [25] Those restrictions include the following:
 - [25.1] Breaches of the law are incompatible with the judicial obligation to uphold the law.
 - [25.2] A judge who deals judicially with the effects of alcohol abuse may well be seen as compromised if he or she is, himself or herself, an abuser of alcohol.
 - [25.3] A judge should not be a member of any social organisation which discriminates on the basis of race, sex, religion or national origin.

- [25.4] A judge should not be involved in the management or direction of charitable or civic organisations, the activities of which might reflect adversely upon his or her impartiality or standing or the discharge of his or her judicial duties. In particular, he or she should not be involved in an organisation in circumstances where (i) it is likely to be regularly involved in contested proceedings before the courts, (ii) its finances are unsound, (iii) his or her standing as a judge could be used to solicit funds; or (iv) its objectives include law reform or political change.
- [25.5] A judge should not provide legal or investment advice to charitable organisations.
- [25.6] A judge should not permit his or her name or title to appear on documents associated with an appeal for funds; nor should he or she personally solicit funds (or lend his or her name to fund-raising activities) on behalf of fund-raising organisations.
- [25.7] A judge should not give legal advice save, on a gratuitous basis, to close family members.
- [25.8] A judge should not act as advocate or negotiator for a family member in a legal dispute or matter.
- [25.9] A judge who chooses to act for himself or herself in a legal dispute or matter should not seek to advance the interests of himself or herself or his or her family by invoking his or her standing as the holder of judicial office.
- [25.10] A judge should not accept professional services (including, in particular, legal advice or representation) for no charge or at a charge that is less than the usual rate charged by the provider of those services.
- [25.11] A judge must not use his or her judicial office for personal advantage (whether financial, social or personal) or for the advantage or benefit of his or her family or friends.
- [25.12] A judge should not give character evidence in court proceedings save in response to a summons requiring him or her to attend as a witness.
- [25.13] A judge should not expect or accept a fee for the delivery of a paper at a legal conference.
- [25.14] A judge should not be a member of the committee of an extra-judicial body which exercises disciplinary powers, save in relation to members of the legal profession.
- [25.15] A judge must avoid personal and social relationships which are abusive or exploitative.
- [25.16] A judge should not associate with anyone whom he or she knows is likely not to observe the law. In particular, a judge should avoid circumstances in which he or she is present at a gathering or on premises which may contravene the law; or where there is a risk of associating with people who are involved in criminal activities.
- [25.17] A judge should not engage with the media without the prior approval of the Chief Justice.
- [25.18] A judge should avoid association with those who are engaged, whether as participants, witnesses, or otherwise, in cases currently before him or her.

- [25.19] A judge should not discuss with anyone (other than judicial colleagues) his or her cases, current or past.
- [26] Matters which are not to be seen as incompatible with judicial office, but where some degree of caution must be exercised, include the following:
- [26.1] A judge who is a trustee, board member or officer of an educational, religious or charitable organisation may participate in its decision-making, including decisions as to investments and legal rights and obligations. But a judge's primary responsibility is to fulfill his or her judicial duties. Extra-judicial responsibilities and interests should not be such as to interfere with the discharge of judicial duties; or of a scale which might detract from that primary responsibility.
- [26.2] A judge is not precluded from managing his or her own investments and those of his or her immediate family or a family trust; provided that he or she is not thereby distracted from his or her judicial duties. Caution is necessary if the investments are substantial or of a nature which is likely to give rise to controversy.
- [26.3] The delivery of papers on legal subjects at legal conferences should be seen as an obligation incidental to judicial office. A judge may accept reimbursement of travel and accommodation expenses incurred in providing and delivering such papers where the host organisation is an educational establishment or professional association. But care must be taken where the host is a private organisation associated with a particular cause or is a potential litigant before the courts or if the arrangements are unusually lavish. In such cases the judge should consult with the Chief Justice.
- [26.4] Acceptance of small gifts as a token of appreciation for participating in a public or private function is not, of itself, objectionable. But caution is necessary in respect of any significant benefit. A judge must be aware of the risks (i) that it may be suggested that he or she has exploited his or her standing as the holder of judicial office in order to obtain that benefit and (ii) that the benefit may be seen as an attempt to influence the judge in the performance of his or her judicial duties. In such cases the judge should consult with the Chief Justice.
- [26.5] Social contact between members of the Bench and the advocates who appear before them is a long-standing tradition. But a judge should avoid direct social contact with practitioners who are engaged in cases currently before him or her where that might give rise to the appearance of bias.
- [26.6] A judge is not precluded from providing a letter of recommendation based on his or her personal knowledge of the individual concerned. But he or she should be aware of the need for caution lest his or her recommendation be seen to indicate judicial endorsement of an applicant for an appointment; and should consider carefully whether it is appropriate for a letter of recommendation be written on judicial stationery.
- [26.7] A judge should attend as a witness in answer to a summons served upon him or her by a party; but, in giving evidence, he or she should be careful not to invoke the special standing which attaches to the holder of judicial office. In particular, he or she should consider carefully whether it is appropriate for him or her to

