

# GENERAL ORDERS

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# CHAPTER 1

## INTRODUCTION

### VALIDITY OF GENERAL ORDERS

- 1.1 In accordance with general order 2 of the 1986 General Orders the following orders have been issued by the Governor and replace all previous general orders.
- 1.2 These general orders repeal and replace all previous general orders and shall bear the serial number 1 of 2010 and shall be titled General Orders 2010 and shall become effective as of December 1, 2010.
- 1.3 The conditions of service for Public Officers, instructions for the conduct of such officers and of public business and in regard to other miscellaneous matters are embodied in this code of regulations, which are known as General Orders. These orders are intended to be read in conjunction with the Public Service Commission Act and Regulations, the Constitution and the Ray Durrant Report.
- 1.4 General Orders are orders of the Governor and authority for their interpretation is vested in the office of Governor. The Deputy Governor will be responsible to the Governor for the management of the Public Service and for ensuring the smooth and efficient conduct of Government business as a whole.
- 1.5 General Orders are applicable to all monthly paid Public Officers, (excluding casual employees), except insofar as the contrary intention appears in the General Orders, or alternative provision is made for the officer in any Act of Parliament, existing law, Act of Anguilla, or in a regulation, by-law or order made under such Act or existing law of Anguilla.
- 1.6 Non-compliance with or disobedience of a General Order may form the basis of a disciplinary charge pursuant to Chapter 4.
- 1.7 General Orders may be supplemented or amended as directed by the Governor from time to time. Such additions and amendments have equal validity with, and are issued under the same conditions as, General Orders.

## **USE AND AVAILABILITY OF GENERAL ORDERS**

- 1.8 It is the duty of all officers to be thoroughly acquainted with General Orders and the contents of all amendments and additions to them.
- 1.9 All officers are required to acquaint themselves with all Government notifications and orders, whether published in the Gazette or conveyed by circular or other means, and Heads of Department are responsible for the necessary circulation of such publications within their Departments.
- 1.10 General Orders, the Public Service Commission Act and Regulations and the Constitution should be readily available in every Government Department for consultation by all officers and it is the duty of Heads of Department to ensure that all officers in their departments have access to a copy. These instruments can also be accessed on the following websites: <http://www.gov.ai> or [www.gov.ai/dg](http://www.gov.ai/dg)

## **AMENDMENTS**

- 1.11 Heads of Department are responsible for ensuring that amendments and additions to General Orders are included in all department copies as soon as they are received.

## **CHAPTER 2**

### **APPOINTMENTS, PROMOTIONS, TERMINATIONS, AND RETIREMENTS**

#### **AUTHORITY FOR APPOINTMENTS**

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

#### **TEMPORARY STAFF**

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

#### **APPLICATION FOR APPOINTMENT**

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

#### **APPOINTMENTS AND PROMOTIONS PROCEDURE**

- 2.4 When a post on the authorised establishment becomes vacant, it may be filled by the appointment of a candidate with the requisite qualifications and experience as may be prescribed from time to time, selected from within or outside the Service. Bids by meritorious officers, with adequate qualifications, already in the service will normally take precedence over those not in the Service.
- 2.5 Under the terms of Section 65 of the Constitution the Governor shall appoint a Public Service Commission (hereinafter referred to as "the Commission") to advise the Governor on appointments and promotions to vacant offices, on transfers of suitable officers, and on the confirmation, disciplinary control and termination of appointment of all serving officers. The Commission shall consist of five members, of whom three shall be appointed by the Governor on whose discretion and two shall be appointed after consultation with the Public Service



Staff Associations. None of the members shall be a public officer. The Governor, after consultation with the Chief Minister, shall appoint one of the members to be Chairperson. In the exercise of its duties the Commission shall be bound by the Public Service Commission Regulations, 1976, as amended from time to time.

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

### **PROBATION**

- 2.9 The appointment of officers to the permanent establishment is normally subject to a period of probation for one year. Exception may be made for those officers who have completed a period of satisfactory temporary service in excess of one year in the same or similar position.

- 2.10 The period of probation begins on the date of assumption of duty on probation in the appointment. During the period of probation, officers should be regarded as being on trial with a view to learning the work and being tested as to their suitability for it. Officers should, therefore, not only be given all possible facilities for acquiring experience of the duties of the post but should be kept under continual and sympathetic observation and, so far as practicable, should not be posted where such observation is impossible.
- 2.11 It is the responsibility of Heads of Department to ensure that Line Managers pay special attention to the training of officers on probation. If at any time during the period of probation officers should exhibit tendencies which render it in any way doubtful that they will be suitable for permanent retention, they should at once be warned in writing and given such assistance as may be possible to correct the faults. Officers' probationary period may be extended for a period not exceeding one year where they have not had proper opportunity, either through illness or for other good reason, of displaying fitness for confirmation.
- 2.12 Heads of Department are required to forward to the Permanent Secretary Public Administration a confidential report (See Appendix Form P/10) on officers on probation as soon as they have completed six months service and thereafter one month before the end of the probationary period (Appendix Form P/10B). Such reports will be made available to the Public Service Commission.

### **RE-APPOINTMENT**

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

## **CONFIRMATION TO THE PERMANENT ESTABLISHMENT**

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

## **TERMINATION OF PROBATION**

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

## **LETTERS OF APPOINTMENT**

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

## **DATE OF APPOINTMENT**

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

## **MEDICAL EXAMINATION PRIOR TO APPOINTMENT**

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

## **TRANSFERS AND MOBILITY OBLIGATION**

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

## **SECONDMENTS**

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

## **ACTING APPOINTMENT**

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

### **PROMOTION SUBJECT TO PROBATION**

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

### **SENIORITY**

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

### **ANNUAL PERFORMANCE APPRAISALS**

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

### **OFFICERS TO BE NOTIFIED OF APPRAISALS**

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

### **PERSONAL RECORD FORMS**

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

### **CERTIFICATE OF SERVICE**

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

### **RESIGNATIONS**

- 2.31 Officers on probation may resign after giving not less than one month's notice in writing to the Permanent Secretary, Public Administration. Officers who have been confirmed to the permanent establishment should, if they intend to resign, give not less than three months' notice of their intention, in order that arrangements may be made for filling their posts. In such cases officers may, instead of giving due notice resign their appointment at any time but will be required to pay to the Government one month's salary in lieu of notice.
- 2.32 Except as provided in the Pensions Legislation and these General Orders, on resignation officers forfeit all rights and privileges of their office.
- 2.33 A pension or gratuity can only be granted to officers who resign from the public service in circumstances defined in the pensions law of Anguilla.
- 2.34 Officers who have resigned their appointment may, after the circumstances which prompted the resignation have been investigated, be re-employed. Their pension rights will be governed by the pensions law of Anguilla.

### **TERMINATION OF APPOINTMENT ON CONTRACT**

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

### **LEAVE ON TERMINATION**

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

### **RETIRING AGE**

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

### **RETIREMENT BEFORE NORMAL RETIRING AGE**

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

### **RETENTION BEYOND NORMAL RETIRING AGE**

- 2.39 Retention beyond the normal retiring age is subject to the approval of the Governor, after consultation with the Public Service Commission. The criterion is not the officers' convenience but the public interest. A recommendation for the retention of officers beyond the normal retiring age must, therefore, be supported by strong reasons, including a statement whether there are any suitably qualified serving officers who could be promoted to fill the vacancy which would otherwise arise. The procedure to be followed is set out in the Regulations of the Public Service Commission.
- 2.40 Retention will be subject to a medical certificate from a Government Medical Officer that the officers are fully fit physically and mentally to perform all the duties of the post; it will not be for a longer period than five years beyond the officer's normal retiring age, save in very exceptional circumstances, and it will be subject to annual reviews and the presentation of medical certificates that the officers continue to be fully fit physically and mentally to perform all the duties of the post.

### **NOTIFICATION OF OFFICERS REACHING NORMAL RETIRING AGE**

- 2.41 Heads of Department are required to notify the Governor through the Permanent Secretary, Public Administration of all officers in their Departments who are within one year of their normal retiring age. Such notifications should be made when the officers are within one year of the normal retiring age and should

indicate whether the Head of Department recommends the officers should be retained beyond the normal retiring age. Such notification will also be made to the Permanent Secretary, Public Administration for transmission to the Public Service Commission.

### **COMPUTATION AND AWARD OF PENSION AND GRATUITY**

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

### **ILL HEALTH**

- 2.43 Officers shall be retired on the grounds of ill health if the Governor, after consultation with the Public Service Commission, is satisfied on medical evidence that the officers are incapable by reason of any infirmity of mind or body of discharging the duties of their office efficiently and that such infirmity is likely to be permanent. Officers may be called upon at any time by the Governor to present themselves for examination to a Government Medical Officer or to a medical board or to a private medical practitioner authorised to make an examination, with a view to it being ascertained whether the officers are fit to perform the duties of their office. The expenses of such examination, if conducted by a private medical practitioner duly appointed in that behalf, shall be paid from public funds.

### **PENSIONS**

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



## **TERMINATION OF APPOINTMENT ON ABOLITION OF OFFICE**

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

## **RE-ENGAGEMENT OF RETIRED OFFICERS**

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

## **OPTIONS FOR GRATUITY AND REDUCED PENSION**

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

## **OFFICERS INJURED OR KILLED IN THE DISCHARGE OF DUTY**

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

## **CHAPTER 3**

### **CONDUCT AND DISCIPLINE**

- 3.1 For the purposes of discipline, all officers are subject to the General Orders and to any regulations, orders or instructions for the time being in force in their departments, which apply to posts held by them. Where the provisions of General Orders are at variance with any legislation for the time being in force in Anguilla, the provisions of the legislation will prevail to that extent. In addition, the provisions of the legislation for the time being in force in Anguilla relating to conditions of service which are not covered by General Orders will apply to such extent as may be provided in the legislation.

### **DUTIES**

- 3.2 The duties of officers include the usual duties of the post in which they are engaged and any other duty which the Head of Department or the Governor or other duly authorised officer may reasonably call upon them to perform. In the discharge of their duties officers shall, at all times be courteous and polite both to fellow officers and to members of the public. Officers shall also comply with any rules established by the Governor or their Head of Department and/or Permanent Secretary and approved by the Governor, establishing acceptable standards of dress and grooming in the work place.

