



PARLIAMENT
REPUBLIC OF TRINIDAD AND TOBAGO

TENTH PARLIAMENT
[2011/2012 SESSION]

Third Report

OF THE

JOINT SELECT COMMITTEE APPOINTED TO INQUIRE AND
REPORT ON MUNICIPAL CORPORATIONS AND SERVICE
COMMISSIONS WITH THE EXCEPTION OF THE JUDICIAL AND
LEGAL SERVICE COMMISSION

Re-evaluation of the Efficiency and Effectiveness of the Teaching Service Commission

*Together with the Minutes of Proceedings
and Notes of Evidence*

Ordered to be printed by the Houses

of the Jr



**JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT TO
PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS
WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION**

THIRD REPORT

Re-evaluation of the Efficiency and Effectiveness of the Teaching Service Commission

Date Laid: H.O. R. _____

Senate _____

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Executive Summary

This Third Report of the Joint Select Committee of Parliament appointed to inquire into and report on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission is based on a re-evaluation of the efficiency and effectiveness of the Teaching Service Commission.

Chapter 1 of the Report details the mandate and powers of the Committee in accordance with section 66A of the Constitution of the Republic of Trinidad and Tobago and the mode of operations.

Chapter 2 of the Report gives an overview of the Teaching Service Commission.

Chapter 3 of the Report is divided into two (2) paragraphs - 3.1 and 3.2 - with subparagraphs. The first paragraph gives the reasons for the reevaluation while the second paragraph delineates the findings of your Committee.

Chapter 4 of the Report gives the recommendations proposed by the Committee and the conclusion of the evaluation.

Chapter 1

1.1 The Committee

(a) Mandate

Section 66 of the Constitution of Trinidad and Tobago declares, that not later than three months after the first meeting of the House of Representatives, the Parliament shall appoint Joint Select Committees to inquire into and report to both Houses in respect of Government Ministries, Municipal Corporations, Statutory Authorities, State Enterprises and Service Commissions, in relation to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.

Motions related to this purpose were passed in the House of Representatives and Senate on September 17, 2010 and October 12, 2010, respectively, and thereby established, inter alia, the *Joint Select Committee to inquire into and report to Parliament on Municipal Corporations and Service Commissions with the exception of the Judicial and Legal Service Commission with regard to their administration, the manner of exercise of their powers, their methods of functioning and any criteria adopted by them in the exercise of their powers and functions.*

The List of the Entities which fall under the purview of your Committee is attached as *Appendix I*.

(b) Powers

Standing Orders 71B of the Senate and 79B of the House of Representatives outline the core powers of the Committee which include *inter alia*:

- to send for persons, papers and records;
- to adjourn from place to place;
- to report from time to time;
- to appoint specialist advisers either to supply information which is not otherwise readily available or to elucidate matters of complexity within the Committee's order of reference; and

- to communicate with any other Committee of Parliament on matters of common interest.

(c) **Membership**

The following are the current Members of the Committee:

- Mr. Subhas Ramkhelawan - Chairman
- Mr. Elton Prescott, SC - Vice Chairman
- Brig. John Sandy
- Mr. David Abdulah
- Ms. Shamfa Cudjoe
- Mrs. Vernella Alleyne-Toppin, MP
- Mr. Chandresh Sharma, MP
- Mr. Rodger Samuel, MP
- Mr. Prakash Ramadhar, MP
- Ms. Marlene McDonald, MP
- Mrs. Joanne Thomas, MP
- Mr. Devant Maharaj

(d) **Staffing and Support**

Secretarial assistance was provided by the following officers:

- Mrs. Jacqueline Phillip-Stoute - Secretary
- Ms. Candice Skerrette - Assistant Secretary
- Ms. Indira Binda - Graduate Research Assistant

(e) **Meeting**

The Committee held one (1) meeting on January 27, 2012 with Officials of the Teaching Service Commission to undertake the reevaluation.

The **Minutes of the Committee's proceedings** are attached as **Appendix 2** and the **Verbatim Notes** as **Appendix 3**.

1.2 Minister's Response

This Report is subject to Standing Orders 71(B)(13) of the Senate and 79(B) (13) of the House of Representatives which state:

“(13) The Minister responsible for the Ministry/Body under review shall, not later than sixty days after a report from a Joint Select Committee, relating to the Ministry/Body, has been laid upon the Table, present a paper to the House responding to any recommendations/comments contained in the report which are addressed to it.”

The sixty-day period commences on the date of tabling.

(f) Report

In accordance with Standing Orders 75(4)(b) of the Senate and 82(4)(b) of the House of Representatives, the Committee at a meeting held on Friday November 23, 2012 considered and adopted this Third Report.

Chapter 2

The Teaching Service Commission

(a) Constitutional Mandate of the TSC

The Teaching Service Commission was established under the Constitution of the Republic of Trinidad and Tobago (Section 124) and is charged with the responsibility under Section 125 as follows:

“to appoint persons to hold or act in public offices in the Teaching Service established under the Education Act, including power to make appointments on promotions and transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce of conduct standards on such officers...”

These are core Human Resource (HR) functions. The authority and responsibility for discharging many aspects of these functions reside in diverse agencies of the Public Service.

The members of the Commission are appointed for a three-year term by the President of the Republic, after consultation with the Prime Minister and Leader of the Opposition. The current Commission is comprised of the Chairman and four (4) members.

(b) Stakeholders of the TSC

The Stakeholders of the Teaching Service Commission are:

- The Ministry of Education (the Permanent Secretary, Officers of the Human Resource Division and School Supervisors)
- The Division of Education, Youth Affairs and Sports of the Tobago House of Assembly
- The Trinidad and Tobago Unified Teachers’ Association
- The Association of Schools Principals

- The Association of Denominational Boards and Individual Boards
- Representatives of Denominational Boards

(c) Submission of Annual Reports to Parliament

Act No. 29 of 1999 amended the Constitution to insert section 66B of the Constitution which states viz-a-viz:

66B. Each Service Commission shall submit to the President, before 1st October in each year, a report on its administration, the manner of the exercise of its powers, its methods of functioning and any criteria adopted by it in the exercise of its powers and functions in the previous year and the President shall cause the report to be laid within sixty days thereafter in each House.

(d) Regulations of the Teaching Service Commission

The procedures and principles by which the Teaching Service Commission regulates its activities are set out in Chapter 1:01 of the Laws of the Republic of Trinidad and Tobago - the Public Service Commission Regulations.

These regulations were formally adopted by the Teaching Service Commission

(e) Conduct of its business

The Teaching Service Commission in pursuit of its constitutionally assigned duty exercises its role through regular meetings to consider the business of the Commission. For the year 2010, twenty-four (24) statutory meetings were held.

Chapter 3

3.1 Background

In the First Session of the Tenth Parliament the Committee examined the efficiency and effectiveness of the Teaching Service Commission (TSC) at a public hearing on February 25, 2011. As a result of the hearing, the Committee requested submission of additional information by the Commission regarding its roles and functions for its further consideration.

Additionally, in the latter half of 2011 and early 2012, the Teaching Service Commission was placed in the media spotlight with respect to a series of matters involving two of its stakeholders, namely: the Ministry of Education and Representatives of Denominational Boards, with regard to its role and functions in expediting matters regarding teacher discipline, punctuality and regularity.

Subsequently, the Annual Administrative Report of the TSC for 2010 was laid in the Senate and the House of Representatives on November 15th and 18th, 2011 respectively.

As a consequence, at a meeting held on November 25, 2011 the Committee agreed that a re-evaluation of the Commission should be undertaken in order to determine whether there were improvements with respect to the Commission's processes and to garner an appreciation of the accomplishments of the Commission over the past year.

In light of the above, a public inquiry hearing was scheduled for January 27, 2012.

Broad Areas of Focus:

The broad areas of focus of your Committee during the inquiry were:

- Review of the administrative management from 2008 to 2010;
- Status Report on its objectives and goals listed in its 2009 and 2010 Report;
- Medium-Term Strategic Plan up to 2015;
- Planned Areas of Implementation up to 2015; and
- Legislative and Regulatory adjustments that can enhance the effectiveness of the Commission.

Areas of Focus

The following are the primary areas of focus of your Committee during the inquiry:

- The rate at which vacancies are filled within the Teaching Service;
- Disciplinary matters;
- Strengthening the regulatory framework for the discharge of the TSC functions;
- Training and Development;
- Public Relations and Communications;
- The Selection Process;
- Assessment of Principals and Vice Principals; and
- Punctuality and regularity.

Given hereunder are the findings, recommendations, observations and conclusion of your Committee.

3.2 The Evidence

At a public hearing held on Friday January 27, 2012 your Committee conducted a re-evaluation of the TSC. At the inquiry, the TSC was represented by the following Officials:

Ms. Hyacinth Guy	Chairman
Dr. Anna Mahase	Member
Professor Ramesh Deosaran	Member
Dr. Gillian Paul	Member
Mr. Alwyn Daniel	Member
Mrs. Gloria Edwards-Joseph	Director of Personnel Administration Service Commissions Department
Ms. Yvette Phillip	Executive Director, Human Resource Management

TSC 2011-2012 Strategic Plan

Specific emphasis was placed by the Commission on strengthening relationships with relevant agencies and stakeholder groups through formal and informal mechanisms, as a key strategy for improving the effectiveness and the efficiency of its operations.

Teaching Service appointments/Vacancies

In July 2006 Cabinet granted approval to the TSC for the establishment of a temporary selection centre. In July 2010 accommodation for the selection centre became available.

The Commission has made major strides between 2005 and 2010 in reducing the backlog of vacancies in the Teaching Service, especially those related to appointments for school leadership positions. There were 2,132 vacancies in 2005; the Commission was able to reduce the number to 753.

At the Secondary school level all vacancies with respect to the position of Principal and 90% of vacancies re Vice-Principals were filled.

At the Primary school level the majority of the positions with respect to Principal were filled in 2011.

Interviews were ongoing for the administrative positions of Deans, Heads of Departments and senior teachers.

Vacant positions were expected to be filled by the end of the first quarter of 2012.

Selection Boards were being utilized to expedite the filling of vacancies within the Teaching Service. These efforts however, must be supported by the timely submission of information by the Ministry of Education to the TSC.

Details of the *filling of administrative offices in 2011* are at **Appendix 4**.

Punctuality and Regularity

In 2011, increasing levels of unpunctuality and absenteeism within the Teaching Service became a concern of the TSC. Hence, the Ministry of Education was requested to submit reports on late-coming and early-leaving/departure by teachers during the school term ending April 2011.

Guidelines sent to the Ministry of Education in April 2011 required the Ministry to send this information to the TSC on a regular basis.

For the *Policy Guidelines for Handling Teacher Indiscipline in Schools* see **Appendix 5**.

Relationships with Stakeholders

Stakeholders play a vital role in the day-to-day operations of the Commission. In order to build closer relationships with its stakeholder the TSC pursued a proactive outreach schedule in 2011. Some of the activities included meetings with the Ministry of Education, TTUTA and representatives of the denominational boards.

The TSC has also met with its Tobago stakeholders to provide updates with respect to the various policies, the work of the Commission and to garner information on the issues facing the education system in Tobago.

Public Relations, Communication and Outreach Programme

The TSC aims to enhance its relationship with school supervisors. To this end, a workshop was held on August 17, 2011 for the sole purpose of bringing awareness to the work of the Commission and to get feedback on how the TSC could better serve the needs of the schools.

The Commission also organizes annual workshops which are geared toward assisting school supervisors to understand and help implement and translate policies and programmes to principals and teachers. Additionally, the Commission obtains feedback on these policies and programmes.

As part of its outreach programme the TSC proposes to meet with principals by districts throughout Trinidad and Tobago in order to understand the issues and challenges they face.

Strengthening the regulatory framework for the discharge of the TSC's functions

The TSC adopted the Public Service Commission Regulations to guide its work. The TSC however considers its regulatory framework to be complex as it includes the public service regulations that are not specific to the requirements for governance of the Teaching Service, the provisions of the Concordat which pre-date the Constitution and prescribe the relationship between the Ministry of Education and the denominational boards, and the Education Act which is outdated.

The TSC established a sub-committee which comprised of eight members drawn from the TSC, the Ministry of Education and the Legal Services Department of the Service Commission and chaired by Professor Ramesh Deosaran. The mandate of this sub-committee is to review the Public Service Commission Regulations (1966) Chapter 1:01 as adopted by the TSC in order to make them more relevant to the Teaching Service. The sub-committee will also propose recommendations to allow for improved administration, decision-making and outcomes of the functions under the TSC's purview.

The revised regulations aim to close the loopholes which exist in the current legislation and to implement realistic and strict timelines. The first draft of the revised regulations would be finalized in 2012.

The sub-committee will also examine the Ministry of Education's delivery relating to the control and reduction of indiscipline.

Selection Process

The TSC has undertaken a revision of its selection process so as to make it more apposite and adaptable to the teaching personnel. It has audited and modified the selection process of the Ministry of Education and has advised that there will be an annual audit and review of the process to ensure that the TSC's requirements are met.

TSC supplies information on the needs with respect to schools through the submission of a Special Report.

The TSC has taken initiatives intended to improve the selection process. These include:

- Accelerating the pace at which vacancies are filled by increasing the number of interview panels;
- Delegating authority for the conduct of interviews for the offices of Dean, Head of Department and Senior Teacher to interview panels comprising of experienced public officers; and
- Revising the selection instruments for the offices of Principal and Vice Principal to ensure closer alignment to the job descriptions and requirements.

Assessment of Principals and Vice-Principals

At present there is no tool for appraising the performance of principals and vice-principals. The TSC is currently exploring methods for this purpose. One example of such tools proffered was psychometric testing.

Structure and Role

The Ministry of Education oversees approximately seventeen thousand (17,000) teachers and seven hundred (700) schools and principals. The TSC has, in collaboration with the Ministry of Education, established the following two (2) committees:

- A Strategic Committee comprising of members of TSC to meet with the Permanent Secretary and a team of officials from the Ministry of Education to establish strategic direction to be achieved within a specific time; and

- An Operational Committee consisting of officials of several departments within the Ministry of Education to operationalize the strategic objective through constant scrutiny and monitoring.

Disciplinary matters

The Teaching Service Commission is vested with the authority to exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers. Therefore, all matters of discipline under investigation by the Ministry of Education must be brought to the attention of the Commission.

It was noted that as at December 31, 2011, the Commission was treating with 71 disciplinary matters and court charges. Twenty-six (26) disciplinary matters stemmed from Abandonment of office.