give evidence as to character; and, generally, should decline to do so unless that course would unfairly deprive a defendant to criminal proceedings of the ability to prove some fact which was within the special knowledge of the judge.

[26.8] A judge may, with the prior approval of the Chief Justice, write articles or give interviews for the purpose of informing the public as to the administration of justice in general terms. In considering whether to accept an invitation to do so, he or she should ask himself or herself whether the proposed article or interview is likely to have the beneficial effect of raising public awareness of the judicial function. But he or she should not express views in articles and interviews which may be thought to pre-determine issues which may arise for judicial determination or which trespass into areas of political controversy. He or she should be aware of the risks associated with unscripted television and radio broadcasts; and should not take part in such broadcasts without the prior approval of the Chief Justice.

[26.9] A judge may write on legal topics for publication – provided that he or she is not thereby distracted from his or her judicial work – and may receive royalties or other payment for publication of his or her written work. Again, a judge should take care that, in his or her extra-judicial written work, he or she does not appear to pre-determine issues which may come before the court in litigation or to criticise the decisions of those who are currently his or her judicial colleagues.

[27] A judge should recognise and accept the need not only to observe high standards of personal conduct but also to encourage and support his or her judicial colleagues to observe similar standards. Questionable conduct by one judge reflects on the judiciary as a whole. A judge who becomes aware of evidence which, in his or her view, is reliable and indicates a strong likelihood of conduct by another judge which falls below the standards required by this Code must give serious consideration to the action which he or she should take; having regard to the overriding need to maintain the public interest in the due administration of justice. Appropriate action will depend on the particular circumstances; but may involve informal counselling, consultation with or a more formal report to the Chief Justice or the Judicial and Legal Services Commission. “Turning a blind eye” is not an acceptable option.

[28] Following his or her retirement from office, a judge shall not appear in court as an advocate. That prohibition shall not apply to magistrates.

F. EQUALITY OF TREATMENT

[29] A judge must determine the cases before him or her according to law. He or she must not be deflected by desire for popularity or fear of criticism.

[30] A judge must hear a case on the evidence and in accordance with the principles of natural justice. He or she must not allow one party to make representations to him or her in the absence of, or to the exclusion of, the other; save where the circumstances require that, in the interests of justice, an application is made without notice.

[31] A judge must conduct himself or herself with courtesy to all, and must require similar courtesy of those appearing in court. He or she should be alert to protect parties or witnesses from discourtesy or displays of prejudice based on racial, sexual, religious or other grounds. Punctuality, patience and tolerance are essential judicial qualities.

- [32] A judge must be firm in maintaining proper conduct during a hearing before him or her. Judicial intervention should be limited to the minimum necessary to clarify the evidence or to elucidate the submissions made to the judge. A judge should take care that his or her interventions, where necessary for those purposes, do not lead to the perception that he or she has reached a conclusion without hearing all the evidence and all the submissions; or, in the case of criminal trials before a jury, that he or she has formed a view as to the guilt or innocence of the accused.
- [33] A judge from whose decision or conduct of proceedings an appeal is pending or under consideration should have no private communication with the appellate court.