### **TRAINING OF OTHER OFFICERS**

- 3.3 Senior officers in the Service are expected to ensure that junior members of the service receive training relevant to their position.

### **OFFICERS LIABLE TO MAKE GOOD DAMAGE**

- 3.4 In the event of any financial damage arising from disregard of, or failure to comply with any General Order, Financial Instructions, Store Rules, or departmental instructions or from any neglect of duty whatsoever on their part, officers may be liable to make good the damage or any part thereof.

### **ACCESS TO RECORDS**

- 3.5 Officers will be allowed access to records relating to themselves but will not be allowed to take extracts or copies of minutes or correspondence for their own purpose, unless such correspondence is addressed to them personally. Access will be under the supervision of an officer appointed by the Permanent Secretary, Public Administration.

### **GIVING EVIDENCE IN COURT**

- 3.6 Officers may not, except as provided by General Orders, give expert evidence in Court in civil cases other than as witness for the Crown. There is no objection to their giving evidence not connected with their official duties.
- 3.7 Officers requested to give voluntarily in Court advice or evidence of a technical nature, in respect of which by virtue of their appointment they are regarded as an expert, must obtain **from the Governor**, through the Head of their department **and/or Permanent Secretary** permission to do so before complying with the request.

### **SUBPOENA**

- 3.8 Officers who receive a subpoena to give advice or evidence in Court related to their duties must, obey the subpoena. They must report the fact immediately in writing to the Head of their department who in turn should notify the Governor.

### **FEES FOR EXPERT EVIDENCE**

- 3.9 All fees received by officers in respect of job-related advice or evidence which they give in Court must be paid into the Treasury. Only in exceptional cases, and with the express approval of the Governor, will officers be permitted to retain any part of such fees.

### **ABSENCE FROM ANGUILLA**

- 3.10 A Permanent Secretary may not leave Anguilla, without informing the Governor and after consultation with the relevant Minister except in the case of visits to St. Martin/St. Maarten not exceeding 48 hours, when the visit does not constitute absence from duty. With the same exception, Heads of Department may not leave Anguilla without informing their Permanent Secretary.

### **ABSENCE FROM DUTY OR REFUSAL TO PERFORM DUTIES**

- 3.11 Officers who are absent from duty without reasonable cause will be liable to disciplinary action. Officers who wilfully refuse to perform their duties or who omit to perform their duties will be liable to disciplinary action (See Chapter 4).

In certain circumstances, an officer whose conduct and/or performance is unsatisfactory may be required by Public Administration, on the advice of the Head of Department, to attend a meeting to discuss the officer's conduct and/or performance, identify the areas of the officer's conduct and/or performance that are considered unsatisfactory and offer such guidance and/or counsel as appropriate to assist the officer in improving his or her conduct and/or performance to make it satisfactory.

### **HOURS OF WORK**

- 3.12 It is within the discretion of the Governor, Permanent Secretary or the Head of Department to require the attendance of staff on such days and for such hours as the Governor, Permanent Secretary or the Head of Department considers necessary to meet the needs of the public and the public service and to vary the hours of arrival and departure, to meet departmental requirements. The normal hours of work in offices where public business is transacted shall not be fewer than thirty-five per week, excluding periods for lunch. An officer working alongside or in a direct supervisory capacity over non-established staff may be required to work the same hours as the non-established staff concerned.

### **PUBLIC HOLIDAYS**

- 3.13 Officers may be required by the Head of their Department to work on any public holiday but in such cases the officers will, wherever possible, be compensated by being given time off in lieu on another occasion, unless they receive overtime payment in respect of such duty.

### **ATTENDANCE REGISTER**

- 3.14 Regular and punctual attendance is required of all officers. Working fewer than the minimum hours required or irregular attendance will render officers liable to disciplinary proceedings. A Head of Department may require, or the Governor may so direct, an attendance register to be kept in the charge of an officer designated by the Head of Department. Where an attendance register is required to be kept all officers must record the time of their arrival and departure at the commencement and end respectively of the day's work and the time of

their departure and return at the lunch interval. The attendance register must be brought to the notice of the officer concerned. Where the irregularity is of such a nature that disciplinary proceedings may be contemplated, notification must be in writing. Where an officer fails to work the prescribed number of hours per week/month the officer's salary may be reduced accordingly. If an officer is consistently late, in addition to reducing the officer's salary disciplinary proceedings may also be taken.

### **PRIVATE WORK**

- 3.15 Prior permission to engage in private work must be sought from the Governor. Full details of private work or any other work which may create a conflict of interest for which permission is sought, together with particulars of the remuneration offered and of when the work is to be performed, must accompany the application. Failure to obtain prior approval will render officers liable to disciplinary proceedings.
- 3.16 For the purpose of this General Order, where public officers possess a direct or indirect interest in a commercial undertaking or are directly or indirectly involved in private work, there shall be deemed to be a conflict of interest if such interest or work clashes with or is incompatible with the official duties. Without prejudice to the generality of the foregoing, a conflict of interest includes, interest or work which:
- (i) impairs or is likely to impair officers' efficiency;
  - (ii) brings or likely to bring the government, the public service or the officer into disrepute;
  - (iii) impinges or is likely to impinge on their official work or responsibility;
  - (iv) makes them unavailable for reasonable official duties outside normal working hours; and
  - (v) puts them or gives the appearance of putting them in a position where they are, or would be able to use the official position for private gain.

### **WORK FOR PUBLIC BOARDS OR COMMITTEES**

- 3.17 Officers are not permitted to undertake work for public boards or committees, either within or outside official hours, without the prior approval of the Governor. As a general rule, permission will not be given if the board or committees can obtain the necessary assistance or advice from unofficial sources. If such

assistance or advice cannot be obtained by the board or committee from unofficial sources approval may be given for the work to be undertaken by an officer:

- (i) during official hours, in which case the board or committee will be required to pay a fee and this payment will be credited to revenue; or
- (ii) in special circumstances, outside official hours, in which case the officer will be entitled to remuneration.

### **OFFICERS NOT ALLOWED TO UNDERTAKE PRIVATE AGENCIES**

- 3.18 Officers are prohibited from undertaking any private agency in any matter connected with the exercise of their public duties.

### **PUBLICATIONS**

- 3.19 Officers shall not act as the editor of any newspaper, pamphlets, magazines and periodicals, nor create and/or set up blogs or other social media networks, or take part directly or indirectly in the management thereof, without having first obtained the permission of the Governor.
- 3.20 Save in the course of their official duties, officers may not, without permission, speak in public or publish in any manner or broadcast on the radio or television any thing which may reasonably be regarded as being of a political nature. Officers may, however, publish in their own name matter relating to subjects of general interest or give broadcast talks on the radio or television on such matters. In cases of doubt, prior reference should be made to the Governor.

### **PUBLICATION OF OFFICIAL INFORMATION**

- 3.21 Save in the course of their official duties officers may not, without permission of the Governor, make public (for example via blogs or other social networks) or communicate to the Press or to individuals, copies of documents, papers or information which they may have obtained in their official capacity. Contravention of this may subject the officer to disciplinary action up to and including termination.

### **DECLARATION OF CONFIDENTIALITY**

- 3.22 All established officers and such other officers as may be designated from time to time will be required to sign a general declaration of confidentiality. This will indicate that such officers are aware that they may not divulge any information gained by them as a result of their appointment.

### **INTERVIEWS ON PUBLIC POLICY**

- 3.23 Officers, whether on duty or on leave of absence, may not without permission of the Governor allow themselves to be interviewed on questions of a political nature or on matters that may compromise the security of Anguilla.

### **PUBLIC MEETINGS AND PETITIONS**

- 3.24 Save in the course of their official duties officers may not call a public meeting to consider any action of the Government or actively participate in the proceedings of public meetings called for such purpose. Officers may not procure signatures to any public petition regarding an action or proposal of the Government.

### **ENGAGEMENT OF PUBLIC OFFICERS IN POLITICAL ACTIVITIES AND TRADE UNION AFFAIRS**

- 3.25 In order to ensure the impartiality and political integrity of the Public Service, the following instructions have been issued in regard to the engagement in political activities of persons employed in the Government and also the position of such persons in relation to trade unions in places where the objects of a trade union are wholly or in part political.
- 3.26 Officers may be members of political parties and may subscribe to the funds of those parties. They may attend private political meetings of the parties and may speak and vote at such meetings. They may not, however, hold office in political parties nor may they speak or vote at public meetings. They may, if eligible, record their votes at an election to the House of Assembly; it is indeed desirable that as good citizens they should do so. But they may not, by canvassing or any other means, attempt publicly to further the activities or aspirations of a political party or the return of a political party to the House of Assembly. They may not issue an address to the electors, nor in any way publicly announce themselves as candidates or prospective candidates for election unless they have first resigned from their official appointments.
- 3.27 Public Officers may be members of a trade union and they are entitled to attend private meetings of their union, even if of a political character, and to speak and

vote at such meetings. But they may not hold office in a trade union other than Public Service Associations. Nor may public officers speak or vote at public meetings organised by a trade union other than a Public Service Association.

### **SOLICITING OUTSIDE INFLUENCE**

- 3.28 Officers are forbidden from soliciting the intervention or influence of Members of Parliament and other persons in the United Kingdom or in other countries or territories, or of Members of the House of Assembly in Anguilla or other prominent members of the community in pursuing their claims for promotion or seeking such influence as a means of bringing personal representations or complaints about their conditions of service, otherwise than through the proper channels.
- 3.29 Officers are not permitted to make representations direct to the Public Service Commission in regard to appointments, promotions or transfers. Any such representations which an officer wishes to make must be submitted to the Governor.

### **CANVASSING MEMBERS OF THE PUBLIC SERVICE COMMISSION**

- 3.30 Officers who canvass on their own behalf, or on behalf of any other person, a member of the Public Service Commission in connection with any vacancy, whether existing or impending, or attempts improperly to influence the Commission or members thereof in connection with any appointment, promotion, termination of appointment or disciplinary proceedings, commits an offence under the Public Service Commission Act and shall be liable to dismissal.