The Commission has identified improving discipline within the Teaching Service as a priority and has accordingly intensified its efforts to treat expeditiously with disciplinary matters. To this end, the Discipline Section of the Service Commissions Department is now required to submit quarterly reports on the status of disciplinary matters.

The Director of Personnel Administration has been requested to ensure that disciplinary tribunals give attention to outstanding disciplinary matters.

The TSC has sought the Chief Justice's intervention to expedite hearing of matters pending before the courts. The Director of Public Prosecutions (DPP) was also requested to assist in expediting the conclusion of matters pending before the courts in which counsel was appointed from the Office of the DPP.

(See Appendix 6 - Details on Disciplinary Matters and Appendix 5- Policy Guidelines for Handling Teacher Indiscipline in Schools)

Allegations of misconduct

Where there are allegations of misconduct against officers, these allegations must be brought to the attention of the TSC through the Permanent Secretary, Ministry of Education on the same school day in which they occur.

In order to substantiate evidence with respect to an allegation, the Ministry of Education embarks upon a lengthy investigative process. A thirty-day timeline for the completion of investigation of officers and submission of a report to the TSC is stipulated by the Public Service Regulations.

As at January 2012, there were twenty-one (21) allegations of misconduct and fourteen (14) reports outstanding from the Ministry of Education.

Where an investigating report is not submitted within the 30-day timeframe, an extension is granted if requested or the Executive Director of Human Resource Management is requested by the TSC to inquire into the status of the matter being investigated.

Chapter 4

4.1 Recommendations

- Improvements to Public Outreach programmes-
 - Utilization of government information programmes as a broad stroke in keeping the nation abreast of the update and programmes of the Teaching Service Commission.
 - Development of a website as a method to directly receive complaints.
- Implementation of benchmarks for comparative analysis for comparing information between teachers in board assisted schools and government schools.
- Implementation of a vetting process interjected into the selection process to unearth alcoholics, drug users, child abusers, to prevent unacceptable persons from joining the Teaching service.

4.2 Conclusion

The re-evaluation of the Teaching Service Commission served as a forum to clarify and reiterate the TSC's approach to teacher indiscipline and misconduct, the filling of vacancies and its interaction with respective stakeholders in Trinidad and Tobago.

The Committee was updated on appointments for 2011, the progress of the filling of vacancies and the urgent need for the implementation of an updated regulatory framework for the Teaching Service Regulations. A re-evaluation of the TSC addressed the questions and concerns posed by the Committee providing an update on its legislative jurisdiction, selection process and current affairs.

The Committee noted recurring problems regarding the lack of information technology and outreach programmes in educating the nation on its role, services and activities by the Teaching Service Commission.

The Committee has sought to address the challenges facing the TSC and has made the necessary recommendations to the Minister of Education and respective agencies to assist the TSC in the efficient and effective management of its operations.

The Committee therefore respectfully submits its report for consideration.

sgd.
Mr. Subhas Ramkhelawan
Chairman

sgd.
Mr. Elton Prescott, S.C.
Vice-Chairman

sgd.
Mr. Devant Maharaj
Member

sgd.
Mr. Chandresh Sharma
Member

sgd.
Mrs. Vernella Alleyne-Toppin
Member

sgd.
Mrs. Joanne Thomas
Member

sgd.
Mr. Rodger Samuel
Member

sgd.
Ms. Shamfa Cudjoe
Member

sgd.
Mr. Prakash Ramadhar
Member

Ms. Marlene McDonald
Member

Brigadier John Sandy
Member

Mr. David Abdulah
Member

APPENDICES

**THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT
TO PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS
WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION**

Appendix 1

Areas of Responsibility

Areas of responsibility:

- ✚ Police Service Commission
- ✚ Public Service Commission
- ✚ Statutory Authorities' Service Commission
- ✚ Teaching Service Commission
- ✚ Arima Borough Corporation
- ✚ Chaguanas Borough Corporation
- ✚ Couva/Tabaquite/Talparo Regional Corporation
- ✚ Diego Martin Regional Corporation
- ✚ Mayaro/Rio Claro Regional Corporation
- ✚ Penal/Debe Regional Corporation
- ✚ Point Fortin Borough Corporation
- ✚ Port of Spain City Corporation
- ✚ Princes Town Regional Corporation
- ✚ San Fernando City Corporation
- ✚ Sangre Grande Regional Corporation
- ✚ San Juan/Laventille Regional Corporation
- ✚ Siparia Regional Corporation
- ✚ Tunapuna/Piarco Regional Corporation

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Appendix 2

Minutes

MEETING HELD IN THE ARNOLD THOMASOS ROOM WEST, LEVEL 6 AND THEREAFTER IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, OFFICE OF THE PARLIAMENT, #1A WRIGHTSON ROAD, PORT OF SPAIN

Present were:

Mr. Subhas Ramkhelawan	-	Chairman
Mr. Elton Prescott, S.C.	-	Vice-Chairman
Mr. David Abdulah	-	Member
Mr. Devant Maharaj	-	Member
Ms. Shamfa Cudjoe	-	Member
Mr. Rodger Samuel	-	Member
Brig. John Sandy	-	Member
Mr. Chandresh Sharma	-	Member
Mrs. Vernella Alleyne-Toppin	-	Member
Mrs. Joanne Thomas	-	Member
Mrs. Jacqueline Phillip Stoute	-	Secretary
Ms. Candice Skerrette	-	Assistant Secretary
Ms. Indira Binda	-	Graduate Research Assistant

The following Officials from Teaching Service Commission were also available:

Ms. Hyacinth Guy	-	Chairman
Dr. Anna Mahase	-	Member
Professor Ramesh Deosaran	-	Member
Dr. Gillian Paul	-	Member
Mr. Alwyn Daniel	-	Member
Mrs. Gloria Edwards-Joseph	-	Director of Personnel Administration Service Commissions Department
Ms. Yvette Phillip	-	Executive Director, Human Resource Management

Absent/Excused were:

Mr. Prakash Ramadhar	-	Member (excused)
Ms. Marlene McDonald	-	Absent

INTRODUCTION

- 1.1 The Chairman called the meeting to order at 9:46 a.m. and welcome all present.
- 1.2 The Chairman reminded Members that Officials of the Teaching Service Commission would appear before the Committee to be re-evaluated at the day's meeting.

SUSPENSION/RESUMPTION

2.1 The meeting was suspended at 9:56 a.m.

(Members proceeded to the J. Hamilton Maurice Room on the Mezzanine Floor)

DISCUSSIONS WITH OFFICIALS OF THE TEACHING SERVICE COMMISSION

3.1 The meeting resumed in J. Hamilton Maurice Room at 10:03 a.m.

3.2 The Chairman welcomed officials of the Teaching Service Commission (TSC). Introductions were exchanged.

3.3 On the request of the Committee, the Chairman of the TSC made introductory remarks. During her discourse the Committee was enlightened on the following areas:

- **Report:** The 2010 Annual Report of the TSC was submitted in October 2011. The Report gives in detail the work of the Commission and its achievements over the period.

A Status Report as at December 31, 2011 was submitted to the Committee. This Report gives an overview of the TSC accomplishments during 2011.

- **Mandate:**

Of paramount importance to the TSC is the fulfilling of its mandate as outlined in the Constitution. The Mandate relates to:

- ✚ appointments and standards of discipline in the schools and disciplinary matters;
- ✚ ensuring that schools have the resources necessary for effective function.

- **Vacancies:**

- ✚ TSC found that filling of vacant positions in schools took a very long time.
- ✚ It also found that persons were in acting positions for as much as three and four years.
- ✚ TSC has been filling vacancies in schools created in 2010 or late 2011.
- ✚ The trend of filling vacancies continues in 2012.
- ✚ TSC's focus is on filling leadership positions: principals and vice-principals
- ✚ All vacancies for principals were filled.
- ✚ 90% of the vacancies for vice-principals at the secondary level and 36% of Principals at the primary level were filled;
- ✚ The majority of the positions of principal in primary schools were filled in 2011.
- ✚ Interviews are ongoing for administrative positions of Deans, Heads of Departments and senior teachers. Selection Boards are being used to complete the process. Thus these positions are expected to be filled by the end of the first quarter of 2012.
- ✚ At present there is a 4% vacancy in the school system.

- **Discipline:**

- ✚ Systems are now in place to allow the TSC to know what is happening in the schools

- ✚ There are seventy one (71) disciplinary matters in train inclusive of twelve (12) outstanding court charges, twenty one (21) allegations of misconduct. The allegations of misconduct require investigation by the Ministry of Education. There is a challenge in obtaining reports from the Ministry. Of the twenty-one (21) outstanding matters, the TSC is awaiting reports from the Ministry on fourteen (14). Five (5) of these matters are being process by the TSC, two (2) of which have been completed.
 - ✚ One of the issues to be address in 2012 is punctuality and regularity. Policy guidelines were sent to the Ministry of Education in April 2011. These guidelines require the Ministry of Education to send information on punctuality and regularity of teachers to the TSC on a regular basis.
- **Regulatory framework:**
 - ✚ In 2011 the TSC set up a committee headed by Prof. Deosaran to develop regulations that are relevant to it. The committee is expected to submit a report in February 2012;
 - **Selection Process:**
 - ✚ The selection process is being revised to make it more suitable for the purpose of the TSC.
 - ✚ There is an increase in the number of interviewing panels.
 - ✚ A Selection Centre has been set up to assist with filling vacancies.
 - ✚ Selection of primary school teachers have been delegated to the Ministry of Education.
 - ✚ The selection instrument has been audited and reviewed. This will continue on an annual basis to ensure that it meets the requirements of the TSC.
 - ✚ A special report from the Ministry of Education which gives information on candidates vying for a position has been revised in order for the TSC to get specific information.
 - ✚ An instrument has been devised to know the desired qualities of a candidate for particular schools.
 - **Assessment Tools:**
 - ✚ The TSC will explore additional assessment tools such as psychometric testing which would be particularly suited for the assessment of principals and vice-principals. These tools will be developed and utilized in 2012.

3.4 Issues and responses which emanated from discussions with the Officials of the TSC are given hereunder:

(a) Statistics:

The Committee was informed that there are currently 700 schools and therefore 700 principals. Private schools are not under the remit of the TSC.

(b) Public Relations and Communications:

The TSC has extended itself through outreach programmes to its stakeholders, namely: the Ministry of Education, the denominational boards, the association of principals, and

supervisors within the school system. Two (2) committees were established with the Ministry of Education: the Strategic Committee which meets with Permanent Secretary and a team of officers to guide the strategic direction; the Operational Committee which is comprised of officers of the Human Resource Department and the Executive Director and Secretariat, to operationalize the strategic direction. The TSC monitors and implements strategic goals.

Stakeholders are engaged so that they could be part of the process. In order to translate policies into programmes, an annual workshop is held with the supervisors within the system.

It is the intention of the TSC to extend its public awareness programme in 2012 to include principals and to understand the challenges they face.

These efforts also work alongside the TSC's quarterly newsletter, "The TSC Speaks."

Members were informed of a calendar of events proposed for 2012 which includes meetings in the first quarter with the Ministry of Education, the Association of Denominational Boards, TTUTA, Tobago stakeholders and principals of primary schools by educational district. In the second and third quarter, meetings are scheduled with the National Parents Teachers Association. Also in the third quarter, there will be the schools' supervisor workshop. In the fourth quarter there will be a meeting with the Ministry of Education and a press conference. Officials conveyed that all events in 2011 had been fulfilled.

The Committee suggested the expansion of this outreach programme to the national community through the use of government information programmes and a website, which will allow for greater and more timely interaction with stakeholders.

(c) Disciplinary Process:

Officials conveyed that the Commission is guided by the Public Service Regulations of 1966 which were adopted by the TSC in 1968. The Commission is now in the process of drafting regulations that are more relevant. On the process for discipline, the Regulations states that an allegation of misconduct against any officer must be brought to the TSC through the Permanent Secretary.

The TSC has indicated to the Permanent Secretary, Ministry of Education that in cases where the allegations of misconduct relate to violence in the school, abuse of children or that a teacher has been charged, such cases must be sent to the Commission the day on which they occurred.

Investigating Officers, according to the Regulations, must complete investigations and submit reports within thirty (30) days.

Out of the twenty one (21) pending investigations regarding allegations of misconduct, there are fourteen (14) reports outstanding from the Ministry of Education.

(d) Discipline:

The Officials indicated that in 2011 there was an increase in the levels of non-punctuality and absenteeism in the teaching service. In this regard, the Commission

requested the Ministry of Education to submit reports pertaining to the above for the term ending April 11, 2011. The information received by the Commission was incomplete and there was outstanding information for some schools and districts. This, as was further stated, is a challenge facing the Commission and is one of the reasons why the Regulations must be reviewed.

(e) Regulatory:

In order to undertake the task of drafting regulations for the TSC, an eight-member sub-committee was established. The Committee discovered that there are gaps in respect of the time the Ministry should respond. The revision exercise would tighten up the time lines and establish the extent to which the Commission could go to invoke sanctions. Additionally, procedures for discipline must be reliable and implementable.

(f) Vacancies:

With respect to filling vacancies of principal and vice-principals in primary schools, the Committee was told that there were 69 vacancies in 2010 and 2011 of which 25 were filled. However, 30 offices with respect to assisted/board schools where the Commission was unable to obtain a suitable candidate had to be re-advertised.

(g) Development and Training:

On the question of development and training, the Committee was advised that where it is found that individuals do not have the required competencies, the Commission meets with the Ministry of Education and the Permanent Secretary and her team at the Ministry of Education to share this information. This is done because the Ministry is responsible for training, development, performance management, appointments and promotions

The Commission is responsible for articulating its observations and passing the information on the Ministry.

(h) Selection

On the issue of whether there is any way to discern the character of the individuals entering the system, the Officials' response was "no"; persons can enter into the school system with the required qualifications.

Additionally, the Commission requested the Ministry to institute to persons wishing to enter the school system that a certificate of good character must be presented as part of the assessment process.

Individuals would have been in the system for two years before a medical is done for confirmation into the system.

(i) Dress Code

The Committee was informed that the Ministry has a dress code that is subject to confirmation. It was noted that the draft regulations would have an item on dress code.

(j) Judgment

On a matter concerning the judgment of Hon. Mr. Justice Ventour on CV 2009-01445 between Kamla Jagessar and the TSC, the Committee was informed that the judgment

was received by the office of the Director of Personnel Administration on Thursday January 26, 2012 and had not yet been circulated to members of the TSC.