G. COMPETENCE AND DILIGENCE

- [34] A judge is expected to be competent in the discharge of his or her judicial duties, both generally and pursuant to Clause 7 of the Bill of Rights, Freedoms and Responsibilities comprising Part 1 of the Constitution of the Cayman Islands. Without prejudice to the generality of the foregoing, he or she must display intellectual honesty in the reasoning on which his or her decisions are based; he or she must strive to dispose of his or her work promptly, delivering his or her judgments in a timely manner; and he or she must be ready and willing to undertake a fair share of the work of the court.
- [35] It is a judge's professional duty to do all he or she reasonably can to equip himself or herself to discharge his or her judicial duties with a high degree of competence and efficiency. This should include the attendance at judicial seminars and symposia where these are made available as part of continuing judicial education and training.
- [36] A judge should strive to deliver reserved judgments as soon as possible and in any event within such period as may from time to time be prescribed by the Chief Justice or the President of the Court of Appeal, as the case may be. If the judge becomes aware that his or her judicial commitments (or other circumstances) may prevent him or her from delivering judgment within that time, he should alert the Chief Justice to that possibility.

6.2 Public Servant's Code of Conduct

The Public Servant's Code of Conduct which applies to all Civil Servants is as follows -

- (a) a public servant must behave honestly and conscientiously, and fulfil his duties with professionalism, integrity and care;
- (b) a public servant must be courteous and respectful to the Governor, the Speaker and Deputy Speaker, Official Members, Ministers, Members of the Legislative Assembly, other public servants and members of the public, and treat everyone with impartiality and without harassment of any kind;
- (c) a public servant must be politically neutral in his work and serve the government of the day in a way that ensures that he maintains the confidence of the government, while also ensuring that he is able to establish the same professional and impartial relationship with future governments;
- (d) a public servant, as a member of the public, has the right to be politically informed but must ensure that his participation in political matters or public debate or discussions, does not conflict with his obligation as a public servant to be politically neutral;
- (e) a public servant must not, at any time, engage in any activity that brings his ministry, portfolio, statutory authority, government company, the public service or the government into disrepute;
- (f) a public servant must obey the law and comply with all lawful and reasonable directions, including work place rules established by his chief officer or a person with delegated authority from the chief officer;
- (g) a public servant must disclose, and take reasonable steps to avoid, any conflict of interest (real or apparent) with his duties as a public servant, and must not use his official position for personal or familial gain;
- (h) a public servant must treat all official information and any dealings with the Governor, an Official Member or Minister as confidential, and, unless authorised to do so, must not give or disclose, directly or indirectly, any information about official business or anything of which he has official knowledge; and
- (i) a public servant must not use official resources, including electronic or technological resources, offensively or for other than very limited private purposes.

6.3 Public Service Values

The values to which the public service shall aspire and which shall govern its management and operation are as follows -

- (a) to serve diligently the government of the day, the Legislative Assembly and the public in an apolitical, impartial and courteous manner and to deliver high-quality policy advice and services;
- (b) to uphold the proper administration of justice and the principles of natural justice, and to support public participation in the democratic process;
- (c) to strive continually for efficiency, effectiveness and value for money in all government activities;
- (d) to adhere to the highest ethical, moral and professional standards at all times;
- (e) to encourage creativity and innovation, and recognise the achievement of results;
- (f) to be an employer that cares, is non-discriminatory, makes employment decisions on the basis of merit and recognises the aims and aspirations of its employees, regardless of gender or physical disabilities;
- (g) to be an employer that encourages workplace relations that value communication, consultation, co-operation and input from employees (either individually or collectively) on matters that affect their workplace and conditions of service; and
- (h) to provide a safe and healthy working environment.

6.4 Request for Recruitment Form (RRF)



JUDICIAL AND LEGAL SERVICES COMMISSION

REQUEST FOR RECRUITMENT FORM

This form must be completed to request the recruitment of all posts covered by Section 106 (4) (a)-(f) of the Constitution.