### **PETITIONS**

- 3.31 Officers who have any representations of a public or private nature to make to the Government should address them to the Governor for discussion at Executive Council. Petitions addressed to the Governor should be sent through the officers' Head of Department and wherever possible in typescript.
- 3.32 Petitions to the Queen or the Queen in Council or officers of Her Majesty's Government in the United Kingdom must be sent through the officers' Head of Department to the Governor for onward transmission to the Secretary of State.
- 3.33 Every petition submitted and received by a Head of Department must be transmitted to the Governor without delay and with such comments as the Head of Department may consider as necessary. A written acknowledgement of



receipt for onward transmission of a petition should normally be sent by the Head of Department and the Governor to the officer submitting it.

### **INTERVIEWS WITH THE GOVERNOR**

- 3.34 Requests for interviews with the Governor should clearly state the reasons for the request and must be submitted through the Head of the officer's department, who should comment in writing on the matter. If the Governor thinks it appropriate the Governor may direct that an interview be conducted by the Deputy Governor or some other senior officer on the Governor's behalf.

### **LOANS BY PUBLIC OFFICERS**

- 3.35 Save with the express permission of the Governor, officers are not permitted to lend money to other officers at interest or in return for payment of a larger sum or any other valuable consideration whatever. Heads of Department are responsible for reporting to the Governor, officers who are known to be lending money at interest and such officers will render themselves liable to disciplinary charge.

### **FINANCIAL EMBARRASSMENT**

- 3.36 Public Officers are required to be prudent in the conduct of their private financial affairs. Serious financial embarrassment, for whatever cause, is regarded as a circumstance which impairs the efficiency of officers and renders them less valuable than they would otherwise be and, if occasioned by imprudence or other reprehensible cause, may form the basis of a disciplinary charge.
- 3.37 Heads of Department are responsible for reporting to the Governor any case in which it appears that an officer is suffering from serious financial embarrassment. Officers who are publicly sued for debt and against whom a judgement is obtained will be regarded in the absence of any reasonable explanation of their failure to pay their debt, as having brought themselves within the terms of General Order 3.36

### **BANKRUPTCY AND INSOLVENCY**

- 3.38 If proceedings in bankruptcy are taken against an officer, the officer is required to notify the Head of Department immediately. Failure to do so will render the officer liable to summary dismissal without further disciplinary proceedings being necessary.

- 3.39 Officers who become so financially involved that they are unable to meet their obligations is required at the earliest possible moment to submit a complete statement of the facts of their case to the Permanent Secretary, Public Administration, for transmission confidentially to the Governor.
- 3.40 Even though the circumstances may not warrant the interdiction of the officers from duty, in no case may officers who are so financially involved that they are unable to meet their obligations continue to be employed on duties involving the handling of public money.

### **GIFTS**

- 3.41 No officer shall give or receive gifts or presents whether in the form of money, goods, property of any kind (including land) or any other personal benefit, other than gifts or presents of a strictly private nature unconnected with the position as a public servant. This prohibition applies not only to officers themselves but also to their families, and Officers will be held responsible for its observance by their families. It does not apply, however, to cases of remuneration for special services rendered and paid for with the consent of the Governor.

### **PRESENTS FROM FOREIGN GOVERNMENTS OR ORGANISATIONS**

- 3.42 A present given to an officer by an officer or representative of a foreign Government or a member of a recognised organisation, either officially or unofficially which cannot be refused without giving offence, may be accepted, but the fact must at once be reported through the Head of the officer's department (or by the Head of Department if the Head is the recipient) to the Governor, for a decision as to the disposal of the gift.

### **GIFTS TO MARK PUBLIC APPROBATION OF AN OFFICER**

- 3.43 Money which has been subscribed with the prior approval of the Governor, with a view to marking public approbation of an officer's conduct or service may be dedicated to objects of public purpose and connected with the name of the officer who has merited such proof of general esteem.

### **PRESENTATION ON RETIREMENT**

- 3.44 The provisions about the receiving of gifts may be relaxed at the discretion of the Governor upon the final retirement of an officer from the service.

## **BRIBES**

- 3.45 If a bribe, or present which is not essentially the ordinary gift of a personal friend, or relative is offered or given to an officer, the officer must immediately inform the Head of Department, who should report the matter to the Governor with such recommendation as the Head of Department thinks fit. Heads of Department who are offered or given bribes or presents of this nature should immediately inform the Governor.

## **LEGAL PROCEEDINGS BY OFFICERS**

- 3.46 Officers may not on their own behalf initiate any legal proceedings against other officers or against any member of the public with respect to any matter which has arisen in the course of his duty, unless they first submit in writing through their Head of Department to the Governor a statement setting out the facts of the case and obtains written permission to proceed. Leave to proceed will be refused only on grounds of public policy or on the ground that the proposed proceedings would be detrimental to the discipline or good repute of the service.

## **LEGAL PROCEEDINGS AGAINST OFFICERS**

- 3.47 Where legal proceedings are threatened or instituted against officers in respect of acts done or liability incurred in the execution of their duty, the fact thereof shall be reported forthwith to the Attorney-General, and no legal or other expenses shall be incurred by such officers until the directions of the Attorney-General have been received. The Government will, unless otherwise advised by the Attorney-General in any particular case, accept responsibility for the defence of officers against whom such legal proceedings are threatened or instituted.

## CHAPTER 4

### DISCIPLINARY PROCEDURE

4.1 A disciplinary matter is where an officer's conduct or performance falls short of expected standards. An officer may not avoid disciplinary action merely because the standard of conduct or performance is not written down, or referred to in General Orders. Examples of misconduct may be categorised as follows:

- **Negligence**: Failure of an employee to exercise the skill and care expected of an officer performing the function in question.
- **Unreliability**: Failure to comply with job attendance requirements, for example, lateness, absenteeism or leaving the job early without reasonable justification.
- **Insubordination**: Refusal to obey a reasonable instruction given by or on behalf of a superior officer or deliberate disrespect shown to a superior officer. Non-compliance with a reasonable request from a superior officer would constitute a refusal.
- **Substance Abuse**: Being under the influence of or using any alcohol, illegal drugs or any other prohibited substance while on duty.
- **Interfering with the Rights of other Employees**: Behaviour likely to adversely affect the maintenance of discipline and good order within a department including but not limited to fighting, intimidation, verbal abuse, pernicious gossip, sexual harassment, lewd behaviour and practical jokes.
- **Ignoring Safety Procedures**: Failure to observe any recommended safety procedures (written or oral) whether or not resulting in the creation of a hazard to others.
- **Criminal Offences**: Including offences involving dishonesty, theft, assault, immoral acts and other offences for which an officer may be liable to a term of imprisonment.
- **Inappropriate Conduct**: Engaging in abusive behaviour, physical or verbal violence or any similar behaviour; publication of nude or sexually explicit photos or other information on the internet in such a way that the officer may be identified.

- **Misuse or abuse of ICT:** Disclosure to another and/or sharing of username and/or password with another; any attempt to access files or directories that the officer is not authorized to access. (See also Section 10.9)

4.2 Misconduct also includes contravention of any of the other provisions of General Orders.

### **ORAL AND WRITTEN WARNINGS**

4.3 When a disciplinary matter arises, the Supervisor of the officer concerned should first establish the facts before recollections fade, taking into account and recording the statements of any available witnesses and noting and collecting any documentary evidence.

4.4 The Supervisor should then notify the Head of Department who will investigate as soon as reasonably practicable. Normally this would be within 7 days of the occurrence of the disciplinary matter but not before all the relevant evidence is available for discussion and consideration.

4.5 The Head of Department will make sure that the officers are present, are told of the case against them and are given the opportunity to state their own case.

4.6 The Head of Department will advise officers of their right to be accompanied by a fellow employee of their choice or be represented by the Anguilla Civil Service Association or some other Staff Association.

4.7 If the case against the officer is substantiated, the Head of Department is authorised under this procedure to give the officer an oral warning (see Appendix Form P/12).

4.8 If the case against the officer is substantiated and warrants more than an oral warning, or if the officer concerned already has a record of any oral warning less than twelve months old on file, the Head of Department is authorised under this procedure to give the officer a written warning (see Appendix Form P/13).

4.9 If the case against the officer is substantiated and warrants more than a written warning, the Head of Department shall immediately notify and forward to the Permanent Secretary all the relevant evidence.

4.10 If the Permanent Secretary agrees with the Head of Department's assessment of the case, then the Permanent Secretary shall give the officer a final written warning (see Appendix Form P/14). This is automatic if the officer concerned already has a record of a written warning less than twelve months old on file.

- 4.11 If on receiving the statements and documentary evidence the Permanent Secretary is of the opinion that the case warrants more than a final written warning, then the Permanent Secretary shall immediately notify the Governor of the case against the officer and forward to the Governor all the relevant evidence.
- 4.12 If the Governor agrees with the Permanent Secretary's assessment of the case, then the Governor shall refer the matter to the Public Service Commission. This is automatic if the officer concerned already has a record of a final written warning less than twelve months old on file.
- 4.13 Subject to the Public Service Commission Regulations, the Public Service Commission will make sure that officers are present, are told of the case against them and are given the opportunity to state their own case. All relevant evidence will be presented at the hearing, including statements from any witness whether given in writing or in person. Officers will have the opportunity to question witnesses, to make representations concerning any written statements considered and to call witnesses or present written evidence in support of their case.
- 4.14 Subject to the Public Service Commission Regulations, the Public Service Commission will advise officers of their right to be accompanied by a fellow employee of their choice or a member of the Anguilla Civil Service Association or Staff Association.
- 4.15 It is the duty of all officers to notify Supervisors of all cases where they are aware that misconduct or performance below expected standards by another officer may have taken place.
- 4.16 Heads of Department, Permanent Secretaries and the Governor may initiate disciplinary actions under any of the procedures outlined in this section irrespective of whether or not a disciplinary issue has been notified to him by the Unit Manager.