The officials further stated that the Commission was sued for not making an appointment to an assisted school. It was argued that notwithstanding the Board's objection, the Commission could have acted outside its remit. The Commission based on the Board's objection was not empowered to make the appointment. Additionally, the Judge in making his pronouncement spoke explicitly to Regulation 133(3) which mandates the Commission to make appointments to assisted schools with the approval of the Board. Thus, the Commission must consult with and obtain the approval of the Board before appointments are made to assisted schools.

The officials of the TSC added that the Judge stated that the Commission is empowered to make its own Regulations and if the Commission undertook the consultation process, then it did not act *ultra vires* the Constitution or its law.

(k) Objections to Appointments/Promotions

Officials conveyed that Regulations stated that the TSC must not appoint a teacher within an assisted school without the approval and consultation of the Board. The TSC interviews and selects a candidate and then seeks the concurrence of the board before a candidate is appointed. In addition, the board conducts its own interview and selection process and recommends a candidate to the TSC. When there is similarity in the candidate recommended that person is appointed. When there is a difference in the candidate recommended by either party, discussions are held with the Board in accordance with Regulations (18).

In cases where the board objects because of religious or moral grounds, the board is encouraged through discussions to explain and provide reasons why the candidate is not suitable. If the explanations proffered are insufficient or views are not reconciled, the position is re-advertised.

(l) Appointments and Consultations

The Committee was told that in accordance with the Regulations the Permanent Secretary in the Ministry of Education and the TSC are involved in the appointment process. Additionally, the TSC indicates its intention to appoint Deans, Heads of Department and Senior Teachers to assisted schools to the Boards and asks whether there are any objections.

(m)Planned/Unplanned Vacancies

"Planned vacancies" occur where the Commission looks at the up-coming year and records the number of teachers expected to retire from the system. Discussions are held with the Ministry of Education, the positions are identified and advertised. However, when there is an increase in the number of vacancies than originally "planned", this is categorized as "unplanned". This may be due to promotions from administrative to vice-principal or principal positions and persons leaving the system through early retirement.

(n) Transfer Process

The process of transfer is guided by Section 134 of Regulations. A request for transfer is addressed by the Permanent Secretary in the Ministry of Education who will consider the request and make its recommendation to the TSC. When the teacher is from a Board or assisted school, the request must be sent through the board, to the Permanent Secretary of the Ministry and then to the TSC.

Further, Section 137 of Regulations gives the board the right to request a transfer of a teacher from a school on the basis of moral or religious grounds. "An application by a board shall be forwarded in writing to the Permanent Secretary together with any statements on which the Board relies to support the application. The Permanent Secretary shall forward such application and the statements to the Commission." Therefore, if a teacher goes directly to the TSC to secure a transfer, the TSC redirects the application so that the process as stipulated can be followed.

(o) Retirement

Members were informed that the Education Act does not address the issue of retirement age. A committee was set up two (2) years ago to proffer a more relevant Act. The present maximum entry level age to become a teacher is forty five (45) and it has been recommended that that age should be increased to widen the pool of talent. The Chairman raised the matter of pension and retirement benefits in such circumstances.

3.5 On the request of the Committee Dr. Mahase indicated that there was a calendar of events proposed for 2012. These activities would answer the question on public awareness. In the first quarter the TSC would meet with stakeholders in Trinidad and Tobago, the Ministry of Education, the Association of Denominational Boards and Trinidad and Tobago Unified Teachers' Association.

In the second quarter the TSC is expected to meet with principals of primary schools according to educational districts and the National Parent-Teachers Association.

In the third quarter School Supervisors Workshops will be held. The TSC meets annually with School Supervisors.

In the fourth quarter, TSC will again meet with the Ministry of Education and hold a press conference.

3.6 The Chairman commended and thanked the Officials of the Teaching Service Commission (TSC) for their attendance at the meeting and suspended the meeting.

Meeting suspended at 12:03 p.m.

(Members proceeded to the Arnold Thomasos Room West, Level 6)

CONFIRMATION OF MINUTES

4.1 The meeting resumed in the Arnold Thomasos Room (West) Room at 12:15 p.m.

4.2 The Minutes of the Ninth Meeting held on November 25, 2011 were confirmed by Mr. Rodger Samuel and seconded by Ms. Shamfa Cudjoe.

MATTER ARISING FROM MINUTES

5.1 Members were informed that Police Service Commission had advised that it was set to consider its Strategic Plan (2012-2014) and to agree on same at its next meeting on Friday, February 24, 2012, after which the Implementation Plan for the next three (3) years will be done.

5.2 Brig. Sandy indicated that information relating to the Municipal Police was forwarded to the Secretary on January 11, 2012.

DRAFT REPORT

6.1 Members were informed that to date the Secretary had not received further submissions with respect to the draft report to be finalized by the Committee and subsequently tabled in Parliament. The Chairman advised that the Secretary will begin finalization of the report so that it can be laid in February or March 2012.

OTHER BUSINESS

7.1 The Committee agreed to meet the Police Service Commission at a meeting scheduled for Friday February 24, 2012 to discuss the implementation plan as well as the performance of the Commissioner of Police.

REQUESTED INFORMATION

8.1 The TSC was requested and agreed to furnish the Committee with the following:

- (i) Information on the use of drug testing for teachers entering the system.
- (ii) A breakdown of the number of vacancies with respect of Board/assisted and government schools.
- (iii) To provide statistical information on the number of times a denominational Board has held discussions where there was a difference in the candidate recommended by the TSC and the Board and the outcome of those discussions.
- (iv) Provide any available information on the percentage of the budget for the operations of the denominational schools which is under the responsibility of the Board. Do these Boards contribute any percentage the cost of operation?
- (v) Whether interviews place any emphasis on language competence or written language competence;
- (vi) List the qualifications of the investigating officers;
- (vii) List cases lost and won in the court system.

Questions by Mr. Abdulah:

- (viii) Reasons for the delay between advertisements going out and the date that the TSC receives applications from the Ministry of Education (seen in the Status Report of December 31 2011, Table 1 and Appendix 1)
- (ix) Reasons why the Trinidad and Tobago Unified Teachers' Association (TTUTA) had not been consulted for redrafting of regulations (seen in the Status Report of December 31 2011, page 7);

Question by Mr. Prescott:

- (x) State whether the TSC has identified the challenges faced and recommend how the TSC intends to address these challenges.

Questions by Mrs. Alleyne-Toppin:

- (xi) Whether proactive interventions have been utilized by the TSC before an incident escalated within schools;
- (xii) Challenges identified in relation to the Concordat of 1960 as well as any recommended legislation (seen in the 2010 Annual Report, page 12);
- (xiii) Resource challenges for investigating matters in schools;
- (xiv) Statistics on the number of investigations pending and completed;

ADJOURNMENT

9.1 The adjournment was taken at 12:59 p.m.

I certify that the Minutes are true and correct.

Sgd.
Chairman

Sgd.
Secretary

January 27, 2012

**THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT
TO PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS
WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION**

Appendix 3

Notes of the Proceedings

**MEETING HELD IN THE ARNOLD THOMASOS ROOM (WEST), LEVEL 6 AND
J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, TOWER D, THE PORT
OF SPAIN INTERNATIONAL WATERFRONT CENTRE, 1A WRIGHTSON
ROAD, PORT OF SPAIN, ON FRIDAY, JANUARY 27, 2012 AT 9.30 A.M.**

Officials of the Teaching Service Commission

Ms. Hyacinth Guy	Chairman
Dr. Anna Mahase	Member
Mr. Alwyn Daniel	Member
Dr. Gillian Paul	Member
Prof. Ramesh Deosaran	Member
Ms. Yvette Phillip	Executive Director, HRM
Mrs. Gloria Edwards-Joseph	Director, Personnel Administration

Mr. Chairman: Good morning and welcome to this the Eleventh Meeting of the Joint Select Committee appointed to enquire into and report to Parliament on Municipal Corporations and Service Commissions with, of course, the exception of the Judicial and Legal Service Commission.

I want to welcome each and every one of you to this the first session in this New Year and so extend to you best wishes for health, more wealth [*Laughter*] and happiness in this new year. I also want to extend that to the national community who would be viewing at this time and, of course, to the members of the Teaching Service Commission who we have here today, to enlighten us and tell us about developments which have been taking place in terms of the Teaching Service Commission.

You will recall, last year, when we started these meetings, the main core of our deliberations focused on the matter of the efficiency and effectiveness of the service commissions, of which the Teaching Service Commission is one. We will continue along those lines, along that thread of thinking as we continue our deliberations today.

So, without further ado, I am going to first ask the Chairman of the Teaching Service Commission to introduce members of the Commission and other officers who will be here today, and then we will introduce the members of this committee.

Mr. Chairman: Thank you very much, Chairman Guy. Let me introduce first of all the Deputy Chairman, Elton Prescott, SC and I will ask the other members to introduce themselves very quickly and I will ask the other members to introduce themselves.

Introductions made.

Mr. Chairman: Having made the introductions, I think it is customary for us to allow some time for the Chairman of the Teaching Service Commission to make some introductory remarks

and then we will delve into the heart of the matter.

Ms. Guy: Thank you very much. The 2010 annual report of the Teaching Service Commission was submitted in 2011—I think in October—and that report gave a very comprehensive overview of the work of the Commission and what it had achieved over that period.

We do have today an updated report. I have made some copies available to you and I would like to take out from the 2010 report and give an overview of what the Teaching Service Commission has accomplished in 2011.

What is very important to us at the Teaching Service Commission is that we achieve and fulfil the mandate that we have to fulfil as outlined in the Constitution. That mandate relates to appointments and standards of discipline in the school. From time to time, we find that we are called upon to do things outside of our mandate. We try to put that back on the area which has the responsibility and to work with other stakeholders in the education system to ensure that the entire system develops.

Consistent with that mandate is a focus on ensuring that the schools have the resources they need to function effectively. That has been our primary focus. The Commission found a few years ago that the filling of positions in schools were taking a very long time. We found that persons were in acting positions for too long; sometimes as long as three and four years and we approached our mandate by seeking to have that matter rectified.

We are pleased to say that by 2010—you will see in the 2010 report—that, for the most part, we would have been filling vacant positions in the schools which had arisen either in 2010 or very late 2011. That trend continues in 2012 where, today, we are filling vacant positions which have arisen in 2011. We do have some residual amounts from 2010, but, for the most part, we would like to think that we are up-to-date with our filings.

If you have the updated report on page 2—and this is not the 2010 report members; we did make an updated version of this available. We may not have had enough copies for everyone, but on page 4 there is a table which points out the status of the fillings. As you would see, we tried to focus on the principals and the vice-principals. We want to make sure that the schools have the leadership positions. We have completed all the current fillings for principals of secondary schools; 90 per cent of the fillings at the vice-principal level; the principals primary, we have completed 36 per cent of the fillings.

Now, the number seems low, but in 2011 we addressed the majority of the outstanding positions there. You will see in the comments that 30 offices in assisted schools had to be re-

advertised because we either did not get a suitable candidate or we did not have an understanding with the particular board as to who should be appointed to that school. So, if we had factored in the 30 offices that we interviewed for, then we would have had 80 per cent of the positions vacant addressed in some form or fashion.

Then we have vice-principal primary and head of department secondary where you see the percentage fillings there. We also addressed the fillings of deans, heads of departments, senior teachers and delinked offices in the administrative systems in the schools. The administrative positions, deans and heads of departments and senior teachers, those interviews are ongoing and we expect to fill those positions by the end of the first quarter in 2012. That is the goal that we have set. We are using the selection boards to complete those fillings and we are well on target. We think that we have good systems in place for addressing the appointments to vacant offices in the schools. As it stands, we have a 4 per cent vacancy number and we think that number is satisfactory.

Moving on to page 5, the other aspect of our mandate is to establish standards of discipline in schools and to deal with disciplinary matters. We have made some progress here in the sense that we have systems in place now which allow us to know what is happening in the school system. That was not so in the past, but we have worked with the stakeholders to get information on what is happening in the schools and to bring information to us, on a realtime basis, of what is happening in the schools so that we can deal with the matters.

There is a chart which gives us the information of what is outstanding. We have court charges which are outstanding. We have 12 of those. There are matters before disciplinary tribunals. There are matters of abandonment that we are dealing with and there are allegations of misconduct of teachers in the system; and then we have some High Court matters.

By far the largest number here of the 71 matters is the abandonments and that is just an administrative issue that we have to deal with. The allegations of misconduct require investigation by the officers of the Ministry of Education and we are a little challenged sometimes in getting these reports from the Ministry of Education. Of the 21 matters that we have outstanding, we are awaiting reports from the Ministry of Education on 14 of these. Five of them are being processed at the Teaching Service Commission and we have completed two of them.

We feel that one of the issues that we must address in the area of discipline in 2012 is the area of punctuality and regularity and you would notice, in the 2011 report, we indicated

that we would have been issuing some policy guidelines. We did that. Those policy guidelines went out in April 2011 and it is requiring the Ministry of Education to send to us, on a regular basis, information on punctuality and regularity of teachers in the system so that we can treat with the really severe instances of irregularity and punctuality.

Those reports have started to come in to the Teaching Service Commission and, in the meantime, the Ministry has asked us to meet with its officers and discuss how the policy should be implemented. As a matter of fact, they have asked for some training on the policy and that is being done in the first quarter of this year.

We expect that once there is a common understanding on how that policy is to be implemented, we would have the reports coming from the Ministry of Education on the areas where we have teachers who have an inordinately high number of irregularities and punctuality and we will deal with those.

One of the things that we focused on in 2011 and that is continuing in 2012 is the regularity framework. We have been working with the Public Service Regulations. These have been developed by the Teaching Service Commission and it was always the understanding that we would formulate our own regulations. The commission set up a committee in 2011 to look at the regulations and to develop regulations that are relevant to the situation in the teaching service and we have made some great strides in that area. The committee is headed by Prof. Deosaran and they are about to submit their report. Perhaps I can ask Prof. Deosaran to make some comments on that?

Mr. Chairman: At a later stage. You just want to conclude your introductory remarks and then we will open it up.

On a procedural matter, could I ask members, when you need to utilize the speakers, just press and, when you are finished, just press to close it off.

Ms. Guy: To the end of the report, we are talking about the regulatory framework and I made reference to the committee that was set up. That committee will submit its report to the Commission this year, February or perhaps a little later on at one of our meetings we will talk about that.

We are also looking at revising our selection process. We have been revising the selection process for a number of years now. We always look at it and try to tweak it to make the selection process more suitable and relevant to the kind of persons we would like to select in schools and we have been making changes to the selection process as we go along.