**For Official Use
Only**

Date Form sent to
the Governor

Date Authorised by
the Governor:

1. Details of Post			
Post Title		Grade & Salary point of previous holder	
Name of previous post holder		Date Last evaluated by Portfolio of the Civil Service	
Proposed start date for new employee			
Proposed Length of Contract			
Reason for Vacancy			
Justification for filling the vacancy in terms of workload, quality and timeliness of delivery of service			

2. Advertising Details

Where to advertise (please tick appropriate box)	<input type="checkbox"/> Internally Only <input type="checkbox"/>	Please state local media to use in addition to the Government Web Site	
	<input type="checkbox"/> Regionally <input type="checkbox"/> Internationally	If regionally and or internationally, state the country and media or publications to use.	
Advertising Budget	\$		

3. Remuneration and Benefits

Salary Grade (if applicable)		Please state the annual budgeted amount for this post.	
Annual Leave Entitlement		Sick Leave Entitlement	
Pension Contribution		Health Insurance	
Additional Benefits	Successful candidate (if overseas) will be entitled to: <ol style="list-style-type: none"> 1. return airfare for self and dependents; 2. up to 7 nights in a hotel upon arrival and up to 2 nights in a hotel at departure; 3. Up to 1000lbs of property shipped to the CI; and 4. One month's pay upon arrival for relocation expenses. 		

4. Contact Details

All costs related to the recruitment will be borne by the Ministry/Portfolio including advertising, transportation and accommodation of selection panel and candidates. Please provide contact details of the Finance person who will deal with these issues.									
Name					Position				
Postal Address			Street Address						
Fax Number		Tel Work		Tel Cell		E-mail			
Recruitment Budget									

5. Authorisation

Form Completed By				Position			
Signature				Date			
Recommendation of the JLSC		<input type="radio"/> Recruit <input type="radio"/> Do not recruit		Date			
Name of Authorizer				Position		HE the Governor	
I approve the filling of this vacancy on the terms stated above					I do not approve the filling of this vacancy on the terms stated above		
Comments							
Signature				Date			

6.5 Employment Application Form

CONFIDENTIAL
Judicial and Legal Services Commission Employment Application

**THIS FORM MUST BE COMPLETED FULLY, USING BLACK INK OR TYPE.
ATTACH ADDITIONAL PAGES IF NEEDED. INCOMPLETE APPLICATION
FORMS OR APPLICATIONS RECEIVED AFTER THE CLOSING DATE MAY NOT
BE CONSIDERED.**

Post Applied For:	
Ministry/Portfolio:	

SECTION 1: Personal Details

Last Name:		First Name:	
Middle Name:		Maiden Name (if applicable):	
Any other names used:			
Mailing Address:			
Street Address:			
E-mail Address:			
Telephone Numbers:	Home:	Cell:	Work:
Date of Birth (dd/mm/yyyy):		Nationality:	

If you are not Caymanian, what is your immigration status in the Cayman Islands?

Permanent Resident:		Off Island:	
Work Permit Holder:		Expiry Date (dd/mm/yyyy):	
On Government Contract:		Expiry Date (dd/mm/yyyy):	
Other (please explain):			

Have you been previously employed within the Cayman Islands Civil Service? Yes No

If yes, please indicate post(s) held and dates of service

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Section 2: Present Employment/Last Employer (if unemployed)

Name of Employer: Department/Section:

Address:

Post Title:

Date of Appointment: Salary:

Brief description of duties:

Period of Notice Required: Last day of service (if no longer employed):

Reason for leaving (if no longer employed):

Section 3: Previous Employment (starting with most recent employer)

1. Name of Employer:

Address:

Position Held: Period of Employment: mm yyyy to mm yyyy

Summary of Duties:

Reason for Leaving:

2. Name of Employer:

Address:

Position Held:		Period of	mm	yyyy	to	mm
		Employment:	yyyy			

Summary of Duties:

Reason for Leaving:

3. Name of Employer:

Address:

Position Held:		Period of	mm	yyyy	to	mm
		Employment:	yyyy			

Summary of Duties:

Reason for Leaving:

Section 4: Education

College or University	Course	Qualifications and grades obtained
School	Subjects	Qualifications and grades obtained

Continue on a separate sheet if necessary

Professional, Technical or Management Qualifications

Please give details:

Professional/Technical/Management Qualifications	Course Details
<p>Current Membership in any Professional/Technical Associations – please state level of membership:</p>	

Continue on a separate sheet if necessary

Section 5: Training and Development

Title of Training Programme or Course	Length of Course	Area (s) of Focus

Continue on a separate sheet if necessary

Section 6: Personal Statement

Continue on a separate sheet if necessary

Section 7: Dependents *(i.e. Persons who will accompany you for the duration of your contract. Limited to your spouse and / or dependent children under the age of 18)*

Marital Status:		Spouse's Name:	
Names and ages of Dependants:			

Section 8: Convictions

Have you ever been convicted of a criminal offence (except minor road traffic offences)?

If so, please provide details:	
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Section 9: Disciplinary Proceedings

Have you ever been the subject of any disciplinary proceedings?

If so, please provide details:	
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Section 10: Other Issues

Have you ever been involved in any other issues that could cause embarrassment to the Cayman Islands Government if you are selected?

If so, please provide details:	
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Are there any other matters which the Commission should be aware of which may be relevant to your appointment and which could affect a decision to employ you?

If so, please provide details:	
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Section 11: References

Please give the names and details of two individuals who may be contacted as *work-related* referees, including your current or most recent employer. The Commission reserves the right to contact additional individual(s) and/or organization(s) it considers appropriate to help it complete its due diligence. If for some reason there is anyone whom you wish not to be contacted without your consent, please indicate this below, together with your reason.

	Reference 1
Name:	
Position (job title):	
Work Relationship:	
Organisation:	
Address:	
Telephone no.:	
E-Mail:	

	Reference 2
Name:	
Position (job title):	
Work Relationship:	
Organisation:	
Address:	
Telephone no.:	
E-Mail:	

This referee may be contacted only with my consent:

Reason: _____

This referee may be contacted only with my consent:

Reason: -

A job offer will not be made without at least two satisfactory references.

Section 12: Declaration

Please complete and sign the following declaration

I hereby certify that:

- *the information I have provided on this form is correct to the best of my knowledge, and may be verified by the Cayman Islands Government prior to or after my appointment;*
- *all questions have been accurately and fully answered; and*
- *I possess all the qualifications which I claim to hold.*

<i>Please initial</i>

I understand and agree that, if offered employment, I will be required to:

- *undergo a pre-employment medical examination. Adverse results of such examination may result in the withdrawal of the offer of employment;*
- *provide proof of my qualifications; and*
- *provide a police clearance certificate from my country of residence and such other place as as requested by the Cayman Islands Government.*

The information you provide in your job application form will be treated confidentially at all times and will only be disclosed to personnel involved in the recruitment process. If you accept this post, your personal information will be held alongside your Employment Agreement.

By signing this application, you authorise the Cayman Islands Government to collect and/or verify any information that is considered relevant to your application.

Signed: _____ **Date:** _____

NOTE: FAILURE TO DISCLOSE RELEVANT DETAILS OR GIVING MISLEADING INFORMATION WILL CAUSE YOUR APPLICATION TO BE REJECTED OR IF YOU ARE ALREADY EMPLOYED IT COULD LEAD TO TERMINATION OF CONTRACT.

Candidates will receive written notification that their applications have been received. Candidates will normally be notified within one month if they have been selected for interview.

Thank you for your interest in working for the Cayman Islands Government.

<p>Please submit completed form to:</p> <p>Deborah Bodden Manager Commissions Secretariat deborah.bodden@gov.ky P.O. Box 391 George Town KY1-1106 Grand Cayman T +1 345 244-3687 F +1 345 945-8649</p>

For Official Use Only

Reference Number:	
Closing Date:	
Date Application Received:	
Date Application Acknowledged:	
Selected for an interview:	
Date Notified of Outcome:	
Manager Signature:	