## **DISCIPLINARY PROCEDURE/SENIOR OFFICERS**

- 4.17 Where a disciplinary matter involves a Head of Department (other than the Attorney General), the Permanent Secretary will assume responsibility for action under the relevant procedures in this chapter.
- 4.18 Where the disciplinary matter involves a Permanent Secretary, or the Attorney General, the Governor will assume responsibility for action under the relevant procedures in this chapter.
- 4.19 Where disciplinary proceedings are about to be instituted against an officer and where the Governor is of the opinion that the public interest requires that such officer should immediately cease to do his/her job then that officer may be suspended from duty by the Governor and be permitted to receive such emoluments as the Governor may decide but not less than half.
- 4.20 If disciplinary proceedings against officers result in no disciplinary action being taken, those officers shall be entitled to the full amount of any emoluments they would have received but for the suspension.
- 4.21 If the proceedings result in any punishment other than dismissal (excluding oral or written warnings), the officers shall be allowed such emoluments (if any) as the Governor may decide.

## **RECORD OF WARNINGS**

- 4.22 A record of all oral warnings and details of all disciplinary action taken in the form of written warnings should be given to the officer on the recommended form, a copy of which should be forwarded to Public Administration to be placed on the file of the officer. The recommended forms for recording and issuing warnings are available from Public Administration.
- 4.23 A warning will cease to count against an officer and will be deemed to have expired if there is no further misconduct or performance below expected standards during the twelve month period immediately following such warning, however, such written warnings will remain on the officer's file and will be taken into account in any further disciplinary action considered by the PSC.
- 4.24 Public Administration shall keep records of all disciplinary procedures, action taken and warnings given. Subject to the Public Service Commission Regulations, officers who have been or who are still subject to disciplinary hearings or disciplinary action under the procedures of this Chapter shall be entitled to free copies of or to be allowed access to any documentary evidence relied upon.

## **CRIMINAL OFFENCES**

- 4.25 Where there is reason to believe that a disciplinary matter might also constitute a criminal offence, then the matter must be brought to the attention of the Permanent Secretary Public Administration who may, on the advice of the Attorney General, report the matter to the Police.
- 4.26 Any action taken by the Police, or any criminal proceedings instituted in any court, against an officer shall not remove the right to take disciplinary action against such officer upon any grounds arising out of the criminal charge under the procedures in this chapter.
- 4.27 An officer convicted of a criminal offence involving dishonesty, fraud, immoral behaviour or any other serious offence for which an officer is liable to a term of imprisonment, shall be dismissed from the Public Service with immediate effect.
- 4.28 Criminal or civil proceedings can be initiated against officers at any time irrespective of the disciplinary procedure.

## **PURPOSE OF DISCIPLINARY PROCEEDINGS**

- 4.29 All oral warnings should be confirmed in writing and be considered for the purpose of improving the performance or conduct of an officer found to have committed a minor infringement of expected standards. The officer should be advised that the warning constitutes the first stage of the disciplinary procedure: provided, however, that failure to give such advice shall not of itself render such oral warning or any subsequent disciplinary proceedings a nullity.
- 4.30 All written warnings should be considered for the purpose of improving the performance or conduct of an officer found to have committed a second minor infringement of expected standards within twelve months of an oral warning. A written warning may also be issued where there has not been an oral warning, if there has been a more serious infringement that does not warrant a final warning with dismissal being the next step.

The officer should be advised that the written warning constitutes the second stage of the disciplinary procedure: provided, however, that failure to give such advice shall not of itself render such written warning or any subsequent disciplinary proceedings a nullity.

- 4.31 All final written warnings should be considered for the purpose of improving the performance or conduct of an officer found to have committed a second minor infringement of expected standards within twelve months of a written warning, or a more serious infringement that does not warrant dismissal.



The officer should be advised that the final written warning constitutes the third and final stage of the disciplinary procedure and that if the misconduct or performance below expected standards continues within twelve months of the final warning, that the officer is liable to be dismissed: provided, however, that failure to give such advice shall not of itself render such final written warning or any subsequent disciplinary proceedings a nullity.

- 4.32 When in accordance with the Public Service Commission Regulations a disciplinary matter receives the attention of the PSC, the PSC may recommend to the Governor other disciplinary penalties such as:
- dismissal
  - demotion,
  - reduction in salary,
  - suspension with reduced pay,
  - withholding of increment,
  - surcharge for any loss to Government by the officer's negligence or misconduct,
  - a fine,
  - transfer

#### **WHEN DISMISSAL SHOULD BE CONSIDERED**

- 4.33 Dismissal should always be considered when an officer commits a disciplinary offence, where the officer has:
- (a) committed a second infringement of expected standards of conduct or performance within twelve months of a final warning;
  - (b) accumulated two or more expired warnings;
  - (c) committed gross misconduct;
  - (d) committed gross negligence.

#### **INCREMENT DEFERRED**

- 4.34 The procedure and circumstances under which increments are deferred are defined below:-
- a) Where a Head of Department considers that on account of unsatisfactory service or conduct, an increment should not be awarded on the date it is due, the Head of Department (via the Permanent Secretary) will submit at least one month in advance of that date to the Permanent Secretary, Public Administration a report giving detailed reasons together with a recommendation as to

whether the increment should be deferred. The matter shall be referred to the Public Service Commission which shall recommend to the Governor whether the increment shall be awarded on the date due or whether it be deferred.

- b) Increment deferred – An increment will normally be deferred for disciplinary reasons or in cases where the poor quality of work or conduct justifies this deferral. Deferment of an increment means that the officer cannot be considered for the award of an increment for a period of six months but not exceeding one year from the date on which the increment was deferred. If and when an increment which was deferred is granted, only one increment will be awarded and the date of award will become the officer's new incremental date.
- c) The Government shall refer to the Public Service Commission for its recommendation in any case where it is recommended by a Head of Department that the increment of an officer should be deferred or restored. If, after consulting the Public Service Commission, the Governor directs that an officer's increment be deferred, the case will be kept under review by the Head of Department who shall submit in due course a recommendation to the Governor if and when he considers that the improvement in the officer's work or conduct justifies payment of the increment. The Governor shall then again refer the matter to the Commission for its recommendation.
- d) An officer serving on probation whose probation period is extended beyond the date on which the officer is due for an increment shall not be paid an increment until his/her appointment has been confirmed. In such cases the date of confirmation will determine the new incremental date.
- e) An officer whose increment is deferred must be informed in writing of the action which has been taken and the reason for it.

#### **DISCIPLINARY PROCEDURE AGAINST POLICE, PRISON OFFICERS AND FIRE OFFICERS**

- 4.35 Disciplinary procedure against police officers below the rank of Gazetted Officer is governed by the provisions of the Anguilla Police Act, as amended; and for Prison Officers, below the rank of Superintendent of the Prison, disciplinary procedure is governed by the Prison Rules. Additionally, disciplinary procedure against fire officers is governed by the Fire Regulations.

## **DELEGATION OF POWERS**

- 4.36 The Governor, after consultation with the Public Service Commission, may delegate, by regulations in the Gazette, to any public officer the power to make appointment to public offices and to remove and to exercise disciplinary control over persons holding or acting in such offices, provided that the officers concerned shall have the right of appeal to the Governor. Where public officers exercise the power delegated to them under this General Order, they shall report the matter and the action taken by them to the Governor.

## **CHAPTER 5**

### **GRIEVANCES**

#### **GENERAL**

- 5.1 The grievance procedure is designed to allow officers to raise issues of individual concern about their terms and conditions of employment in the Public Service and to have those concerns quickly considered and addressed. It does not set out to be able to resolve every issue, but where an issue cannot be resolved to the satisfaction of an officer, it should clearly provide an understandable explanation of why that issue cannot be resolved.

#### **PROCEDURE**

- 5.2 The procedure is designed to deal with appeals by officers against decisions reached under the operation of the disciplinary procedure. In these cases the officer should make an appeal in writing to the level of management above the level that decided on the disciplinary action. Appeals must be made within fourteen days of the date that a warning is given setting out the grounds upon which the officer bases the appeal. A warning from the Department Head must be appealed to the Permanent Secretary. A warning from the Permanent Secretary must be appealed to the Governor.
- 5.3 It is a precondition of this procedure that pending the resolution of a particular grievance, the officer continues to perform regular duties and that the existence of a grievance does not entitle or in any way excuse an officer who does otherwise and who may then be liable to action under the disciplinary procedure. The only exception to this rule applies to officers who have been suspended and who are appealing against that decision.
- 5.4 An officer should first raise any grievance with the Line Manager. If the matter is not satisfactorily resolved then the officer should take the matter up, in writing with the Department Head. The Department Head should communicate the decision to the officer in writing.
- 5.5 If the Department Head does not resolve the issue in a reasonable time, then the officer should raise it, in writing, with the Permanent Secretary, who should communicate the decision to the officer in writing.
- 5.6 If the Permanent Secretary does not resolve the issue to the satisfaction of the officer then the officer should raise it, in writing, with the Permanent Secretary

Public Administration who should communicate the decision to the officer in writing.

- 5.7 If the Permanent Secretary, Public Administration **does not** resolve the issue to the satisfaction of the officer, the officer may raise it, in writing, with the PSC. The PSC should consider the grievance, and communicate its advice about the matter to the Governor in writing. The Governor, having considered the advice of the PSC, shall communicate the decision to the Permanent Secretary, Public Administration who will inform the officer in writing. This stage shall be the final one and in using the procedure the officer accepts that the decision of the Governor is final and binding.
- 5.8 An officer should expect a grievance hearing within twenty-eight days of its being raised at a particular level and a written reply and decision within fourteen days of the hearing. These provisions may only be delayed due to the unavoidable absence of the manager who is to consider the grievance, of the officer raising the grievance, or of some other person who is material to the process of resolving the grievance. This time limit does not apply to the Commission.
- 5.9 An officer may take legal advice on any personal matter but may not involve direct legal representation at any stage of this grievance procedure. Officers are entitled to be accompanied by a fellow officer of their own choosing at every stage of this procedure.
- 5.10 Where a grievance affects a group of officers it may be more appropriate for one of the officers concerned to volunteer to take the grievance forward on behalf of the other colleagues. In this case an individual raising such a grievance should make this clear in taking the grievance forward at every stage and specify the extent that the grievance applies to other officers by name or in some other way that they can be readily identified and benefit from the eventual resolution. Nothing in this clause detracts from the right of the Anguilla Civil Service Association or other Staff Association to raise issues of common concern with the management of the Public Service.

## **CHAPTER 6**

### **SALARIES AND ALLOWANCES**

#### **SALARY SCALE**

- 6.1 The salary scales of all established posts in the Service are shown in the Annual Estimates of Revenue and Expenditure as approved by the House of Assembly.

