

# STATES OF JERSEY



## JERSEY EMPLOYMENT TRIBUNAL: APPOINTMENT OF CHAIRMAN AND DEPUTY CHAIRMAN

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Lodged au Greffe on 1st May 2012  
by the Minister for Social Security

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STATES GREFFE

## **PROPOSITION**

**THE STATES are asked to decide whether they are of opinion –**

to appoint, further to a process overseen by the Jersey Appointments Commission and in accordance with Regulation 3(2) of the Employment Tribunal (Jersey) Regulations 2005, the following persons as members of the Jersey Employment Tribunal, each for a period of 5 years –

Mrs. Nicola Santos Costa (Chairman)  
Advocate Claire Davies (Deputy Chairman).

MINISTER FOR SOCIAL SECURITY

## REPORT

The Employment Tribunal (Jersey) Regulations 2005 (as amended by the Employment Tribunal (Amendment No. 2) (Jersey) Regulations 2011) set out the composition of the Jersey Employment Tribunal and the terms of office of its members.

An Employment Tribunal 3 person Panel consists of a legally qualified Chair with 2 Side Members; one from a pool of 8 “employee” representative Side Members who have knowledge or experience of or interest in trade unions or matters relating to employees generally, and one from a pool of 8 “employer” representative Side Members who have knowledge or experience of or interest in employers’ associations, or matters relating to employers generally.

The recruitment of Tribunal members must be overseen by, and conducted in accordance with, the guidelines produced by the Jersey Appointments Commission. Members are appointed by the States on the recommendation of the Minister for Social Security, after consultation with the Appointments Commission.

The Employment Tribunal Chairman, Advocate David Le Quesne, gave advance notice to the Minister in 2011 that he intended to resign his position in 2012. Advocate Le Quesne’s resignation will be effective as of 31st May 2012.

In September 2011, an advertisement was placed for a Chairman and open recruitment and structured interviews were undertaken, chaired by a representative of the Appointments Commission. Mrs. Nicola Santos-Costa, the current Deputy Chairman of the Employment Tribunal, was selected as the successful candidate. Mrs. Santos-Costa will resign her position as Deputy Chairman from 31st May 2012.

Open recruitment and structured interviews were subsequently undertaken to fill the vacant Deputy Chairman position. The recruitment panel was again chaired by a representative of the Jersey Appointments Commission. Advocate Claire Davies was selected as the successful candidate.

The Minister is satisfied that the proposed Chairman and Deputy Chairman have the required legal qualifications, knowledge and experience (detailed at the Appendix). The Minister proposes that the States approve the following appointments, each for a 5 year term of office:

- Mrs. Nicola Santos-Costa as Chairman, from 1st June 2012;
- Advocate Claire Davies as Deputy Chairman, from 1st June 2012.

The Minister extends his gratitude to Advocate Le Quesne for establishing the Employment Tribunal’s processes and reputation, and for his leadership of the Employment Tribunal during his 7 year term of office.

## APPENDIX

**Mrs. Nicola Santos-Costa** has undertaken the role of Deputy Chairman of the Jersey Employment Tribunal since July 2005. Having qualified as a Solicitor of the Supreme Court of England and Wales in 1985, Nicola worked in London before spending 10 years working as a commercial solicitor in local law firms. Nicola was appointed as a member of the Board of the Jersey Advisory and Conciliation Service in 2001 and was the Deputy Chair of that Board when she resigned in 2005 to join the Employment Tribunal. Nicola was a member of the Jersey Youth Court from 1999 to 2008 and has been the Chair of the National Society for the Prevention of Cruelty to Children in Jersey since 2007. Nicola is also a member of the Board of Visitors of Residential Children's Homes in Jersey.

**Advocate Claire Davies** obtained a Business Law degree in 1991, passed the English bar exam in 1992, and obtained a Postgraduate Diploma in the management of legal practise in 2004. Having moved to Jersey in 1992, Claire worked for Mourant du Feu & Jeune, where she became an Associate and manager of the private client litigation department. Claire joined Backhurst, Dorey and Crane in 2004 and has been a partner of that firm since 2005, leading a team of litigation lawyers. Claire has been an Advocate of the Royal Court of Jersey for 14 years and has regularly appeared before the Jersey Courts, including the Employment Tribunal. Claire served as Acting Batonnier from 2002 to 2004, is the Jersey Institute of Law Adjunct Professor for family law, and is a Committee member of the Jersey Family Law Association.