What we have done in terms of improving the selection process is to increase the number of panels that we have interviewing. We have the selection centre now even though we have some issues with that, which we will talk. We have increased the number of panels that do selection for the Teaching Service Commission and that has helped increase the pace and the rate of fillings.

We have audited the selection process in the area where we have delegated selection to the Ministry of Education, and that is in the area of primary school teachers. We have audited the process there; we reviewed the selection instrument; we went into the Ministry and we sat on the panels and looked at the way the process was being undertaken there and we have modified it and we continue to audit. We will be doing that on an annual basis to ensure that it meets our requirements. We continue to review and revise the selection instruments, so that we are sure that when we interview for the leadership positions in the schools, we get the person that is best suited for the position.

We have revised the special report. There is a special report that comes from the Ministry of Education which gives information on a particular candidate that is vying for a position, and we have revised that report so that we get more specify information, especially from the supervisors in the system who are supposed to know the people in the system so that we could get more information that could help us with the selection process.

Going forward, we are going to be collaborating more with the Ministry of Education so that we can get more information on the particular school that we are filling at that time. We have devised an instrument which will give us information on the school, so that when you are placing someone in the school, it is important to know what the qualities of the candidate are; what are the needs of the school so that you can get a best fit. We have devised this instrument so that we could get that information, and we are working with the Ministry of Education so that we can get the information coming to the Teaching Service Commission on an on-going basis. Sometimes the rate at which it should come, we are not experiencing that. We have to be urging the ministry along to get that information to us.

We are also going to be exploring additional assessment tools, particularly for assessment of the leaders in the system; the principals and the vice-principals by employing psychometric testing and assessing other competencies, leadership competencies, that we feel are needed in the schools. We are working on developing that and that will come in place in 2012.

Mr. Chairman: Thank you, Ms. Guy. I think we need to take a break now. You have updated us on performance, and we will talk a little more about plans as we go along. Before I open up for questions and comments from our Members, let us just ask a few basic questions. How many teachers do you now oversee in the system?

Ms. Guy: I understand from the Ministry's report there are about 17,000 teachers.

Mr. Chairman: Seventeen thousand teachers. How many principals are there?

Ms. Guy: We have to consider that there are about 700 schools, so a principal for each school, we would say about 700 principals. Not every school has a vice-principal. That is broken down into secondary and primary schools.

Mr. Chairman: So what I would do is, I would open up questions to Members. I would ask that we deal, at this point in time, with the structure and role. I am sure there are some topical issues, very current issues that we can deal with as we complete some of the initial overviews. Mr. Sharma you had a comment that you wanted to make.

Mr. Sharma: I would like to welcome the chair and Members. I love listening to you. I could listen to you all day, you sound good, very good. I want to welcome Dr. Paul and the other new member, Mr. Daniel. Let me congratulate you, you are from Fyzabad.

The question that begs is, what are you doing different, maybe very little if I could offer an answer at the same time. You know, there is a famous pronunciation of the word paradigm, and you are making no paradigm shift, absolutely none. What is the country expected of you, and how close are you to those expectations? These figures that you have called out are good figures, but they are almost useless if they are not in comparison with something. If you pelt a mango seven times, you should knock it down on the seventh times.

If you have 1,200 vacancies, assuming you have so many, and you are doing 10 or 20 per cent, then you are not doing very good. What is limiting you from performing? How are you conversant with the national community with what is expected of them? The concern of every parent, grandparent and guardian is to have their child educated in a safe environment with all that is required. The Teaching Service Commission is their hope, to a large extent, to make that happen.

You would have seen a recent court judgment. I trust that you have taken the time to read it, and if you have not, the Commission should obtain a copy and have a lawyer explain it. That is a very instructive judgment that was given a few days ago by Justice Ventour, I think it is.

Mr. Chairman: Just for the benefit of the Committee, what was the matter at hand?

Mr. Sharma: This is Kamla Jagessar and the Teaching Service Commission. It is a court matter 2009-01445. It would be useful for all of us to read it. Lately, many schools are in the newspapers for a lot of ugly reasons and you must minimize that happening.

The national community and those vested with the interest of children, at all levels, are not aware of your existence and of what you do; how to communicate with you, if at all. The country has no shortage of persons who could qualify to become teachers. There is no outreach to those persons. A person holding a degree in this country does not know how to become a teacher, and the level of frustration is extremely high. It is time that you establish some kind of procedure that tells a 22 year-old person who has graduated with degree A, B or C and is interested in teaching how to access it, and what is the timeframe.

Mr. Chairman: Okay, Mr. Sharma, I think there is quite a lot that you have put on the table.

Mr. Sharma: Well if I speak, the others do not have to speak. I would speak for all of them.

Mr. Chairman: Yes, but I would like to hear some of the others speak as well. Ms. Guy, I think some of issues that were raised are, the conversation of being conversant with the national community; what are you going to do different. I take that to mean what you are going to do better. Would you like to comment as well on the recent decision of the courts with regard to Kamla Jagessar?

Mr. Sharma also raised the question of PR and communication about allowing people to know what you do and how they can fill positions that are available at the Teaching Service Commission. So it is quite a mouthful. Maybe you might want to address some of these matters.

Ms. Guy: Thank you very much, Mr. Chairman and thank you Mr. Sharma for your comments. We take them on board. Let me start with the PR and communication. The Teaching Service Commission, over the years, has extended itself through an outreach programme to its stakeholders in the system. We found that in order for us to achieve this mandate that we talked about, we had to reach out to our stakeholders, primarily the Ministry of Education, because a lot of what we do is integrated with the work of the Ministry of Education, and unless we make that work one seamless process then we would not have had an increase in the efficiency. I stand by the statement that we have increase the efficiency and the effectiveness of the Teaching Service Commission, and we have done that by engaging our stakeholder, primarily, the Ministry of Education.

Mr. Chairman: Could you give us some concrete examples in terms of that outreach programme? What particularly have you done other than meeting with the Ministry of Education?

Ms. Guy: You meet, but you meet with a specific purpose in mind. The system that we had in the Teaching Service Commission was that when a vacancy came up, that vacancy was advertised by the Ministry of Education. The information came to the Teaching Service Commission and the commission filled that vacancy. When you look at that vacancy, very often you would find that you have somebody in that position who would have been acting three or four years and we found that was untenable, and that accounted for many issues in the schools. You needed to have a good leadership structure in the school if you wanted to have schools functioning effectively, so we made that a primary focus.

We worked with the Ministry of Education and set up two committees; one was a strategic committee where the Teaching Service Commission members would meet with the Permanent Secretary and the team of officers there, and we set the strategic direction; this is what we wanted to achieve over a certain period. Then we set up an operational committee which comprised officers at a lower level at the Ministry of Education, that is in the HR department and the executive director and her secretariat team at the level of the Teaching Service Commission, so that strategic direction could be operationalized and we monitored those over a very long period to institutionalize those processes. What we found is that by implementing those strategic goals we have had a change in the way these appointments are done.

We do not fill schools one at a time now. What we do is identify over a long period of time, what are the vacant positions that would arise and the Ministry advertises those positions as they have already done for 2012 and we are interviewing for those positions now. So it is a seamless process now. That is in the area of appointments.

Mr. Chairman: With respect, Ms. Guy, I think the question that is being asked is what you are doing in terms of the communication with your stakeholders and your clients who are teachers. Your communication and that is the Teaching Service Commission, letting them know what is happening, their responsibilities, their obligations and what the Teaching Service Commission is there to do and so on.

I could reflect back on your 2010 report or the last time we met here, you spoke to meetings that you were having with the various stakeholders; the teachers' union, the

denominational boards and so on. You spoke to your PR programme. What I think Mr. Sharma—if I could understand him, if at all, is asking is—what is that communication and PR process with the eventual client which is the teacher, and you are speaking more to efficiencies, but we are speaking more to the question of communication. Could you address that at this point in time?

Ms. Guy: I would get to that, Sir. We have a number of stakeholders. As I said, the primary one is the Ministry of Education. When you go out to the stakeholders, you have to be able to say something of what you are doing and you have shown some step changes. So that is why we address the Ministry of Education as the primary stakeholder.

Another major stakeholder in the system is the denominational boards and the association of principals. We also engage those stakeholders so that they were part and parcel of what we were doing, and we found that it was easier to implement the things that we wanted to implement.

Another major stakeholder at another level was the supervisors in the system, and we meet with supervisors in a workshop every year so that we could translate our policies and programme, and they could get an understanding of them and take that back to the schools where we have the principals and the teachers.

This year, we are extending our outreach programme, because you would know that this evolves. This is a process that unfolds over a period of time. So, this year we have extended our outreach programme and we will be meeting with the principals in the districts so that we can get an understanding of what are the issues and challenges that are facing principals, and we will be doing this district by district. I believe that is outlined in our 2010 report and it is also repeated in the 2011 update that we did.

Mr. Chairman: Did you do that last year?

Ms. Guy: Yes. But we want it to be a full-scale programme; it is coming in incrementally. Our members have met with principals at the districts, but we want to have formal quarterly meetings with principals by districts working through the supervisors, so that we could get an appreciation of the issues that they face in their day-to-day operations in the school.

We also meet without stakeholders in Tobago and we do that several times a year. We update them on what is happening at the Teaching Service Commission, and we get an appreciation of the issues that the people in Tobago are facing. And then we have our quarterly newsletter, and through this, we give information and updates on what is happening at the

Teaching Service Commission.

So I would like to think, Mr. Chairman, that there are changes happening at the Teaching Service Commission, and I think those changes, if we talk to our stakeholders, are evident. We continue to focus on the things that we feel still need some improvements, and we always set ourselves goals and we review those at the end of the period that we have set them for.

Mr. Chairman: May I suggest to you that in terms of the Outreach Programme to the wider national community, it might be useful to consider and, if appropriate, utilization of, let us say, the government information programmes which have a board reach, so that citizens overall may understand the update. We do get these reports to Parliament, but how many people would actually take the time to read them; I suggest it would be quite a few.

Maybe you need to look at other avenues to expand the Outreach, not only to teachers and to principals, but to the eventual clients who would be parents of students in the schools, and what does it mean for them; the role of the Teaching Service Commission, in ensuring issues such as the minimum delay in filling of Teacher positions in subject area positions.

I must commend you for the very significant increase in the filling of these positions in a timely manner.

But you know, getting that out to the national community is a way of receiving feedback that this is not happening here, there or everywhere. Do you have a website?

Ms. Guy: No, Sir.

Mr. Chairman: Okay. I think that in a modern system it makes sense in order to receive complaints and so on, directly, rather than going through the maze that one may have to go through, it makes sense to have a feedback website. It is a modern society with e-government and other “e-things”.

There was some other question that you—I do not know if you want to address it now or later. Did you have some time to look at the Kamla Jagessar decision, which Mr. Sharma raised?

Ms. Guy: That came to the DPA yesterday, and we have asked for copies to be made available to all members. We expect that by the next meeting we would have read and understood all aspects of the judgment and we will have a discussion on it. I do not know if the DPA has had the opportunity to look at it and may wish to comment, but we have not, except to read what has been reported in the newspapers. But we would like the opportunity to read the judgment in

detail.

Mr. Chairman: Could you review and give us a feedback? [*Crosstalk*] Mr. Samuel, you had a question?

Mr. Samuel: Chair, likewise, I want to wish the committee and their entire body, a wonderful and blessed 2012, and that God may continue to bless all.

In your introduction, Ms. Guy, you talked about wanting to revert to your mandate of appointments and standards of discipline. One of the things I will like to find out is: What really is the disciplinary mechanism used from the standpoint of who comprises the Disciplinary Committee? The investigations; if you have investigators and where do they come from? If there is a committee that we can see is responsible for the investigation of teachers in the midst of situations and what is it comprised of? You mentioned also that you have had a lot of interviews and you have had to now re-advertise.

Ms. Guy: Yes.

Mr. Samuel: I wanted to find out what have you found out in your survey of all the people that have applied, and those that you interviewed, as to be the main shortcoming of those who have failed in your assessment of them? And what can be done to help develop teachers to ascribe to the levels that you want with regards to supervisory training and leadership training? People just do not become that. And if you have in mind, plans and programmes of development for such so that in the future they could attain to the levels and the standards that you would like them to attain to? Because persons who apply for supervisory posts feel that they are equipped, and you now are saying to them that they do not meet the standards. They do not probably know why they did not meet the standards and how they can develop themselves to meet that standard in the future. And if you have plans and suggestions through the system as to how we can have ongoing training and development of such personnel?

Just one more point, Chair. In your report, you said that the Commission also wrote to the Chief Justice—page 5—to seek his intervention in having the hearing of matters pending before the court expedited; have you had a reply from the Chief Justice? Likewise, the Director of Public Prosecutions; you also requested from him certain information, so I want to find out what sort of response you have had from them, if any at all? Thank you.

Ms. Guy: Let me take the issue of discipline which you have spoken about. How is the disciplinary process conducted? The Commission works via the Public Service Regulations as adopted by the Teaching Service Commission. I think in 1968 or so—these were regulations of

1966 and the Teaching Service Commission adopted them in 1968, and we are now looking at putting in place regulations that are more relevant for the Teaching Service Commission. As I mentioned, Prof. Deosaran and his team have done a lot of work on developing those recommendations.

So the process for discipline is outlined in the regulations, and it does say that if there is an allegation of misconduct against any officer then that allegation of misconduct must be brought to the Teaching Service Commission via the Permanent Secretary. We have indicated to the Permanent Secretary that in cases where we have allegations of misconduct relating to violence in the school, abuse of children, or if a teacher has been charged, that that matter must come to us within the same school day.

What we found happening is that the Ministry would have conducted its investigation first to find out whether there was any basis for the allegation—and sometimes that took so long. So things are going on in the school and we at the Teaching Service Commission have the responsibility and we are accountable for discipline, but we do not know because investigations are going on and we say; “Look, even while you are investigating you need to bring that to our attention”, and that is a policy decision now.

So within the same school day it must be brought to our attention and depending on the charge, we can ask the Ministry to ask the officer not to report to duty until that investigation is completed.

Mr. Sharma: Chairman, through you, do you take any action if something comes to your attention minus the Ministry of Education. For instance, you see on the seven o'clock news an incident happening in the school—

Ms. Guy: Definitely.

Mr. Sharma: You do something?

Ms. Guy: Yes, we do.

Mr. Sharma: In recent times—?

Ms. Guy: Yes. I think most of the times.

Mr. Sharma: Slow down a bit.

Ms. Guy: Yes.