#### **SALARIES OF CONTRACT OFFICERS**

- 6.2 Officers appointed on contract will normally be given the salary scale applicable to the post to which they are appointed.

#### **SALARIES OF PART-TIME STAFF**

- 6.3 The salary for staff engaged for part-time duties shall be calculated as a pro-rata proportion of the normal salary of the post according to the number of hours worked.

#### **PAYMENT OF SALARIES**

- 6.4 Full salary will be paid to officers with effect from the day on which they assume the duties of the post. In the case of an Officer selected for appointment from outside Anguilla, full salary will be paid from the day the officer leaves his country of residence to travel to Anguilla (with a travel time of no more than one day) to take up the duties of his post on the next working day. An officer who wishes to have his salary paid into a bank account in Anguilla is required to notify the Treasury in writing.

#### **PAYMENT OF SALARY ON PROMOTION**

- 6.5 Normally officers who are promoted will move to the minimum of the scale of the new grade. If officers are on a personal to holder or similar scaling arrangement they will, wherever possible, be assimilated in the scale. If this is not possible they will retain the current salary.

If immediately prior to promotion the salary of officers was less than the minimum of the new office, they shall receive the minimum, but if the officers were qualifying for increment in a former office and have already earned such amount of increment as would bring their salary up to the minimum of the scale of the new office, then any balance of the increment in the former scale shall be taken into account in fixing the date of the officers' first increment in the new scale, provided that in either case they shall receive on promotion an immediate increase. The increase is subject to the Ray Durrant Report 2005.

If the officers' salary was not less than the minimum of the new office they shall be granted an immediate increase equal to the amount of an increment on the new scale and if they were qualifying for increment in the former office, the proportion of increment earned thereby shall count towards increment on the new scale.

- 6.6 If the former office was one to which no duty, seniority, or similar non-pensionable allowance was attached, and officers are promoted to an office carrying such allowance, they shall serve for a full incremental period in the new office before becoming eligible for an increment in the new scale.

#### **SALARY OF OFFICERS PROCEEDING ON LEAVE**

- 6.7 Officers who are proceeding on leave outside Anguilla for a period exceeding thirty days may receive, prior to embarkation, salary due for the whole of the month during which they leave Anguilla. Permission is granted by the Accountant General with the approval of the Permanent Secretary, Finance.

#### **SALARY DURING ABSENCE WITHOUT LEAVE**

- 6.8 Officers who are absent from duty without leave may be required to forfeit the entire salary for the period of absence or such proportion as the Governor may determine without prejudice to any other disciplinary action which may be taken on account of such absence.

#### **INCREMENTAL CREDIT FOR EXPERIENCE**

- 6.9 Incremental credit for previous experience may be awarded on first appointment at the discretion of the Governor. Provided that the experience for which the incremental credit is awarded is of such a nature that it justifies the candidate being given a starting salary equal to that of serving officers with similar qualifications who have been in the Service for an equivalent period in a similar capacity, or a salary in excess of officers with similar qualifications who have been in the Service for an equivalent period in a similar capacity.

### **INCREMENTAL DATE**

- 6.10 Annual increments shall be granted automatically on 1<sup>st</sup> January: for those who have entered the service between January and June; or 1<sup>st</sup> July: for those who have entered the service between July and December until the maximum of the scale is reached except where it is deferred for poor performance or other disciplinary reasons. Public Administration will notify the Accountant General of recommendations to defer increments in accordance with G.O. 4.34.

Where necessitated by extraordinary financial circumstances, Executive Council may determine that no increments be paid in any given year.

### **APPOINTMENTS BELOW THE MINIMUM OF THE SCALE OF THE POST**

- 6.11 Where the normal educational requirements for appointment to a particular grade or post have been prescribed, a candidate, with lesser experience and/or qualifications, who is suitable in other respects may be placed at the most appropriate progression point in accordance with the Ray Durrant Report 2005 and then barred at Point One. This is especially in cases where designate positions are created to appoint an officer as an understudy to a substantive holder of a position or in instances where an officer who does not meet the full requirements for a job is carrying out the functions of the post while undergoing training for the said post. Payments are subject to the Ray Durant Report 2005.

### **ADVANCES OF SALARY**

- 6.12 Advances of salary will only be granted in very exceptional circumstances, by the Accountant General with approval of the Permanent Secretary, Finance. Approval will be limited to circumstances of serious illness or unforeseen domestic calamity or where officers can show that prior provision could not reasonably have been made for the expenditure with which they are faced.

### **ACTING ALLOWANCE**

- 6.13 An officer, who is formally appointed in writing to act in a post during the absence, on full pay leave, of the substantive holder, will be remunerated on the following basis:-
- (a) When an officer is not required to discharge the duties of his/her substantive post while acting in the higher appointment, the officer will be paid at the lowest point in the salary scale applicable to the post in which he/she is acting.



(b) When an officer is required to discharge the duties of his/her post in addition to those of the office in which the officer is acting, if the offices are distinct and separate offices in different departments or do not stand in any immediate relation of superiority or subordination the officer will receive half the initial emoluments of the office in which the officer is acting and the whole of the emoluments of the officer's substantive post. Otherwise the officer will be remunerated as though the officer's case fell under subparagraph (a) of this General Order.

6.14 Acting allowance will not be payable in respect of periods during which officers while holding the acting appointment are absent on leave. This shall not apply to acting appointments where an officer would have served continuously for more than 6 months.

#### **ACTING ALLOWANCE NOT PENSIONABLE**

6.15 Any emoluments in excess of officers' substantive pensionable emoluments, which are drawn by them while acting in an appointment, are not pensionable.

#### **ACTING ALLOWANCE NOT PAYABLE FOR PERIOD OF FIVE WORKING DAYS OR LESS**

6.16 Generally, unless it is necessary for statutory reasons acting appointments will not be made nor will an acting allowance be payable until officers have been acting continuously for a period exceeding five days, although payment will then be made retrospectively to the date on which they began to act. The decision whether an acting appointment is necessary or desirable in any particular case will rest with the Permanent Secretary Public Administration except in the case of Permanent Secretaries where the decision will rest with the Governor.

#### **SUBSISTENCE ALLOWANCES**

6.17 The payment of subsistence allowance is intended to ensure that officers who are required to travel on duty should not be out of pocket as a result but that on the other hand, no officer should derive any financial benefit from travelling on duty. Subsistence allowances are, therefore, calculated to meet the expenditure that officers incur when travelling on duty away from home.

6.18 Subject to G.O. 6.17 subsistence allowance will be paid to officers whose overseas travel has been approved in accordance with the appropriate rate for the country being visited, and the grade level of the officer. Country rates will be prepared by the Ministry of Finance and approved by Executive Council.

### **SETTLING IN GRANT ON FIRST APPOINTMENT**

6.19 Officers who are selected for appointment from outside Anguilla will be eligible on first appointment to be paid a settling in grant as stated below (but not to receive subsistence allowance in addition) for themselves, their spouse and not more than four children (including legally adopted children), who must be below the age of 18.

(i)	For the Officer	EC\$ 2,000.00
(ii)	For the Officer's Spouse	900.00
(iii)	For each child 12 to 17 years	900.00
(iv)	For each child under 12 years of age	400.00

6:20 Where a conflict exists between the application of the General Orders and the Ray Durrant Salary Grading Review Report of May 2005, the Ray Durrant Report will be applied

6.21 In applying the Ray Durrant Report new entrants to the Public Service or persons promoted or acting in a higher post will normally be appointed to a point in the salary scale no higher than that of a serving officer in that post, with like qualifications and experience.

## **CHAPTER 7**

### **LEAVE**

#### **LEAVE NOT A RIGHT**

- 7.1 All leave is at the discretion of the Governor. It is not a right; and leave, other than sick leave and maternity leave, is granted subject to the exigencies of the Public Service. No officer should proceed on leave without written permission from the relevant authority. Officers on leave may be recalled (except from leave pending retirement or leave granted on termination of service) if such a step is deemed necessary in the interest of the Service. In such circumstances, the officers who have to be recalled from leave will be eligible to enjoy the unexpired portion of leave on a future occasion. Officers on leave overseas may be eligible to be reimbursed the return passage for themselves, and such family members as were accompanying them on holiday. Officers may not be recalled from overseas leave except with the express permission of the Governor. The Governor may require officers at any time to take the whole or part of the leave for which they are due. Application for vacation leave should be made on the relevant forms. (See Appendix Forms P/9a/b/c).

#### **LEAVE WHICH MAY BE GRANTED**

- 7.2 Leave granted may be one of the following:
- (a) vacation leave
  - (b) sick leave
  - (c) study leave
  - (d) maternity leave/paternity leave
  - (e) special leave on the grounds of urgent private affairs, leave for sports, competitions, conferences and special events.
  - (f) compassionate leave

#### **VACATION LEAVE FOR TEACHERS**

- 7.3 Teachers may avail themselves of the normal school holidays unless required to remain on duty or to attend training seminars, and every teacher shall be granted not fewer than thirty-five days leave a year during school holidays, provided that where such leave or any portion thereof is to be spent outside

Anguilla, authority shall be obtained from the Chief Education Officer. Vacation leave spent outside school holiday periods will only be granted in exceptional circumstances by the Permanent Secretary, Public Administration on the recommendation of the Head of Department.

### **AUTHORITY TO APPROVE VACATION LEAVE**

- 7.4 (a) Officers should submit applications for vacation leave through their Heads of Department for approval by the Permanent Secretary responsible for their departments. Vacation leave for Permanent Secretaries will only be granted after consultation with the Minister of the Ministry concerned (if any). Vacation leave is based on a combination of grade and years of service (See Appendix 1V). All approved forms must be submitted to Public Administration in a timely manner. If a substitute is required, forms should be submitted not less than two months before the date on which it is desired that the leave should commence. This would allow adequate time for a suitable replacement.
- (b) Officers will be allowed to carry over a maximum of ten (10) days leave into a new year. Any exceptions must be in the interest of the service and have the written endorsement of the relevant Permanent Secretary and the Permanent Secretary, Public Administration. Permanent Secretaries, the Attorney General and the Deputy Governor should obtain approval from the Governor. Days carried over by an officer in excess of 10 days, for which approval was not obtained will be forfeited.
- (c) Additionally, an officer who has exhausted all of his/her vacation leave may apply, in writing, to the Permanent Secretary, Public Administration via his/her Head of Department for a maximum of ten (10) days vacation which can be borrowed from the next/upcoming year. If for some reason, however, the officer fails to work in the upcoming year then the officer must reimburse the government for the vacation days that were advanced to him/her.
- (d) Officers will be paid for accumulated leave at the salary levels applicable in the year in which the leave was saved.

### **PERIODS NOT EARNING VACATION LEAVE**

- 7.5 Periods of study leave with full pay which exceed twelve months, leave without pay, or sick leave which exceed one month, do not earn vacation leave, and, where they are granted, the amount of annual leave for which officers are eligible will be reduced accordingly.

## **FORFEITURE OF LEAVE**

7.6 Leave will be forfeited in the following circumstances:-

- (a) Officers who are dismissed from the Service forfeit all leave due at the time of dismissal.
- (b) Officers who, while on duty, resign from the Service and fail to serve the requisite period of notice, or who are paid salary in lieu of notice, will forfeit any leave which may have been earned.
- (c) Officers who are permitted to resign to avoid disciplinary action will forfeit any leave due unless the Governor directs otherwise.

## **SICK LEAVE**

7.7 Provided that illness is not caused by an officer's own misconduct, and that their own negligence is not a contributory cause, sick leave may be granted. Absence from duty owing to sickness caused by officers' own misconduct or where their own negligence is a contributory cause of the illness will be counted as vacation leave and such absence may form the basis of a disciplinary charge. Officers found to have taken sick leave under false pretenses will be deemed to have committed gross misconduct and will, therefore, be liable to disciplinary action including possible dismissal.

7.8 Sick leave granted under General Orders must be reported to Public Administration on the relevant form for record. Saturdays, Sundays and public holidays or off days falling within a period of sick leave will count as days of sick leave. However, leave pursuant to G.O. 7.5 will only be computed on working days.

7.9 If officers are absent on account of sickness for a period exceeding two days, they must forward to the Head of Department a certificate and Social Security Claim form signed and dated by an approved and registered medical practitioner or a Government Medical Officer, stating the probable duration of the illness or incapacity. Further medical certificates will be required from time to time as circumstances dictate. A monthly return on the relevant form (See Appendix Form P/11) of all uncertificated leave should be submitted by Heads of Departments to Permanent Secretary, Public Administration. At the discretion of the Head of Department officers who are absent for less than two days on

account of sickness may be required to submit a medical certificate and Social Security Claim form executed in the manner provided above. Officers who are absent on account of sickness for more than two days in any month without a medical certificate will have their vacation leave reduced by the excess days.

- 7.10 Sick leave, may be granted by the Governor, with full pay up to a maximum of six (6) months during any period of twelve (12) months or less, if there is reasonable prospect of recovery from illness or injury. Thereafter, further extension of sick leave may be granted on half pay subject to a maximum period of twelve (12) months leave in all on full and half pay combined. Where sick leave is not continuous, six months and twelve months sick leave will be reckoned as 183 and 365 days respectively, **excluding** Saturdays, Sundays, public holidays and off days falling within a period of sick leave. Where, however, officers were eligible for any period of vacation leave at the date on which the officers were granted sick leave, they may be allowed to take such vacation leave with full salary and so reduce the period of sick leave on half salary, provided however, that the maximum period of twelve months is not exceeded.
- 7.11 Sick leave beyond an aggregate of twelve months in any period of four years or less will not be granted except in the most exceptional circumstances and with the approval of the Governor. Should leave be granted beyond this aggregate, the Governor may, in his discretion, grant such further extension of sick leave with half salary or without salary. Sick leave with or without pay, beyond an aggregate of twelve months in any period of four years granted under this General Order will not count for the purpose of awarding increments.

### **MEDICAL BOARD AND MEDICAL EXAMINATIONS**

- 7.12 The Governor may at any time call upon an officer to submit to an examination by such Medical Officer, or such Medical Board, or such registered medical practitioner as the Governor may designate for the purpose. Where an officer has been on sick leave for a continuous period of three months, except during pregnancy, the officer will be required to submit to an examination by a Medical Board. Where the officer has taken 120 days sick leave in any two-year period, the officer may be required to submit to examination by a Medical Board. Subsequent examination may be required after consideration of the first report of the Medical Board. Any officer who fails to submit to an examination at the place and time instructed may face disciplinary action, including possible dismissal on the grounds of gross misconduct.

### **DISCRETIONARY SICK LEAVE**

7.13 The Governor may grant sick leave on full pay in addition to a period of sick leave on full pay provided under these Orders where, it is felt, any officer is suffering from:-

- (a) An injury sustained when in the execution of the officer's substantive duties; or
- (b) An illness caused by or directly attributable to the nature of the officer's duties.

Sick leave granted under this Order shall not be taken into account for purposes of any other General Order.

### **SICK LEAVE OUTSIDE ANGUILLA**

7.14 Sick leave to be spent outside Anguilla will not normally be granted. Where, however, an officer is certified by a Medical Board or a Government Medical Officer as being incapacitated by bodily or mental infirmity, or following serious illness, or where it is recommended that an officer should seek medical or surgical treatment not available in Anguilla, and if the Medical Board or Government Medical Officer so recommends, the officer may be given permission to leave Anguilla. Applications for permission to travel overseas to seek medical treatment, along with supporting medical documentation and sick leave certificate, must be submitted to the Permanent Secretary, Public Administration via the Head of Department.

### **OFFICERS FALLING ILL BEFORE OR WHILE ON VACATION LEAVE**

- 7.15 (a) Should an officer fall ill before proceeding on vacation leave, the approved vacation leave will be cancelled. The officer will be required to reapply for their vacation leave at a later date. Any sick leave prior to or after a period of approved vacation leave must be accompanied by a medical certificate.
- (b) Should an officer fall ill while on vacation leave, such period of illness will be counted against vacation leave. Should, however, an extension of leave be necessary on medical grounds on the expiration of the vacation leave for which the officer is eligible, such extension will be regarded as sick leave and dealt with in accordance with General Orders. In these cases, an officer may be required to furnish from time to time reports by a registered medical practitioner.

## **STUDY LEAVE**

- 7.16 An officer who is required or nominated by the Government to attend a course of instruction or training or serve in an attachment outside Anguilla, which is directly related to the work of a department, provided that the period is fewer than twelve months, will be deemed to be on duty whilst proceeding to, attending or returning from the course or attachment. The officer will be required to travel by the most direct route available depending on the mode of travel which is approved. Permission to carry over, into the next year, any leave which was not utilised owing to the officer's absence on the course or attachments, may be granted exceptionally on the merits of the case.
- 7.17 An officer who is required or nominated by the Government to attend a course of instruction or training or to serve in an attachment outside Anguilla, for a total of twelve months or more, which is of direct relevance either to present or future appointments and will increase efficiency whether a Government scholarship is awarded or not, will be granted leave with full pay for the duration of the course. The officer will **not** earn vacation leave during this period.
- 7.18 An officer who is exceptionally released from normal duty to attend a course of instruction or training which is not directly related to the work of a department, will be granted any vacation leave standing to the officer's credit. Any time required after the expiration of the vacation leave will be granted as leave without pay. The officer will not earn vacation leave during the period of leave granted without pay.

## **BONDS**

- 7.19 Where a course of study or a training course lasts for one or two academic years, the grant of study leave with pay will be subject to the execution of a bond by the officer, and sureties signing on the officer's behalf, that he/she undertakes to remain in Government Service for a period of not less than three years after the expiration of the course, or in default, to pay to the Government such sums as may be provided in the bond. In cases where a course of study or training lasts for any period over two years the execution of the bond under similar circumstances shall be for a period of five years.

## **CERTIFICATES OF ATTENDANCE AT COURSE**

- 7.20 The officer may be required to furnish at such periods as may be prescribed certificates from the appropriate authority at the institution at which the officer is



pursuing the course of study as proof of the officer's regular attendance and of the officer's diligence and energy in the officer's studies.

### **DISTANCE LEARNING**

- 7.21 An officer who undertakes a course of study by distance or online, which involves an assessment, evaluation or an examination by a recognised body (excluding CSEC at CXC), may be granted study leave for a period not exceeding 15 days in any one year prior to the examination. Such study leave, however, will only be granted in exceptional cases where the course of study and the passing of the examination are regarded by Public Administration, the Permanent Secretary and the Head of Department as being in the interest of the Service. Applications, with details or particulars of the assessments or examinations, must be submitted, in writing, to Permanent Secretary, Public Administration via the Head of Department and Permanent Secretary.

### **MATERNITY LEAVE**

- 7.22 Women officers who have temporary appointments and who at the time of application for maternity leave have served continuously for a period of one year will be eligible for the grant of maternity leave in accordance with 7.24. Maternity leave is not counted as sick leave and sick leave is not granted for maternity purposes.
- 7.23 Applications for maternity leave should be forwarded to the Permanent Secretary, Public Administration via the officer's Head of Department and Permanent Secretary three months before the estimated date of confinement and should be accompanied by a maternity benefits claim form and a medical certificate stating that the officer is pregnant and requires leave and giving the date from which such leave should commence.
- 7.24 Women officers will be eligible for the grant of thirteen weeks maternity leave with full salary of which not fewer than four (if officer is physically on the job) and not more than six weeks may be taken before the estimated date of confinement. Officers who have served less than one year will have their maternity leave prorated accordingly. An officer who is not entitled to thirteen weeks maternity leave, may, in addition to the maternity leave granted, be granted leave without pay up to an aggregate of thirteen weeks.
- 7.25 Officers who have served for more than one year and who have carried a baby for **twenty-eight weeks or more** will be eligible for thirteen weeks maternity leave.

## **PATERNITY LEAVE**

- 7.26 Male officers who have served for more than 1 year will be eligible for the grant of a maximum of two weeks paternity leave in any one year with full salary which should be taken any time up to 6 weeks after the baby's birth. Applications with supporting documentation should be submitted to Public Administration via the Head of Department and Permanent Secretary. The officer must present the baby's original birth certificate bearing the officer's name as father.