Mr. Sharma: In recent times, without committing, which matter you intervened having seen it on the television or something, and you said; “Hey, we got to take action”. Which one did you?

Ms. Guy: I cannot be very specific but there are a few. We have seen matters that would have

been on the—

Mr. Sharma: Maybe I could refresh your memory. There was something happening at Tunapuna Hindu School recently, there was something happening at ASJA College in San Fernando, there was something at South Oropouche Government School a few days ago, there was something at two to three other schools; did you find it possible to intervene in any one of those?

Ms. Guy: You called two there that were dealt with in using the established process, but we, from time to time, see—

Mr. Sharma: So you did not have cause to intervene in any? You see, what I am trying to find out; are you sitting down there in Port of Spain somewhere and waiting for this long drawn-out, outdated process that you just identified, through the Ministry of Education to say you need to do something? Or are you saying; “Hey, the newspaper today, the three newspapers carrying in the front page, something happening in school A, let me do something”, or the television news last night showed parents frustrated, angry, protesting, whatever they are doing, or you read in the newspapers a person with a Master’s Degree—

Mr. Chairman: Mr. Sharma, I think the question is understood.

Ms. Guy: Yes, we understand the question. The short answer is that we do not sit in a very passive way and wait for things to come to us, Mr. Sharma. I think we are a commission that is more proactive than that.

Mr. Chairman: Ms. Guy, I think we would get to the position very shortly to speak directly to that matter of the Tunapuna Hindu School—

Ms. Guy: I was not about to speak about it though, I was speaking in general.

Mr. Chairman: No, I am saying that we are going to come to that, but could you complete your answers with regard to Mr. Samuel’s questions?

Ms. Guy: Okay. So I was talking about the procedure with respect to discipline. Once something happens at the school and it is a matter that falls within a certain framework—and I talked about violence against children or violence in general, abuse of children or if there is a court charge—then that matter must come to the Teaching Service Commission within the same school day and there is a mechanism for that to happen.

From time to time, you would hear of something that has happened and you are not getting any information from the Ministry as you expect, and the Executive Director of the Teaching Service Commission knows that the standard that has been set by the Commission is

that the secretariat is expected to be proactive and call the Ministry to get information about that matter, and that has been done very often.

Mr. Chairman: Your report has suggested that certain matters of indiscipline, abuse of children and so on, require the Commission to be notified within 24 hours; what has been your experience as far as that is concerned? Have you been receiving the complaints or the reports on time—or the notifications?

Ms. Guy: Yes. Yes. Yes. For the most part, I cannot recall of any area. In that area that we have not gotten the information, the Ministry has been very cooperative in that regard, and we find that the officers at the Ministry; once we explain the policy and put that new policy in place, the Ministry has been very cooperative. From time to time, we have other issues which do not fall into that category and maybe there is a little issue as to whether it should or not, we do not wait, we will pick up the phone and call and ask what is happening with that particular situation.

Mr. Chairman: On a related matter of investigating officers, in your last discussions with the Committee, you had raised the concern about the timeline for investigating officers completing their reviews; what is the position now? Has that improved if at all?

Ms. Guy: It has improved significantly. [*Inaudible*] Investigating officers, according to the regulations, have 30 days within which to complete an investigation and send that report to the Teaching Service Commission. At this point we have 21 matters being investigated, these are allegations of misconduct, we have 21; of the 21, we have 14 reports outstanding from the Ministry of Education.

Mr. Chairman: Those are 14 reports that have gone beyond the 30-day period?

Ms. Guy: Yes. So that continues to be a challenge. We continue to work with the Ministry, and they sometimes seek extensions. We require them to say why there is an extension needed and we are always on top of it. We do not just sit and wait. When the time comes, when the 30-day period ends, we ask the Executive Director through the secretariat to enquire of the Ministry of Education and get a status of the particular investigation that is being handled there.

Mr. Chairman: On a related question, in terms of the regulations that you are considering, are you seeking to put measures in place to ensure that these investigative reports are completed on time, and whatever sanctions there are for the completion are embedded in the regulations?

Ms. Guy: I would ask Prof. Deosaran to answer that, because that is being addressed in the regulations being considered for the Teaching Service Commission.

Prof. Deosaran: Mr. Chairman, members of the Joint Select Committee, let me extend on my own behalf a very pleasant good morning to all of you. I must take a moment to indicate my admiration for the facilities you have now, since we have moved from St. Vincent Street. This is the first time I have visited these quarters, and let me take this virgin opportunity to say how I wish that other public institutions could enjoy such enhanced facilities, especially service commissions. [*Laughter*]

We are on a very important issue, the question of discipline in the teaching service generally. I wish to draw your attention to a document we have taken the privilege of circulating to you; it is called a report of the Teaching Service Commission for the Joint Select Committee of Parliament and a Status Report as a December 31, 2011. On page 6 it says:

In 2011, the Commission noted with concern increasing levels of unpunctuality and absenteeism in the teaching service, and in this regard requested the Ministry of Education to submit reports of late coming and early leaving by teachers during the school term ending April 11, 2011.

The data received was not complete and the Commission is still awaiting the information from the outstanding schools and districts.

In a sense this summarizes the challenge facing the commission and it brings us to the necessity to have the regulations reviewed. For the time we have been using the 1966 Public Service Regulations, but the current need is to update our own regulations, not only to gather the information on such incidents in the ministry, but to see how our regulations could invoke sanctions of one kind or another by not receiving the information in a timely manner.

We have undertaken this exercise with an eight-member subcommittee of the Teaching Service Commission and we are looking at, not only what the ministry is supposed to deliver in terms of controlling and reducing indiscipline, but also putting stricter time lines. There are gaps in terms of the period into which the ministry should respond, so that is an example of taking the opportunity in revising the regulations, to tighten up both the time lines and to see the extent we could go in invoking sanctions of one kind or another upon the officer charged for supplying us with such information.

The attendant dilemma we have, and it shows you the need for interagency collaboration in such an important matter, is that the jurisdiction does not extend throughout the whole public service in the Ministry of Education, so we need the cooperation with Public Service Commission to invoke sanctions where necessary; just as we are looking at the regulations to

see, on the question of adjournments—

If you look on that same page, Mr. Chairman, members, you would see in terms of disciplinary tribunals—and this follows up on what the Chairman has said, in terms of managing the question of discipline, you need not only information, but you need procedures that are both reliable and implementable—on page 6 in the same document to which I referred, you would see the number of adjournments for matters before the tribunal. We are now seeking the assistance of our Director of Personnel Administration and the Chief Justice, in some related respects, to see whether we could cut down on the number of adjournments to have a more expeditious flow of dealing with matters of teacher indiscipline.

So all in all, we are now crafting a new set of regulations. We intend to finalize the first draft by February 15, and in that context we are putting a tremendous emphasis on the question of teacher discipline and an attempt to reduce that so that the students in the school could have a greater benefit from their studentship.

Mr. Chairman: The specific question I asked was: Are you going to put in the regulations sanctions for investigating officers not meeting the required time line for submitting a report?

Prof. Deosaran: The answer is yes, but I am still careful to say that we have to know the scope in which we as a service commission could operate and not transgress the jurisdictions of other agencies; but the answer to you is yes we will.

Mr. Chairman: I want to move on to some other questions raised by Mr. Samuel. One was the shortcomings of teachers and the development plans that you have for teachers. I think that was his third question.

Ms. Guy: I will address that, Mr. Chairman. If you look at the area where we have a smaller percentage of positions filled, that is in the area of principal primary schools and vice principal in primary schools—the issue of the filling of principals in primary schools, in 2010 and 2011 altogether we had 69 vacancies, and we were able to fill 25.

We have a note there that says we had to re-advertise 30 offices, and these were primarily in the assisted schools where we were unable to get a suitable candidate. We had a meeting with the denominational boards and indicated to them the difficulty in finding suitable candidates, and we had agreement that we would re-advertise those positions.

As you know, there is a particular process for filling positions in assisted schools. Having gone through that process and having not found candidates, we shared that information with the boards and we have had to re-advertise the schools. We find that there are not enough

leadership competencies in the candidates who are presenting themselves for appointments. We also have a high level of late coming and absenteeism among teachers. They are presenting themselves to lead a school, and we have a difficulty with that. We have sent a message to teachers and principals that the issue of irregularity and unpunctuality would be looked at very seriously at the level of the commission. When you present yourself for a leadership position, we would like to know that you have demonstrated certain leadership competencies, and we are confident that if we put you to lead that school, you would be a good role model.

Mr. Chairman: I would ask the forbearance of other members. I think Mr. Maharaj has a burning question he wants to ask.

Mr. Maharaj: No.

Mr. Chairman: It is not a burning question?

Mr. Sharma: I am hearing something; I wish that I am wrong, but something seems very disturbing. You are saying that you are finding the right people at the government schools, which are not doing very well, and you are not finding it at the board schools that are doing very well?

Ms. Guy: I am not saying that.

Mr. Sharma: Well it is very close to what you are saying, because you are saying that the persons who are representing themselves are not suitable. What do you mean by that?

Ms. Guy: Of the 69 schools that we addressed in 2011 and 2010, we had to re-advertise 30 offices. Those were board schools.

Mr. Chairman: If I may, what is the ratio in the non-board schools? You said 69 positions and 30 had to be re-advertised, which is close to 50 per cent.

Ms. Guy: Yes.

Mr. Chairman: Do you have a comparison for the non-board schools?

Ms. Guy: I believe that the majority of primary schools are board schools. I do not have the numbers before me, but I believe the majority of them are board schools.

Ms. Phillip: Yes.

Ms. Guy: The majority of vacancies would have come up in the board schools. This is not an indication and is not a comparison of the competence level in the government schools and the board schools.

Mr. Chairman: I agree with Mr. Sharma. You are saying this, so that if we had some benchmarking against the other schools it might give us a context in which to make a

comparison. Do you have the comparative figures? That is what I am asking.

Ms. Guy: We could get some more details as to how this is broken down, I do not have that before me, but we must understand that if we do not find a suitable candidate in the government school, then we simply inform the Ministry and we re-advertise those schools, but we have to do an engagement process with the boards.

Mr. Chairman: We will try and come back to that. I do not think you fully addressed Mr. Samuel's question as to the shortcomings and development of teachers. We might want to clarify what your role is, if any, in the question of development and training of teachers. Could you clarify that for the benefit of the national community, and then we would go back to Mr. Samuel.

Mr. Samuel: Chair, just to clarify my question. I wanted to find out, as you interview teachers and see shortcomings, what recommendations for development do you have, what do you propose to the system that could be utilized to develop and bring them up to par?

Ms. Guy: We do that when we meet with our major stakeholder, the Ministry of Education; the Permanent Secretary and her team at the Ministry of Education. We would find from time to time that there are these deficiencies. Some people do not have the necessary competencies, and when we meet at that strategic level, we would share that information with the PS and her team. The Ministry of Education is responsible for training, development and performance management. They are responsible for appointments and promotions. So our role really is just to pass that information along; articulate our observations and pass that information along.

Mr. Chairman: I think we have a batting order that I would want to complete before we open up again, but there is a last question which is pretty straightforward—Chief Justice, have you received—

Ms. Guy: We have not gotten a response as yet, Mr. Chairman.

Mr. Chairman: And the DPP?

Ms. Guy: Neither, have we gotten—*[Interruption]* I stand corrected, sorry. We got a response from the Chief Justice, but we have not gotten a response from the DPP as yet.

Mr. Chairman: Was it a favourable response, a useful response?

Ms. Guy: Perhaps Ms. Phillips could answer that.

Ms. Phillip: It was positive. He said that he was looking into the matter and that he would inform us, so it was a positive response.

Mr. Chairman: Brigadier, would you want to just interject your question?

Brig. Sandy: Permit me to associate myself with the sentiments and blessings conveyed by my colleagues earlier.

I have two questions. I would take you back, Ms. Guy, to the selection process. Tell me, is there any vetting done that would unearth people like alcoholics, drug users, child abusers and things like that, prior to coming into the system? Of course it is our children we are dealing with. The other question is: Is there a dress code for teachers? Sometimes you see some teachers and you wonder what they are encouraging our children to wear. Thank you.

Ms. Guy: Regarding the selection process, you asked whether there is any vetting so that we could discern the character of the people that we are bringing into the system. You talked about drugs and alcohol, et cetera. I think at this time the answer is no. Somebody can come into the primary school system as an assistant teacher, with a certain level of qualifications; that person meets a certain benchmark insofar as qualification is concerned, that person is interviewed and that person goes on the order of merit list and can be placed.

In one of our meetings a few months ago we asked the ministry to institute a process of having a certificate of character, that the person should at least come with a certificate of good character as part of the assessment process. Going forward, this is where we have introduced into our selection process, and that would be done this year, the pre-selection activities. The intention is that we at least have some indication of the character and personality type that we are bringing into the system, and we would use the different selection tools to ascertain that. We would have to work with the Ministry of Education to look at the other areas, for example, whether we could send someone for a drug test, or any kind of other test, before they actually come into the system.

As it is now they have to do a medical before they are confirmed, but by the time they are doing a medical they are already two years in the system; that medical is for permanent appointment, but they spend a while in a temporary position before they could be confirmed. Yes, it is necessary, in my view, to have all of those tests done even before the person enters the system, but it is not that way at this time.

Mr. Chairman: Could you provide us with some feedback with regard to this matter of drug testing for persons who are entering the system, because they enter through contract, they enter through temporary employment as well, so much damage could be done—

Ms. Guy: It is already being done.

Mr. Chairman: —by the time you get to the confirmation stage. Did you answer the question

of dress code?

Ms. Guy: I understand that the Ministry has a dress code, now that does not fall within our purview, but I do understand that the Ministry has a dress code—I stand corrected, that is subject to confirmation. It is a basic, basic requirement, I would like to think in any organization, and one would think that would not be something that would be overlooked.

Mr. Chairman: Before we go to Mr. Maharaj, I think that Prof. Deosaran wanted to add to those comments.

Prof. Deosaran: If I could follow up and assist on the Chairman's comment on the dress code, which is another important element in maintaining discipline and the required conformity in schools. The regulations, Mr. Chairman, and Members, do have an item on dress code—and I may be subject to correction here—but on the so-called Hijab Judgment with the secondary school in Port of Spain, the Judgment indicated that each school should be responsible for its dress code, and then a judgment could be properly made within that context as to whether the dress code has been violated or not. The court, according to the Judgment, asked that each school determines its own dress code and maintain obedience to that dress code.

Mr. Chairman: Mr. Maharaj, you had some burning questions?