## **ADOPTION OR SURROGATE PARENT**

- 7.27 Officers will be eligible for the grant of a maximum of four weeks leave, in any one year, with full salary to be taken after legally adopting or receiving a newborn baby (0 to 3 months). Any additional leave must be taken from the officers' annual vacation leave, but where officers have exhausted all of their leave, this leave may be granted without pay.

Applications for leave must be submitted to the Permanent Secretary, Public Administration via the Head of Department with supporting legal documentation.

## **SPECIAL LEAVE**

- 7.28 Special leave without pay, which includes leave on urgent private affairs, may be granted by the Governor when the officer has no vacation leave, or insufficient available vacation leave to cover the period of special leave required.
- 7.29 Special leave, not exceeding two (2) weeks, on full salary, may be granted by the Permanent Secretary Public Administration in the following circumstances:
- (a) to enable officers, selected by the proper authorities, to represent Anguilla in cultural and sporting activities either within or outside Anguilla;
  - (b) to enable officers belonging to a recognised Civil Servants Association or Union or to a regional or international organisation (such as Boy Scouts, Girl Guides, the Boys Brigade, the Red Cross, etc) selected by the proper authorities, to attend conferences or gatherings of these organisations either within or outside Anguilla.

- (c) Notwithstanding Section 7.29 (a and b) special leave- not exceeding five (5) days- will be granted to enable officers to attend **their** graduation (after a course of study.)

Special leave, with or without pay, in excess of two (2) weeks is granted on the authority of the Governor.

- 7.30 Subject to the Pensions legislation special leave counts as pensionable service and as qualifying service for pension purpose.

### **LEAVE WITHOUT PAY COUNTING FOR INCREMENTS**

- 7.31 Leave of absence without pay granted on the grounds of urgent private affairs will count for purposes of increment. Sick leave, either with or without pay, beyond an aggregate of twelve months in any period of four years will not count for purposes of increment.

### **LEAVE ON TERMINATION AND RESIGNATION**

- 7.32 An officer may not give notice of termination of service while on leave, neither may an officer be given notice of termination of appointment while on leave.

An officer who, while on duty, gives the requisite period of notice of resignation may be granted any vacation leave earned.

### **COMPASSIONATE LEAVE**

- 7.33 Compassionate leave will be granted only in the event of dangerous illness or death of a close relative i.e. spouse, child (including stepchild or adopted child), parent, sibling, legal guardian or other recognized next of kin. Compassionate leave, which will not exceed five (5) working days per annum, is at the discretion of the Governor. Any leave in addition to the five (5) working days must be taken from an officer's annual vacation leave, but where an officer has exhausted all of his/her leave, any additional leave which may be granted would be without pay.

Applications for compassionate leave along with supporting documentation and/or acceptable information must be submitted to the Permanent Secretary, Public Administration via the Head of Department and Permanent Secretary.

### **EXTENSION OF LEAVE**

- 7.34 No officer who has been granted leave may remain absent from duty beyond the period of the leave granted, unless the officer has obtained prior approval from the relevant authority. Officers, who were granted an extension, should complete the necessary paperwork immediately upon their return to work.

### **EMPLOYMENT OF SUBSTITUTES DURING LEAVE**

- 7.35 In forwarding applications for vacation leave, Heads of Department must indicate whether an officer's duties can be performed during the officer's absence without the employment of a substitute. Leave of absence of officers in each department should as far as possible be so arranged that the employment of temporary staff is unnecessary or is reduced to a minimum.

### **HANDING OVER OF CASH, STORES OR FURNITURE**

- 7.36 When an officer proceeding on leave is responsible for cash, stores or furniture, the procedure laid down in the Financial Instructions and Stores Rules will be followed. Except as provided therein, any officer leaving his post without obtaining the necessary certificate from his successor will be liable for any deficiency which may subsequently be discovered.

### **LEAVE RECORDS**

- 7.37 Heads of Department are responsible for ensuring that a leave register, showing the amount of leave for which each officer is eligible and the amount of leave taken by each officer, is maintained within the Department and that the register is kept fully up-to-date at all times. Heads of Department should submit a quarterly return of all leave to Public Administration, including sick or other leave, for each member of their department.

## **CHAPTER 8**

### **TRANSPORT**

#### **TRANSPORT EXPENSES ON FIRST APPOINTMENT**

- 8.1 Contract officers, who are on fixed-term agreement, recruited from outside Anguilla will be entitled on first appointment, unless otherwise provided in their letter of appointment, for a refund of their removal expenses from their resident house to Anguilla, including the cost of airline tickets etc, for themselves, their spouse and not more than two children, seventeen years and under. The reasonable cost of transportation of their personal and household effects, (including packaging, but excluding insurance) shall be refunded up to a maximum grant of EC\$5,000. Claims must be supported by receipted bills. An officer's spouse and children must travel to Anguilla within one month of the officer's arrival and reside continuously for at least half of the contract period in order for removal costs associated with them to be reimbursed.

#### **TRANSPORTATION EXPENSES ON TERMINATION**

- 8.2 Unless otherwise provided in the letter of appointment, officers recruited from outside Anguilla will, on termination of service, be entitled to a grant to cover the cost of airline tickets, ground transport etc, for themselves, their spouse and up to two children under the age of eighteen if they accompany them and have resided in Anguilla for a period of not less than one year continuously immediately before termination of service. They will be entitled to a further grant towards the cost of transportation of their personal and household effects from Anguilla to their place of residence up to a maximum grant of EC\$5,000. Claims must be supported by receipted bills. An officer's spouse and children must have travelled to Anguilla within one month of the officer's arrival in order for costs associated with them to be reimbursed.
- 8.3 Officers who resign, or whose appointment is terminated by the Administration on the grounds of unsatisfactory service, is not entitled to any travel facilities unless the Governor otherwise directs.

## CHAPTER 9

### CORRESPONDENCE AND PUBLIC BUSINESS

#### CLASSIFIED CORRESPONDENCE

- 9.1 The Anguilla Government will use only two classifications “Confidential” and “Staff in Confidence”. The former will be used to protect unauthorised disclosure of information which could cause damage either directly or indirectly to the interest of Anguilla or the United Kingdom. The latter is to protect unauthorised disclosure which could cause embarrassment to the Government of Anguilla or the United Kingdom or to individual members or Civil Servants of these Governments. Classified correspondence and documents must always be kept separate from open correspondence and material, and must be stored under lock and key. No reference to classified correspondence shall be made in any open correspondence. It is the responsibility of Heads of Department to ensure that the members of their staff, other than officers authorised to do so, shall not be in a position to handle or see classified documents. The Permanent Secretary Public Administration will ensure that all Secretariat staff, all Heads of Department and other specified officers sign the Official Secrets Act declaration.
- 9.2 All copies of documents which need to be classified as “Confidential” or “Staff in Confidence” must show the classification at the top and bottom of every page in capital letters. Envelopes used for the transmission of such material must show the classification on the outside. Files containing classified material must show the classification on the outside. Files containing classified material must be clearly marked or labelled with the appropriate classification on the front of the file cover at top and bottom. Classified documents must never be left where unauthorised persons can see or obtain access to them. They must be kept in a secure locked container (safe, security cupboard or filing cabinet with a locking bar whenever they are left unattended even for a short time.
- 9.3 Classified documents must never be sent by post. If they are entrusted to the hand of any person who is not authorised to see them they must be sealed in such a way that an attempt to open them would be evident. Classified documents for transmission overseas to British official addresses will be sent by Diplomatic Bag. Classified documents transmitted between the Secretariat and

other Departments must be recorded in a dispatch book and signed for on receipt. As indicated above they must be securely sealed if they are entrusted to the hands of persons not authorised to see them and the recipient must check that the seal is not damaged. Waste copies of classified material (including drafts, defective type or duplicated copies, etc) must not be put into ordinary waste baskets but must be taken to the Head of Department who will arrange for their destruction under supervision.

### **REPLIES TO CORRESPONDENCE**

- 9.4 All communications, whether from the public or from other Departments must be answered with the least possible delay. Where it is not possible for a prompt reply to be sent, an interim acknowledgement should be sent within five working days and a substantive reply sent as soon thereafter as possible.

### **COMMUNICATIONS TO THE GOVERNOR**

- 9.5 Officers, other than Heads of Department, who wish to make representations of a public or private nature to the Governor, must forward such correspondence in duplicate through their Head of Department, who will forward it to the Permanent Secretary Public Administration for onward transmission to the Governor.

### **USE OF OFFICIAL STATIONERY**

- 9.6 Official stationery must on no account be used for private correspondence or for any purpose not directly connected with the work of the department concerned. Heads of Department are required to ensure that the strictest economy in the use of stationery is exercised. All orders for stationery must be scrutinized by the Head of the Department or a responsible officer deputed for this purpose before they are issued.

### **FRANKING OF ENVELOPES**

- 9.7 Official correspondence which is permissible to send free through the inland post must be enclosed in envelopes indicating they are for use on Government service and must be franked by the impression of the official franking stamp on the face of the envelope or packet. Officers who are authorised to send official correspondence free through the post will be issued with approved franking stamps and it is the duty of such officers to ensure that franking stamps are not put to unauthorised use.

## **ANNUAL REPORTS**

- 9.8 Heads of Department are required to submit to the Minister charged with responsibility for that Department, or in other cases to the Governor, but not later than 31 March, a report on the work of their Department during the preceding calendar year.

## **DISCLOSURE OF CLASSIFIED DOCUMENTS**

- 9.9 Unless mandated by law Heads of Department and other officers must not disclose or produce in evidence any official document of a classified nature without previously obtaining the permission of the Governor.

## **GAZETTE**

- 9.10 The Official Gazette will be published as occasion demands. Heads of Department are responsible for ensuring that material for publication in the Gazette is forwarded without delay to the Gazette Office. Requests for copies of the Gazette from private persons or bodies, whether in or outside Anguilla, should be addressed to the Clerk to the House of Assembly.