Mr. Maharaj: Yes, Mr. Chairman, I actually have several but in defence to the time that we had set ourselves, we are restricted for the time being.

First of all, I would like to say how extremely disappointed I am that the Commission has not had sight of this Judgment that was given earlier this week. I, as somebody not connected with teaching directly, managed to get the entire Judgment of Justice Ventour, and had a quick look at it. I am disappointed that the Commission—seeing that this really addressed significant stakeholders' contribution to the Teaching Service Commission and its relationship with them—is still waiting for a copy to be made to them. That would really affect any regulation changes that they are planning, especially when it comes to the denominational board.

Ms. Guy: May I correct?

Mr. Maharaj: Please go ahead.

Ms. Guy: The Judgment was obtained by the DPA yesterday, and we understand that copies have been made available to us, but we have not yet had the opportunity to read and distill it at this point.

Mr. Maharaj: All right.

Ms. Guy: And that is yesterday to today, we were preparing for this meeting.

Mr. Maharaj: I have had a copy—

Mr. Chairman: Okay, Mr. Maharaj, go on with your questioning?

Mr. Maharaj: I would like to know really how are they going to give effect to the declaration of the court, given that the judgment places a duty upon the State to preserve the different denominational status of the religious boards schools to protect the right of choice. And the judgment goes on into a number of areas, but since you have not had the opportunity yet to deliberate upon it, I would not go further with the questions on that line.

In another area—

Mr. Chairman: Go on, Mr. Maharaj.

Mr. Maharaj: One of the areas of objections for appointments or promotions or so on by the board, is on the ground of moral and religious grounds. For example, if an Islamic school objects on the ground of religion, where does the Commission get its authority to determine if that objection is based on fact, and is indeed true and correct? And similarly if a Christian school, a Catholic school based an objection on some aspect of Christianity, does the Commissioners see themselves fit as theologians in in the various religions of the nation to make a pronouncement, or do you go outside for external counsel on religious matters, and if so, who? Because clearly, if an objection is made, you would have to verify that objection is based on some degree of accuracy by the various boards and so on.

Another question I have, mention was made of dress code guidelines a short while ago, and I would assume that if a teacher does not conform with particular guidelines, it would be grounds for some sort of disciplinary action and so on. So if you are in charge of disciplinary action and you are not aware of the dress code guidelines as given out by the Ministry of Education, to me, there seems to be a disconnect there.

One other question in another area: is the Minister of Education consulted with respect to the appointments of Deans, Principals and Vice Principals? Does the Ministry of Education and the Minister of Education have any role in those appointments? I will stop there for now.

Mr. Chairman: Okay. Would you like to respond?

Ms. Guy: Mr. Chairman, I would attempt to address some of the questions, and I may pass some of the questions to other persons on the team here.

Mr. Maharaj indicated his disappointment at the fact that we had not have sight of the Judgment. Just to reaffirm, that copies have been made available to us but we have not had the

opportunity to deliberate on it, and to identify the issues and to come to some understanding as to what it was saying. The DPA here has indicated that she has read it thoroughly, and if you have any questions that you may want clarified, I am sure she will be able to give some insights.

[*Inaudible*] Perhaps you can repeat it?

Mr. Maharaj: How does the Service Commission, given the declaration of the court, intend to preserve the right of choice by the parents? The Judgment was very clear in terms of appointments [*Interruption*]*—*the page of the Judgment, do you have it before you? If you look of page 29 of 30 in the Judgment, paragraph 93, where it makes specific reference to regulation 133, and paragraph 95*—*

Ms. Guy: Which I have underlined as well.

Mr. Maharaj: I do not know if you have the same*—*

Mrs. Edwards-Joseph: Yes, Mr. Maharaj, I think by way of information we should go to what the judgment spoke to. It spoke a lot to process. And really and truly this is a matter where Kamla Jagessar took the Commission to court for not appointing*—*

Mr. Maharaj: I am familiar with the material*—*

Mrs. Edwards-Joseph: Yes, but I need to place the context in order that I could answer. The Commission was sued in the matter for not making the appointment in light of the fact that the board objected. What the attorney argued is that, notwithstanding there was objection from the board, the Commission could have made the appointment. The Commission said that it was not empowered to make the appointment, in light of the fact that the board had objected. And if you read the Judgment in its entirety you would see that the court upheld the Commission in this matter, we won this case.

The Judgment spoke about regulation and in what clearly are the processes to be followed in making appointment, and the judge in making his pronouncement at 93*—*to which you referred*—*spoke explicitly to the fact, that 123(3) is clear in that it mandates the Commission by rule, which is law, to make appointments to assisted schools with the approval of the board. And in the circumstances what Miss Jagessar contended, and her attorney as well, was that the Commission did not have to wait, and could have acted outside of that. And our Senior Counsel argued successfully that the Commission was well within its right not to act because the law and the regulation prescribed the particular process which must be followed. Right.

There is instruction here for us and for the board. You have to take on the

denominational board because the Concordat says what the functions are. The attorney also argued, that the Concordat was not substantive legislation and that the Constitution and regulations were substantive, and the Commission could not allow what is not substantive regulation to interfere with its role under the Constitution. And the judge also said, that the Commission is empowered to make its own regulations, and if the Commission had inserted this process of consultation within the law, the Commission did not act ultra vires the Constitution or its law. That is what is said.

Mr. Chairman: Okay. I think that was a good enough exposé of what the Judgment was. Mr. Maharaj had a question with regard to objections on moral and religious grounds. Ms. Guy, do you want to answer that question?

Ms. Guy: Yes. The regulations say that the Commission will not appoint a teacher to an assisted school without the approval of the board. So it means that there must be that consultation process. When the Commission is filling a position in an assisted school, the Commission goes through a particular procedure, it interviews the candidates and, in keeping with regulation 18, it would select a candidate. It must then seek the concurrence of the board before it can appoint that candidate.

Oftentimes the board would have conducted its own interview process and the board would have its own candidate recommended. Where our candidate, the Teaching Service Commission's candidate and the board candidate is the same, then that appointment is made. Where the recommendation is different, then we engage the board in a discussion. Very often we will have a meeting with the board, and we would ask the board for information as to why it is the particular candidate is being recommended, particularly if we see that the candidate does not, in our view, meet the requirement as outlined in Regulation 18. Sometimes the board is looking, as it is required to, under the Concordat, for a candidate—

Mr. Maharaj: Chairman, with all due respect, that is not the question that I am asking. If the board objects on religious and moral grounds, who among you is qualified to make such a pronouncement? For example, I am in charge of an Islamic school and this person is due for promotion or appointment, and the board objects, which one of you all says, that the basis of the objection is founded on some sort of religious fact, or do you go outside? That is what I am asking.

Ms. Guy: We do not get into that. If the board objects on religious grounds—

Mr. Maharaj: If the board objects on religious grounds regardless or not if the religious

ground is hollow, you accept it?

Ms. Guy: Well, the board has to set its own standards as to what are religious grounds.

Mr. Maharaj: If a board is taking punitive action against the person, for example, if they do not want to see that person advance, will you accept that?

Ms. Guy: No. That is why we would call the board in and have the board explain; if they did not put it in writing, we would have the board explain and give reasons why it is saying that it does not want this particular candidate. And each board has its own standards as to what it defines as “religious grounds”.

Mr. Maharaj: So, having advanced their standards, you do not question it?

Ms. Guy: Pardon me. Of course, we do because sometimes we are not always comfortable with it, and some boards will just say religious grounds, and would not go further and give any more explanation. If having engaged the board we find that we are not comfortable, we just cannot accept on “religious grounds” with no in-depth explanation, we still cannot appoint. So what we would do in a situation like that is to re-advertise that position.

Mr. Chairman: So let me just get some clarification. You are saying that the denominational board essentially has the power of veto, because if you had a candidate that seemed suitable in, shall we say in all other respects, and the board objected on the grounds of inadequacy, in terms of moral and spiritual and religious credentials, there is in effect a veto for that appointment.

Ms. Guy: It is not a veto power.

Mr. Chairman: What is it?

Ms. Guy: Rather it is, they must approve, so it is not veto power.

Mr. Chairman: Okay. Then on the other side of it, we see in your 2010 report a comment in terms of major challenges with respect to the Concordat and you spoke to the credential of teachers, and may I just read into the record so that you can clearly answer this question:

“The Teaching Service Commission has sought to apply this agreement in its letter and spirit, and this agreement deals with the question of —

that a teacher shall not be appointed to a school if the denominational board objects to such an appointment on moral or religious grounds. Similarly if a teacher be found unsatisfactorily on these grounds moral or religious the denominational authority has the right to request his removal to another school after due investigation.”

Then you in your report spoke to the question, that the Teaching Service Commission

has sought to apply this agreement in its letter and spirit, but in doing so has encountered a number of challenges, and you went on to give an example.

“For example, persons who are not of the faith, but who have been accepted by the Board to teach”—this is at the teacher level—“are debarred from an appointment as vice-principal or principal, even if they have given long and meritorious service.”

This is in your report, and you go on to say:

“Such teachers are sometimes superseded by persons who are of the faith, but whose competencies as an academic leader fall short of the teacher who is not of the faith.”

So, somebody is accepted by the denominational board to be a teacher in the school. He/she is a teacher in the school, so I suppose that means he/she would meet the moral and religious bar at the level of the teacher.

Mr. Maharaj: No.

Mr. Chairman: No?

Mr. Maharaj: If you have a shortage of a particular type of teacher, let us say, Geography, and you cannot get within your faith you have to go outside—but I would not charge you for that experience.

Mr. Chairman: Okay, so you are say that out of expediency—even though this person may not meet the moral and religious standards established by the school—this person will be taken into the school to teach. But when it comes to the question of vice-principal or principal, then the question of moral and religious issues come to the fore.

Mr. Sharma: Mr. Chairman, I have a question exactly on that. I read in the newspaper and I heard on the electronic media that the official of the Maha Sabha wrote to the Teaching Service Commission, I think, in June of last year, I am citing religious and moral grounds in relation to a teacher at a school, I think it may have been Tunapuna Hindu School—has the Teaching Service Commission attended to that by calling the board?

Mr. Chairman: Okay, Mr. Sharma, let me just finish my thought and I would ask Ms. Guy to answer.

Mr. Sharma: I was just on moral and spiritual grounds with you.

Mr. Chairman: Yes, but I wanted to finish. This has given rise to disgruntlement, demoralization and a sense that the system is unfair. Now, would you like to comment on this as well as the question that Mr. Sharma has raised, and Miss Cudjoe what you wanted to raise is related to this or is it different, because I want to—

Miss Cudjoe: Unrelated.

Mr. Chairman: Unrelated, okay. Do you have something related? Could you raise your question?

Mrs. Alleyne-Toppin: Thank you, Mr. Chairman. Blessings to everybody, may God continue to provide what we need in this season. I want to know here what criteria obtain for primary school principalship, especially in light of the argument that we are having and to state that I have found people who seem to carry all the spiritual, moral and excellent teacher standards applying for the position of principal of schools where they have been great stewards for many years and who have been bypassed over and over and who have had people who are much, much less competent—and I could give you some examples—of taking over the reins of leadership.

I understand the Concordat, I understand that the board decides, but it is really grossly unfair what is happening there, and I want to know, especially in this respect, whether you have to have a Bachelor's degree to be a principal? How could you get to the point of applying for a principalship when you have been teaching, maybe, 30 years and when you come to that point where you are being interviewed for a position of principal or vice-principal, you are suddenly deemed to have no competence in the area, I want to know what is the process? What is happening? Whose responsibility is it for the continued upgrade of teachers, because all of the time I have to look at the outcome? What is the reason for being a teacher and what is the reason for having teachers?

Mr. Chairman: Mrs. Alleyne-Toppin, I think the question is already well made, I want to—Mr. Abdulah, keep it on the related issue.

Mr. Abdulah: Yes, it is very related, Chair. Thank you and good morning to colleagues and Members of the commission. In your 2010 report as referred to by the Chairman, you identified the very first major challenge that you face as the issue of the Concordat.

I just want to make a quick comment and then pose the question, and quite a few Members have made some extensive comments. My comment really is that it seems as if the Teaching Service Commission is caught in the middle and, given the fact that the Concordat was not of their making. It was a decision between the Government of the day and the religious bodies of the day, which set out a way of operating and sharing of power between church and State and the Teaching Service Commission is now caught in the middle. Further, what we are now faced with as evidenced by this particular judgment is actually a possible conflict or a real

conflict between the individual rights of the teacher and the right, if you wish, of the denominational bodies, as conceded by the State, by way of the Concordat.

Therefore it seems to me, Chair, that we are in a major state of flux with respect to issues of the relationship between church and State, the issues of rights of individuals and so on and how this impacts on the education system. So, my question to the commission is, would you see it as being absolutely necessary for a full national discussion, not on the individual case or manifestations of conflict, but a serious national discussion about these general questions of how the education system should be organized and the roles and responsibilities of the different actors and the issue of the Concordat, Teaching Service Commission, Ministry of Education, individual teachers, parents, denominational bodies and so on, is this now required and, for a review of the existing arrangements?

Mr. Chairman: Okay, I going to allow one last related question before I ask Ms. Guy to respond. Miss Cudjoe.

Miss Cudjoe: Thank you, Mr. Chairman, I have three issues here, first as it relates to our procedures here today. I think that when one person is speaking then that person should speak and say whatever it is they have to say. Quite often today we just keep butting into each other's question, so that is a point for moving along.

Now, my question is for both sides, how do we strike a balance between religion and the State, as it relates to the State meddling in the religious bodies' business and vice versa, because on one end as I am listening to the debate here, you have on one hand the religious bodies with their own morals and values and so forth, and the State, on the other hand, responsible for paying these teachers, employing these teachers, using State funds and taxpayers' money to provide these schools with books and school-feeding programmes to pay for GCE, to pay for A levels, CXC and so forth.

I am following up on what Mr. Abdulah said, they probably—because we can talk about this all morning, there is probably need for a national debate as to how we proceed with this because more and more in the papers each day you are hearing a number of these cases increasing significantly so, we have to find a way to treat with this. I am asking the Chairman for recommendations. What do you recommend for us to strike a proper balance between State funds and these religious boards in schools where taxpayers are paying money?

Mr. Chairman: Was there a second question or it is all rolled in there?

Miss Cudjoe: The other question is as it relates to investigation, I am wondering if the

commission has the necessary human resources, financial and technical resources to actually go out into these schools and investigate these matters, because you could sit in the privacy of your home or office and hear on the TV or read on the papers these matters are happening, call and find out what is going on, but after that phone call what? Are we providing them with enough human resources, the tools, everything that they need to treat with these matters effectively?