## **RECORDS**

- 9.11 The preservation and destruction of official documents is governed by the following rules:
- (a) No documents or correspondence may be destroyed without the prior approval of the Permanent Secretary Public Administration and correspondence should not be recommended for destruction before it is ten years old;
  - (b) Heads of Department should review in June of each year the files in their charge which are over ten years old, and in keeping with current guidelines mark files for destruction or retention for a specified period. Wherever possible electronic storage can be done for files to be destroyed.
  - (c) A record should be kept of all files destroyed and the date on which they were destroyed;



- (d) the following documents should not be destroyed:
  - (i) those required by law or regulations to be preserved;
  - (ii) documents of historical or other interest, particularly those relating to the history of Anguilla;
  - (iii) documents relating to land and claims thereto, and to the value of land and property especially Crown Lands;
  - (iv) documents which are more than a hundred years old unless they are of a routine nature.

## **CHAPTER 10**

### **MISCELLANEOUS**

#### **COMPENSATION FOR LOSS OF OFFICER'S PROPERTY**

- 10.1 Officers shall be entitled to claim compensation in respect of losses of or damage to private property incurred through fire, theft, riot or otherwise, in the course of their service. In special cases, the Governor may consider the grant of compensation as an act of grace. No such concession shall, however, be made in respect of losses which in the opinion of the Governor were due to negligence for which officers were responsible or which could reasonably have been covered by insurance.
- 10.2 In submitting any claim, Heads of Department of the Claimant Officers:
- (a) must certify either from corroborative evidence or personal knowledge that they are satisfied that the article was lost or damaged in the execution of duty by the officers concerned;
  - (b) must certify that reasonable precautions were taken by the officer concerned to avoid such loss or damage;
  - (c) must, in the case of a damaged article, which shall be produced by the officers suffering damage, inspect such article; and
  - (d) must certify in each case whether repair or replacement of the article is necessary and that the amount claimed is either a fair valuation to repair the damage or to restore the lost article.

#### **FIRES**

- 10.3 Heads of Department are responsible for ensuring that all public buildings under their charge are equipped, where necessary, with fire extinguishers and that arrangements are made for the periodical examination of such equipment and the supply of refills. Every Head of Department shall cause to be placed in each office, in a prominent position, instructions regarding the action to be taken by the staff in the event of fire.

## **HURRICANES**

- 10.4 Heads of Department are responsible for ensuring that all public buildings under their charge are, as far as practicable, hurricane-proof and that all doors, windows, etc, are made secure on notification of a hurricane warning.

## **KEYS**

- 10.5 Heads of Department are required to keep a register of all keys of buildings and offices under their control and all officers to whom keys are issued for retention should be required to acknowledge the receipt of keys by signature in the register. Duplicates of keys should not be kept in offices or buildings for which they are used. Heads of Department are responsible for ensuring that keys of offices and buildings are handled only by responsible officers. Loss of keys must be reported at once to the Head of the Department and officers who lose a key may be called upon to meet any expenditure resulting from the loss, unless they can satisfactorily establish that the loss did not arise from their negligence.

Officers taking leave in excess of 5 days must return their keys to their Head of Department prior to going on leave.

## **OFFICIAL SEALS**

- 10.6 Officers are strictly forbidden to give an impression of any official seal to any private person; the use of such seals must be strictly confined to official requirements

## **OFFICIAL VEHICLES**

- 10.7 An official vehicle may only be driven by an authorised driver. Heads of Department are responsible for ensuring that drivers of official vehicles including persons specially authorised in that behalf, hold a valid driving licence. Officers should refrain from using government vehicles for their private use.
- 10.8 Officers whose official duties require regular use of transport (and in this respect it must be remembered that house to office travelling is the personal responsibility of the officer) are encouraged to use their private vehicles for this purpose and are permitted in such cases to draw transport or mileage allowances.

### **ACCESS TO GOVERNMENT NETWORK**

- 10.9 No officer should attempt to access any of the services offered on the government network using any username other than the one provided by DITES. Additionally, no officer should allow anyone else to access government's computer system or share his/her password with another. Non-compliance may form the basis of a disciplinary charge pursuant to Chapter 4.

### **OFFICIAL PURCHASES FROM OFFICERS**

- 10.10 Before any Department purchases any article from an officer, such article must be valued by an independent valuer approved by the Permanent Secretary (Finance).

### **OATHS**

- 10.11 Attention is drawn to the Promissory Oaths Act and the Anguilla Constitution Order 1982, which prescribes the oaths to be taken by various officers and other persons. The Governor will be responsible for ensuring that such oaths are in fact taken as circumstances demand.

### **FLAGS**

- 10.12 No flag other than the Anguilla Flag or the Union Flag may be flown on public buildings save with the prior permission of the Governor.
- 10.13 The Union Flag and other flags will be flown at such times in such manner, as the Governor shall direct.

### **PRECEDENCE**

- 10.14 The Order of precedence to be accorded to Ministers, Members of the Anguilla House of Assembly and Executive Council, officers of the Government and to distinguished visitors shall be in accordance with the instructions issued by the Governor as occasion arises.

## **APPENDIX I**

### **OVERTIME**

1. No payments in respect of overtime will be made except in the circumstances prescribed hereunder.
2. Eligibility for overtime payments will be restricted to officers in grades G to M, exceptions to be approved in advance by the department's Permanent Secretary and the Permanent Secretary Public Administration. No Head of Department will be eligible for overtime.
3. Officers will be eligible for payment if they are required by their Head of Department or supervisor to remain on duty for a period of not less than three-quarters of an hour after the normal time of closure, or if they are recalled whilst off-duty, provided that no claim to payment will arise where officers are required to do arrears of work caused by their own default including habitual lateness.
4. Overtime payment for officers will be provided for in the recurrent Estimates.
5. All periods of reckonable overtime will be aggregated over the calendar month. Any excess over the standard number of working hours in that period, will qualify for payment. Where officers are recalled to duty for a portion of an hour, a full hour's rate will be payable.
6. All claims to overtime payments must be certified by the Head of Department and a record of all such claims will be kept in the Department.
7. No payment will be made in respect of casual overtime for which the Head of Department or departmental Supervisor has in advance authorised time off in lieu of payment.

## APPENDIX II

### **SUBSISTENCE AND TRAVEL EXPENSES**

#### 1. **Travelling on Duty within Anguilla**

Claims for subsistence allowance in respect of travelling on duty within Anguilla will not normally arise. The refund of any unavoidable expenses which may be incurred by officers travelling on duty within Anguilla may be approved exceptionally by the Permanent Secretary Public Administration provided the claim is certified as reasonable by the Head of Department.

#### 2. **Travelling on duty by sea or air**

When travelling on duty by sea or air, reasonable out of pocket expenses necessarily incurred by officers will be reimbursed provided the expenditure is supported by receipted bills or an honour certificate.

#### 3. **Travelling on duty (including attending official conferences) outside Anguilla**

- (i) Officers who are required to travel on duty outside Anguilla or to attend an officially sponsored conference or to attend a course of training will be entitled to subsistence.
- (ii) Any additional out of pocket expenses necessarily incurred by officers will be refunded provided they are reasonable, having regard to the status of the officers, and are supported by receipted bills or honour certificate.
- (iii) An application **for subsistence and/or travel expenses** should be submitted on the relevant form (see Appendix Form P/8)

#### 4. **Attendance at training courses outside Anguilla**

Officers attending training courses outside Anguilla will normally be entitled to subsistence allowance to cover the costs of meals and accommodation and other incidental expenses at the rates provided or laid down by the sponsors of the course.

5. **Spouses accompanying officers on duty outside Anguilla**

No claim for the refund of hotel and other out of pocket expenses in respect of the spouses of officers who accompany them on duty outside Anguilla, will be considered.

6. **Hotel expenses**

A daily subsistence allowance will be paid at the rate current at the time of travel.

7. **Advances**

A Head of Department (or the Permanent Secretary in the Ministry of Finance, in the case of a Head of Department travelling on duty) may authorise the payment of an advance to officers proceeding on duty out of Anguilla towards the cost of travelling or hotel expenses etc, which are expected to be incurred. Officers should submit an account of expenditure supported by receipted bills to the Accountant General immediately after their return to Anguilla. In exceptional cases an honour certificate may be accepted by the Accountant General.

(Note: Where an honour certificate is admissible in lieu of a receipted bill, it should be submitted in the following form):

“I hereby certify on my honour that the following expenses were incurred by me in the interest of the public service whilst travelling on duty.”

(give details)

Signature .....

Position .....

Department.....

Date.....

## APPENDIX III

### TRANSPORT ALLOWANCE

1. Officers whose duties require the regular use of transport and who use a vehicle for this purpose will be eligible for transport allowance at the rates effective at the time:
  - (a) **Category A** - where the officer travels on average approximately two hundred miles (200) per month.
  - (b) **Category B** - where the officer travels on average approximately one hundred and fifty miles (150) per month.
  - (c) **Category C** - where the officer travels on average approximately one hundred miles (100) per month.
  - (d) **Category D** - where the officer travels on average approximately fifty miles per month:
  - (e) **Category E** - where the officer travels approximately less than fifty miles per month.
2. Officers not in receipt of transport allowance, and who do not have the use of a vehicle must arrange, through their Heads of Department for transport where this is essential for the performance of their duties and official transport is not available.
3. Where appropriate, travel allowance will be paid on a pro rata basis but shall not in any event be less than one-fifth (1/5) of the allowance for which the substantive holder of the office is eligible.
4. Officers not in receipt of a regular transport allowance who use their own motor car on occasional duty journeys with the permission of their Head of Department, will be eligible for mileage allowance at the rate of 75 cents a mile.
5. In order for officers, entitled to travel allowance, to claim such an allowance they must ensure that their vehicle is available, at all times to enable them to actually carry out their official travel duty. The Government will **NOT** pay travel allowance to more than one officer for using the same vehicle.



6. Officers entitled to a travel allowance, but whose vehicle is temporarily unavailable, will be paid a travel allowance once the Head of Department can justify that the travel duty was carried out by the officer.

## APPENDIX IV

### TABLE OF ANNUAL LEAVE ALLOWANCES BY GRADE

<b>GRADE</b>	<b>20 DAYS</b>	<b>25 DAYS</b>	<b>COMMENTS</b>
<b>A to D</b>	On appointment	After 5 years' service	Maximum of 10 days can be carried forward to, or anticipated from, the next year
<b>E to H</b>	On appointment	After 10 years' service	Maximum of 10 days can be carried forward to, or anticipated from, the next year
<b>J to M</b>	On appointment	After 15 years' service	Maximum of 10 days can be carried forward to, or anticipated from, the next year