Mr. Chairman: Okay. I think we have asked a lot of questions with regard to moral, religious issues and the role of the board, the denominational boards and the Teaching Service Commission, I think there are other questions which were asked which were related to policies, we would like to hear your views, but let us address the question of the denominational board and the Teaching Service Commission as regards appointments?

Ms. Guy: I think that question was asked by Mr. Maharaj. He was asking about the role of the Teaching Service Commission and the Minister—what was asked?

Mr. Maharaj: With respect to the appointment of deans.

Ms. Guy: With respect to the appointment of deans, but before we get into that—if you could remind me—yes, we need to point out that the regulation is what the Teaching Service Commission is guided by. The Teaching Service Commission must consider appointments in consistent with Regulation 18 of the Public Service Commission, which says that:

“In considering the eligibility of officers for promotion the Commission shall take into account the seniority, experience, educational qualifications, merit and ability together with relative efficiency of such officers and in the event of an inequality of efficiency of two or more officers, shall give consideration to the relative seniority of the officers.”

Which mean that we must consider the merit of people, and the only way you have all things being equal then we go to seniority, it is as simple as that. It lists a number of things that the commission must consider in making appointments. Of course it talks about seniority, but we know in the context in which seniority is to be considered: “Merit and ability, general fitness, special qualifications, courses of training, performance evaluation, letters of commendation, the duties of which the officer has knowledge, specific recommendations by the permanent secretary, devotion to duty”, et cetera. So, we must make our appointments with this in mind. We must be guided by this. The board in making its recommendation is also to be guided by this, but the board has a further obligation to maintain the religious flavour of its school, so it looks for persons who meet these criteria and in whom it is comfortable that the school would retain the religious flavour. Sometimes in making the appointment our

recommendations coincide, sometimes they do not.

Mr. Chairman: But, tell me, when you have a conflict such as this, how is this resolved, because it seems to me that the board has a veto power? If you disagree—

Ms. Guy: Veto is not the right word.

Mr. Chairman: Well, I am using it for want of a better word, but if you disagree and if you say this is the candidate and the board says “no, this person does not have the moral and religious qualifications”, what happens and how often does this happen?

Ms. Guy: The commission will not say that the person does not have the moral and religious qualifications. The commission will say that the person does not meet the criteria—

Mr. Chairman: No, that is not with respect—that is not what I am asking you. I am saying that you have decided that this person is competent and meets all the requirements and the denominational board says, “notwithstanding your considerations, we have concerns about moral and religious issues with regard to the placement of that teacher or principal in the school”, how is that matter resolved? How often are there conflicts and how many, if you can give statistical information, if not now, in writing at a later time, how often does this happen? How is it resolved?

Ms. Guy: We will give statistical information on that, but it has come up from time to time where we have had to engage the board in discussions on how do we resolve the issues of placing the most appropriate person in a school. We will call on the board to discuss with us and share their concerns. Some boards will put it in writing, for example, a board would say, you wish to appoint—you recommended that this particular person be appointed to the school, but I have information, the board has information that this person is not of the faith. This person does not attend the services and there is information which could be corroborated then the Teaching Service Commission will accept that. In some cases it is not as clear we have to engage the board in some level of discussion in order to ascertain it.

Mr. Chairman: Well I think the statistical information would help us in understanding how many times—what I like to call this power of veto has prevailed. I want to know and this committee would want to know, if there were 50 such instances in the past year, and how many times with discussion and deliberation, what was the outcome. Could you make that available to us?

Ms. Guy: That information can be available. I just wanted to round that off by saying, that there are times when the board is able to persuade the Teaching Service Commission that the

candidate that they are recommending meets all the criteria and there are times when it does not persuade the commission. In those instances where we cannot reconcile our positions then that office is re-advertised.

Mr. Maharaj: Mr. Chairman, in a related point.

Mr. Chairman: Related? Related question?

Mr. Maharaj: Relating to the issue of appointment and consultation with the board as we made here. It is link to my question which is yet unanswered regarding the appointment of Deans and Vice-Principal. Is the board or the Minister of Education consulted in any form or fashion? Do they have a role or does the commission just appoint without consultation?

Mr. Chairman: Okay, please could you give us an answer to that, Ms. Guy?

Ms. Guy: Yes. So moving on to that, Mr. Maharaj did ask whether the Minister of Education has a role in the appointment. We do involve Deans and I imagine Heads of Departments and so on. No, we deal with the Permanent Secretary in the Ministry of Education and according to the regulations that is the line of communication and that is how communication should proceed between the Teaching Service Commission and the Ministry of Education. We do not deal with the Minister.

Mr. Maharaj: And the boards? The boards are not—in the terms of board school, do you consult boards?

Ms. Guy: Yes. The boards—we indicate to the board our intention to appoint Deans and Heads of Departments and senior teachers to the assisted schools and we ask them if they have any objections.

Mr. Chairman: All right, so that is clear. I think the whole intent of service commissions was to ensure that there was not political interference in terms of the appointment and even separation of teachers. [*Interruption*]

Mr. Maharaj: When I said the Minister I really meant the Ministry.

Mr. Chairman: So I think it is made clear, the Minister is politically appointed. The civil service is a different matter. Was that made clear to you?

Mr. Maharaj: Chair, in an earlier point and this is very topical—[*Interruption*]

Mr. Chairman: Well I think we need, if it is unrelated I think we should allow Ms. Thomas who has been waiting quite patiently—[*Interruption*]

Ms. Thomas: It is unrelated.

Mr. Chairman: No you ask your question because I think Mr. Maharaj's point is unrelated as

well.

Ms. Thomas: Let me firstly welcome the new members to the commission and to extend New Year's greeting to each and every one of you. I was looking at the enhancement with the selection process and your plans for 2012 being in HR field as well, I must commend these initiatives for that aspect of the selection. I just wanted to ask a question on page 4 of the report, in the plan and unplanned vacancies for primary school principal, the number is 50. To me it is quite high and I was wondering of that number, how many were unplanned and what was the reason for those unplanned and of course I do not refer to death? Based on those types of reasons, what plans do we have to avoid a further increase?

Ms. Guy: Perhaps we should define the terminology. When we say planned, it is because in 2011, we look across 2012, and we know who will retire. So we know that we will have 20 or 30 persons retiring at age 60 and we will planned for those. So we will discuss with the Ministry of Education and we would say let us identify these positions and let us put out an advertisement so that we can plan for those. It is a dynamic system. People are promoted from administrative positions into vice-principals and principals. So during that period you would have people who are promoted, you will have people who leave the system, you will have people who retire early, we did not plan for those. So as they come up we have to address them. And again we work with the Ministry of Education and we will have those positions advertised when they come up. So sometimes you see there is a bigger number that is unplanned. It means that you have people moving out of the system faster than you had plan. In that they are leaving before 60 or they are being promoted into other positions.

Ms. Thomas: I just wanted to confirm that there are no uncommon reasons and that the reasons from what you have just explained it is the norm, and that there were no teachers leaving either for not accepting the new system or the dynamics now occurring in the system. I just wanted to confirm that that is not the reason why we have some unplanned.

Ms. Guy: No, no we just used the term to categorize those that you cannot foresee.

Mr. Maharaj: Chair.

Mr. Chairman: On a related point?

Mr. Maharaj: No an earlier point that was made.

Mr. Chairman: Okay.

Mr. Maharaj: Minister Sharma spoke earlier about the commission seeing things in the newspaper and if they took proactive step and they said yes. In the media within the last 48

hours, a child was reported of having his head put in a toilet bowl and flushed by a teacher or principal or so on. Has the commission already acted on that? Are you waiting for a report or have you not seen the media report on it?

Ms. Guy: We looked into it and we discovered that it was a private school. Our remit does not take us there.

Mr. Chairman: Ms. Guy, I must ask you this question as time seems to be running against us. In the past several months, let's say past two or three months, there have been two cases that have been in the public domain, one in respect of the Tunapuna Hindu School and the other in respect I believe of ASJA Girls School. Both of these matters involved, shall we say, a difference of opinion in terms of the board and of course the teacher but in particular it raised the issue of transfers and the responsibility for transfers of these persons in the public service. I want to know what is the role of the Teaching Service Commission in respect of transfers from denominational schools and how are these matters being addressed? I do not want to know the details involving the persons, but I want to know the process, your role and how do you move to resolve some of these issues relating to transfers?

Ms. Guy: As of the process and of course process is driven by the regulations and section 134 outlines the process for a transfer. Briefly, a teacher is requesting a transfer, then that transfer must be addressed to the Permanent Secretary in the Ministry of Education. The Permanent Secretary in the Ministry of Education will look into the request and make a recommendation to the Teaching Service Commission. If the teacher is from a board school or an assisted school then that transfer request must come via the board, to the Permanent Secretary, then to the Teaching Service Commission.

Mr. Chairman: Yes but in both these cases it would appear from what was reported in the media that it was actually the board that wanted to move these teachers or persons out of the school, so which would not be, I would think a voluntary request for transfer from the person. In those cases if the board now decides that this person, shall we say does not meet the moral and religious standards of the school and this would obviously be a change of heart, because this person would have gone into the school already—except in the case according to Mr. Maharaj, we are out of expediency a teacher was taken. But I believe in this case one was a principal and the other was a teacher. How are you dealing with that?

Ms. Guy: Again we are guided by the regulations. And the regulation at 137, does give the board the right to request a transfer of a teacher from a school, and that transfer could be

requested on the basis of moral or religious grounds. And at section 137, the regulations say that, “An application by a board shall be forwarded in writing to the Permanent Secretary together with any statements on which the board relies to support the application. The Permanent Secretary will forward that application to the commission.” So if a teacher comes to us directly we will redirect the application so that it falls within the regulations.

Mr. Chairman: So I take it that these persons would have descended from the high standard of moral and religious requirements and would have descended below the required standards for that transfer on the basis of moral and religious grounds.

Ms. Guy: And the board would have to provide that information to the Ministry of Education. The Ministry of Education must go through some due process to ascertain what the board is saying and then it must make its recommendation to the Teaching Service Commission.

Mr. Chairman: Okay that has to go through the Ministry of Education or it comes directly to you from the board?

Ms. Guy: From the board it must go through the Permanent Secretary Ministry of Education.

Mr. Chairman: Okay, Miss Shamfa Cudjoe has a related question.

Miss Cudjoe: Thank you Mr. Chairman. I wanted to find out, do any of these boards, or how much of the budget for the operation of these denominational schools is the board responsible for? Do they contribute to any percentage or any fraction of the cost of operation in paying teachers and so forth? Do they contribute to the budget operating these schools?

Ms. Guy: I cannot answer that with any degree of accuracy. I know that there is some funding that the Government provides, but as to say what percentage I am not in a position to answer that.

Mr. Chairman: But could you respond to the question in writing or direct it to the appropriate authority?

Ms. Guy: No, no.

Mr. Chairman: Well we will redirect it.

Ms. Guy: My advice to that, we better direct it to the Ministry of Education.

Mr. Chairman: Mr. Samuel you had a question?

Mr. Samuel: Yes Sir. On page 8 of your 2010 report, I am quite concerned about 4(5), “Where the Ministry has determined that all teachers in primary school need to upgrade”. The process is quite strange because they now take them out of the system send them to a tertiary institution, but in the same vein put people who are unqualified to teach while the teachers are

being developed. And I find it kind of strange that you take people who have been teaching and the mechanisms are so archaic that they cannot teach and learn at the same time. You take them out, because they are not qualified and then put unqualified people for the two-year period to teach them. That does not make sense to me.

Ms. Guy: Yes that is what is happening.

Mr. Samuel: That does not make sense to me.

Ms. Guy: Until the capacity is build up that is the process that we may follow.

Mr. Samuel: You say they are unqualified to teach. But you take unqualified people to replace them while they are developing that does not make sense to me.

Are you considering recommending that the retirement age for teachers be increased, because there are many teachers that leave the system and go into the private institutions and teach, just recommendations?

Mr. Chairman: Yes your thoughts on it because that is not part of your policy remit.

Ms. Guy: We have been asked by the Ministry, we have been asked on review of the Education Act and I could ask Mr. Daniel whether the retirement age has been an area that was addressed. We know that there is a provision in there that says you cannot become a teacher if you are over 45 and we know that that was something that we did address but I am not sure about the retirement age. Mr. Daniel?

Mr. Daniel: Good morning,—I hope it is not afternoon as yet—anyway, Mr. Chairman and members of the JSC. I am extremely privileged this morning to meet with you and to answer this particular question. The Education Act does not address the retirement age. What it does address or what we are hoping it will address—because right now, a committee has been set up. In fact, the committee was set up about two years ago by the Ministry of Education in order to try to get an Education Act which is far more relevant to the realities of today. The entry level age at which you can become a teacher, that one, right now it is 45, and the recommendation is that that age should be increased, primarily because of two reasons. One, in today's society—

Mr. Chairman: Increase meaning what? Lowered or?

Mr. Daniel: Well, raised to 50 or some other age.

Mr. Chairman: But that would have pension implications?

Mr. Daniel: It would have pension implications, but that is a bigger issue that needs to be addressed in another forum. But certainly, in the terms of the particular reason—One, is that the pool of talent would be widened in a sense that if you limit people to 45, then you could be

leaving a number of people who have the skills, who have the expertise to be able to join the teaching service. That is, the primary reason. Okay?

Mr. Chairman: Are you finished?

Mr. Daniel: Yes, thank you.

Mr. Chairman: The last time, I think, Dr. Mahase had spoken to us about the rolling out of your outreach programme and the programme for the year ahead. Could you tell us a little about the year ahead—

Ms. Guy: Please, please.

Mr. Chairman: Or am I being too forward by asking Dr. Mahase?

Dr. Mahase: Thank you, Mr. Chairman. I see you remembered last year so you must be over 45. *[Laughter]* We have a calendar of events proposed for this year 2012 and this would cover a lot of the questions that were asked about how we are getting into the public and how we are letting the country of Trinidad and Tobago know what is going to be happening. We have set up here now, in the first quarter, the stakeholders that we would be dealing with, possibly in the month of March, we will be meeting with the Ministry of Education; the month of February, the Association of Denominational Boards, we hope to meet with them; and TTUTA, hopefully sometime in February or March.

Then, in that very quarter, we are hoping to meet with the stakeholders of Tobago. We never ever leave out Tobago and we are actually looking forward to going there to meeting with the stakeholders because they are always very excited about being kept in touch with what is going on in this country.

In that first quarter, we might be able to speak to the principals of primary schools depending on the educational district because there were a lot of principals involved.

In the second quarter, again, *[Interruption]* *[Glass toppled]* If Prof. Deosaran would permit me.

Mr. Prof. Deosaran: Sorry.

Dr. Mahase: We are hoping, again to speak with the principals of, maybe another educational district and this goes from April to June. The National Parent-Teachers Association, we are hoping to meet with them somewhere in June, and, of course, in the third quarter—*[Interruption]* *[Glass toppled]* Thank you. Was that applause, Mr. Chairman? *[Laughter]* I was not sure.

In the third quarter, that is July to September, we will be having a schools' supervisor

workshop. All supervisors of Trinidad and Tobago, we meet with them once a year and this would be done, hopefully, in August. And again, we would meet with principals of the primary schools depending on their education division and we would have met before with the principals of the secondary schools.

At the end of the year, actually November—no, the fourth quarter is October—December, we are meeting again with the Ministry of Education and we are calling a press conference. We do this every year. In the press conference, of course, we hope that we would get everything we would have done during the course of that year to the public.

Mr. Chairman, this so far is what I have. I do not know if I have omitted anything from here. *[Interruption]*

Ms. Guy: You have covered it.

Dr. Mahase: That is okay? All right. Of course, these are subject to changes but last year, we were very proud that we fulfilled our entire calendar of events and we are sure that when we held our press conference, Trinidad and Tobago knew exactly what we had done during the course of the year. Thank you, Mr. Chairman.

Mr. Chairman: Thank you. It would remiss of me not to ask Dr. Paul to make a comment or two being one of the new members of commission. Before I ask Dr. Paul to make any comments, what I would say is that apart from your press conference, we have spoken to the question of having a website and receiving on an electronic basis complaints, comments and suggestions, and I think that is somewhat deficient and I believe that you will have a look into that, Ms. Guy?

Ms. Guy: Yes.

Mr. Chairman: Dr. Mahase, you want to make a quick comment.

Dr. Mahase: Mr. Chairman, I forgot to mention that also getting out to the public is our quarterly newsletter called “The Teaching Service Commission Speaks, TSC Speaks”. Right now, there is one being rolled off the press and this is the last one that we have produced in which you get a very, very comprehensive idea of what we have been doing, how many appointments have been made, how many vacancies have been filled and so on—“TSC Speaks”. I wanted to mention that.

Mr. Chairman: Okay, good. Thank you Dr. Mahase. Dr. Paul, do you want to make a comment?

Dr. Paul: Mr. Chairman and Members of the Joint Select Committee, thank you for, as the

other new members said, the privilege of joining the Commission. It has been an educational experience—intense I would say over the last few months.

I want to speak a bit more in-depth about the selection process for which I have been given some responsibility in terms of the implementation, and to talk about the fact that we are really trying to create the conditions that will allow us to bring all the new research on how you get best fit between the school and the candidate to bear on the process. That actually has highlighted for us the challenges that are being experienced, I would say, across the public sector with the lack of the use of information and communication technologies; the challenges with appropriate accommodation for doing the types of assessment activities beyond sitting at a table and being interviewed.

I want to also go back to the point raised by Minister Samuel about how do we develop capacity and where you have really well-designed selection centres, and not simply just rooms where people come and talk. You are actually able to engage in more behavioural interviews that actually turn out to be learning experiences for the candidates. We are working across the period of the strategic plan to get to that point but you know the challenges that we have, Mr. Chairman, with the current accommodation and selection centre is constraining us a bit. But we will be seeking, as we have indicated, to at least initiate in 2012, the issue of the psychometric testing.

Another point that is of importance to me, as a teacher myself, is the whole issue of what we call rubrics, which is what actual indicator of excellence across different types of criterion and how do we make that information available, not only to the teachers but to the members of the interviewing panel so that you get consistency and a greater understanding of the qualities that we are looking for and what are the different steps towards getting to excellent, which is where we intended to try to bring the process for everyone.

Mr. Chairman: Thank you, Dr. Paul. We are about to wind up this part of the meeting and our session and I just want to make some closing comments. First of all, I want to, on behalf of the committee, commend the Commission in terms of the very significant improvements that have been made in the filling of vacancies at the Teaching Service Commission. I am sure it has come with a lot of hard work so that at the operational level, I think we have seen that particular concern being addressed more fulsomely.

Secondly, I note Prof. Deosaran's rather "round the road" comment, if I may put it that way, about accommodation, and I think that matter has been brought up on several occasions.

We will seek to do what we can through the Parliament to bring this again to the attention of the executive to see whether a hardworking Commission such as this ought not to have to bring up a matter of accommodation. Accommodation should be given so that you can concentrate on the real issues in the operations. So it is a matter that I would want to bring to the attention of the executive.

At the more structural rather than operational level, I look forward, on behalf of the committee, to updated regulations which have been in place or which have been borrowed since 1966 and so many things have happened since 1966. I take good comfort that Prof. Deosaran is leading this committee, and I am sure that he will do a job and I look forward to him bringing those regulations to the forefront by his target date, sometime in the middle of February.

The commission would note some of the comments that would have made and suggestions that we would have made and request for information in writing and we would expect that we would get such information within the next two to three weeks, because I do not think that they are so onerous in nature.

Generally, I think we had a good meeting and if there is need for us to bring you back before the committee in short order, I expect that you will hear from us. All that is left for me now is, on behalf of the committee, to thank you for taking the time to come and meet with us and give us an update as to your plans and to the progress that you have been making. Much has been done and, of course, much more needs to be done in the area of teaching and in the roles for which you are responsible. I have every confidence that you will take the matter forward over the next year.

On behalf of the committee, we extend to you best wishes and behalf of the nation, we extend you to best wishes for success because your success is the nation's success.

There being no other business, I declare the meeting closed.

12.44p.m.: *Meeting adjourned.*

***THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT TO
PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS WITH
THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION***

Appendix 4

Filling of Administrative Offices in 2011

Details of the filling of administrative offices in 2011 are outlined below in Table 1:

	Confirmed	Planned and	Total	Total Number		
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OFFICES	Vacancies as at Dec. 31 2010	Unplanned Vacancies During 2011	Number of Vacancies 2011	of Vacancies Filled in 2011	%Vacancies Filled	Comments
Principal (Secondary)	12	7	19	19	100%	
Vice Principal (Secondary)	20	11	31	28	90%	
Principal (Primary)	19	50	69	25	36%	30 offices in assisted schools had to be re-advertised. Interviews and short-listing are ongoing as some applications from MoE were received on Jan. 5, 2012.
Vice Principal (Primary)	9	8	17	7	41%	Awaiting approvals from denominational boards for 3 offices. Other offices are to be re-advertised
Head of Department (Secondary)	198		198	67	33%	Interviews completed. Some promotions within the school have been made; placement of other successful candidates ongoing.
Sub-Total	258		334	146	43%	
Deans (Secondary)	273			0		Interviews commenced on December 2 nd , 2011 and will be completed by the end of February, 2012
Head of Department (Primary)	89			0		Applications are currently being shortlisted and appointments will be made by the start of the second term 2012.
Senior Teacher (Primary)	115			0		
Sub-Total	477					
Total Vacancies	735					
Delinked Offices				78		

Extracted from: Report of the Teaching Service Commission (TSC) for the Joint Select Committee (JSC) of Parliament- Status Report as at December 31st, 2011

OVERVIEW OF FILLING OF VACANCIES FOR ADMINISTRATIVE OFFICES – JANUARY- DECEMBER 2011

OFFICES	Vacancies as at Dec. 31 st 2010	Date of Advertisement	Number of Applications Received	Jan-11	Feb-11	Mar-11	Apr-11	May-11	Jun-11	Jul-11	Aug-11	Sep-11	Oct-11	Nov-11	Dec-11
SECONDARY LEVEL															
Principal (Secondary)	12	12-Oct-10	40		Applications received from MOE Feb. 26 th	Short-listing completed by TSC			Arrangements for interviews	Interviews completed and appointments made					
Vice-Principal (Secondary)	20	1-Mar-10	143				Appl'n rec'd from MOE Apr. 21 st	Short-listing completed by TSC		Interviews completed bet. June 27 th to Aug. 5 th		Appointments made on Aug. 16 th & Sept. 7 th			
Deans (Secondary)	273	29-Apr-10	452								Appl'n rec'd from MOE	Short-listing ongoing at TSC			
Head of Department (Secondary)	198	29-Apr-10	460						Applications received from MOE Jun. 30 th	Short-listing completed by TSC				Interviews completed	In school appointments made
PRIMARY LEVEL															
Principal (Primary)	19	19-Jan-11	312					Applications received from MOE	Short-listing completed by May 31 st . Interviews completed in June and July. Appointments made in Aug.						Applications received from MOE.
Vice-Principal (Primary)	9	18-Jan-11	200					Applications received from MOE	Shortlisting completed by June 30 th .		Interviews completed in Aug.	Appointments Made			

Head of Department (Primary)	89	9-Mar-11	831							Applications received from MOE	Short-listing ongoing at TSC			Applications received from MOE Nov. 21 st	
Senior Teacher(Primary)	115	9-Mar-11	1531												
	735		3969												

Extracted from: *Report of the Teaching Service Commission (TSC) for the Joint Select Committee (JSC) of Parliament- Status Report as at December 31st, 2011*

**THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT
TO PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS
WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION**

Appendix 5

Policy Guidelines for Handling Teacher Indiscipline in Schools

Policy Guidelines for Handling Teacher Indiscipline in Schools

1. Part 1 - Authority

Section 125 of the Constitution of the Republic of Trinidad and Tobago authorizes the Teaching Service Commission (TSC) to appoint persons to hold or act in public offices in the Teaching Service established under the Education Act, including power to make appointments on promotion and to transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers.

Section 129 of the Constitution of the Republic of Trinidad and Tobago authorizes the Teaching Service Commission to regulate its own procedure, including the procedure for consultation with persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer.

The Teaching Service Commission has adopted the Public Service Commission Regulations, Chapter 1:01.

2. Part 2- Role and Responsibility

These are policy guidelines for dealing with Teacher Discipline in schools. They are to be considered in conjunction with the Code of Conduct made under the Education(Teaching Service)(Amendment) Regulation, 2000 (Regulations 62-77) and in keeping with Regulations 84, 85, 87, 88 of the Public Service Commission Regulations as adopted by the Teaching Service Commission.

The Permanent Secretary , through the Principals, and School Supervisors of the Ministry of Education has the responsibility for ensuring that the school environment is safe, conducive to learning and teaching and is one in which the values required of a model citizen can be nurtured and developed. This environment can only be maintained if there is order and good discipline in the school.

To this end the following procedures are instituted:

Where the allegation of misconduct or indiscipline made against a member of the Teaching Service involves the abuse of a child, physical violence, a safety breach or if criminal charges are laid against the member of the Teaching Service, the Principal shall report this forthwith, (that is, within the same school day) to the Permanent Secretary using the established procedures.

The Permanent Secretary shall report the allegation of misconduct or the criminal charge as outlined above, forthwith (within the same working day of receiving same) to the Director for the attention of the Commission in keeping with **Regulation 85(1) of the**

Public Service Commission Regulations as adopted by the Teaching Service Commission.

The Director shall forthwith that is, within the same working day of receiving the report from the Permanent Secretary bring the matter to the attention of the Teaching Service Commission.

The Commission, if deemed appropriate, shall write to the Permanent Secretary forthwith that is within 24 hours of notification by the Director informing that the officer should cease to report for duty until further notice from the Commission in keeping with **Regulation 88 (1) of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**

Where the allegation made against a member of the Teaching Service involves any issue, outside of those raised at 2.3.1. above and is a matter that threatens the stability of the school, impacts the delivery of the curriculum or the ability of the Principal or other Administrators to manage effectively, the Principal will report the matter to the Permanent Secretary via the established procedures within three (3) working days of becoming aware of the issue.

The Permanent Secretary will immediately, that is, within five (5) working days of receiving the information, send a report on the issue to the Teaching Service Commission.

The Commission, if deemed appropriate, shall write to the Permanent Secretary within three (3) working days of receiving the report indicating whether or not the officer should cease to report for the day until further notice from the Commission in keeping **Regulation 88 (1) of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**

Matters falling within this section (2.3.2) include but are not limited to , incidences of teacher insubordination, habitual absences, persistent tardiness, unauthorized absences, neglect of duty, and willful failure to perform duties.

The Permanent Secretary shall issue any notice within 24 hours of receiving same from the Teaching Service Commission. If the officer is directed to cease reporting, he/she shall cease to perform the functions of his office forthwith until directed otherwise by the Commission and the Permanent Secretary shall take steps to appoint an investigating officer to investigate and report on the issue under **Regulation 90 of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**

The Teaching Service Commission considers that any unauthorized absence and any late coming/early leaving will affect the delivery of the curriculum. Unauthorised absence is absence without prior permission or notification. Late coming is reporting for duty any

time after the established start time of the school day without prior permission. Leaving early is leaving one's assigned duties before the official end of the established school day without permission. The record of any Teacher who exceeded the limits of paid absences established for the position should be brought to the attention of the Teaching Service Commission within two (2) weeks of the end of the school term. Late coming and early leaving in excess of sixty (60) minutes per term or six (6) times per term should be brought to the attention of the Teaching Service Commission within two (2) weeks of the end of the school term.

Source: The Teaching Service Commission Annual Report 2010

***THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT TO
PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS WITH
THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION***

Appendix 6

Disciplinary Matters

Table 3
Details on Disciplinary Matters

Category	Number of Matters before TSC	Comments
Court Charges	12	8 - Indecent Assault 2 - Drugs 1 - Perverting the course of justice 1 - Uttering a forged document
Disciplinary Tribunal Reports	2	2 - Tribunals completed 1 - Officer exonerated 1 - Report submitted for legal advice
Disciplinary Tribunals	9	There are 4 tribunals :- a. 3 matters - 9,6 and 5 adjournments b. 3 matters - 12, 19 and 13 adjournment c. 3 matters - 23, 12 and 7 adjournments d. No matters e.
Abandonments	26	10 - Being processed at TSC 5 - Completed 11 - MOE to provided information
Allegations of Misconduct	21	14 - Reports from MOE outstanding 5 - Being processed at TSC 2 - Completed
Number of Ongoing High Court Action matters	3	2 - Matter completed in favour of the Commission 1 - Matter outstanding

Extracted from: Report of the Teaching Service Commission (TSC) for the Joint Select Committee (JSC) of Parliament- Status Report as at December 31st, 2011