

**PARLIAMENT**  
REPUBLIC OF TRINIDAD AND TOBAGO

**TENTH PARLIAMENT**  
**[2011/2012 SESSION]**

# **Fifth Report**

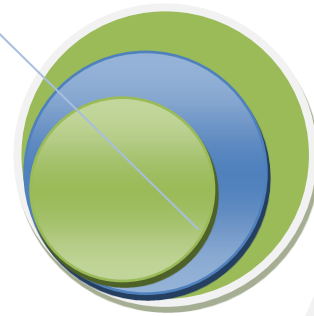
**OF THE**

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

**A RE-EVALUATION OF  
THE EFFICIENCY AND EFFECTIVENESS  
OF THE PUBLIC SERVICE  
COMMISSION**

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

Ordered to be printed by the House





**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**

# **FIFTH REPORT**

## **Re-evaluation of the Efficiency and Effectiveness of the Public Service Commission**

**Date Laid: H.o.R.:** \_\_\_\_\_

**Senate:** \_\_\_\_\_



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# Executive Summary

This Fifth 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 Public Service Commission (PSC).

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 the background of the Public Service Commission and the reason for the reevaluation.

Chapter 3 of the Report speaks to the Public Inquiry into the PSC and is divided into 4 subparagraphs 3.1 – 3.4.

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





# Chapter 1

## 1.1 The Committee

### (a) Mandate

#### **Establishment**

In accordance with provisions at section 66(A) of the Constitution of the Republic of Trinidad and Tobago, on September 17, 2010 the House of Representatives and October 12, 2010 the Senate, agreed to a motion on the subject of the appointment of a **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 on all matters relating 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.**

### (b) Powers

Standing Orders 71B of the Senate and 79B of the House of Representatives outline that the Committee is empowered to study and report on all matters relating to the mandate, management and operations of the Ministry or Body assigned to it by the House. In consequence the Committee has the powers inter alia:

- a. to review and report on all matters relating to:
  - the statute law relating to the Ministry/body assigned to it;
  - the program and policy objectives of the Ministry/Body and its effectiveness in the implementation of same;

- other matters relating to the management, organization of the Ministry/body;

In addition, this Joint Select Committee also has power to:

- send for persons, papers and records;
- adjourn from place to place;
- report from time to time;
- appoint specialist advisers either to supply information which is not otherwise readily available, or to elucidate matters of complexity within the Committee; and
- meet concurrently with any other Committee for the purpose of deliberating, taking evidence or considering draft reports.

(c) **Membership**

The membership of your Committee is as follows:

- Mr. Subhas Ramkhelawan - Chairman
- Mr. Elton Prescott, SC - Vice-Chairman
- Brig. John Sandy<sup>1</sup>
- Mr. David Abdullah<sup>2</sup>
- Ms. Shamfa Cudjoe
- Mr. Devant Maharaj
- 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

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<sup>1</sup> Brig. John Sandy's Ministerial and Senatorial appointments were revoked with effect from June 25, 2012.

<sup>2</sup> Mr. David Abdullah's Senatorial appointment was revoked with effect from June 22, 2012.

**(d) Secretariat 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) Attendance**

**Members' attendance at meetings as at March 23<sup>rd</sup>, 2012:**

<b>Members</b>		<b>Meetings attended</b>
Mr. Subhas Ramkhelawan (Chairman)	-	13 out of 13
Mr. Elton Prescott, S.C. (Vice Chairman)	-	12 out of 13
Brigadier John Sandy,	-	9 out of 13
Mr. Devant Maharaj	-	4 out of 5
Mr. Chandresh Sharma	-	11 out of 13
Mr. David Abdulah	-	12 out of 13
Ms. Shamfa Cudjoe	-	9 out of 13
Mr. Prakash Ramadhar	-	4 out of 13
Mrs. Joanne Thomas	-	11 out of 13
Mrs. Vernella Alleyne-Toppin	-	8 out of 13
Mr. Rodger Samuel	-	10 out of 13
Ms. Marlene Mc Donald	-	2 out of 13
<b>Overall Attendance:</b>		<b>67%</b>

**(f) Meetings**

Your Committee held one meeting with Officials of the Public Service Commission on March 23, 2012 to undertake the reevaluation.

## 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. All such papers presented by the Ministry/Body shall be ordered to be laid upon the Table without question put, and any motion for the printing thereof as a House Paper shall be determined without amendment or debate.

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

## Chapter 2

### Background of Public Service Commission

#### (a) History of the Public Service Commission

**In 1950 the Trinidad and Tobago (Constitution) (Amendment) Order in Council allowed for** the creation of the Public Service Commission. In 1959, the **Trinidad and Tobago (Constitution) (Amendment) Order in Council**, amended the Trinidad and Tobago (Constitution) Order in Council, 1950, by substituting a Cabinet for the Executive Council; a new Public Service Commission for the existing Public Service Commission, and establishing a Judicial and Legal Service Commission and a Police Service Commission.

#### (b) Role and Function of the Public Service Commission

Pursuant to Section 121 of the Constitution of the Republic of Trinidad and Tobago the Public Service Commission is empowered to “appoint persons to hold or act in offices to which that section applies, including the power to make appointments on promotion and 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 offices”.

#### (c) Regulatory Framework

The procedures and principles by which the Commission in the conduct of its business is guided are laid down in the Constitution of the Republic of Trinidad and Tobago and other relevant legislation polices and precedents which have been established over the years. To name a few:

- The Public Service Commission Regulations 1966
- The Civil Service Act 1965, Chapter 23:01
- The Fire Service Act 1965, Chapter 35:50

- The Prison Service Act 1965, Chapter 13:01
- The Codes of Conduct 1996, Chapter 23:01
- The Judicial Review Act 2000
- The Freedom of Information Act 1999

**(d) Submission of Annual Reports to Parliament**

Act No. 29 of 1999 amended the Constitution by inserting section 66B which states:

*“66B. Each Service Commission shall submit to the President, before 1<sup>st</sup> 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.”*

**(e) How the Commission conducts its business**

The Public Service Commission in pursuit of its constitutionally assigned duty exercises its role through regular meetings to consider the business of the Commission. According to the Annual Report 2010, the Commission held forty two (42) Statutory Meetings and four (4) Meetings with Permanent Secretaries.

**(f) Public Inquiry**

In the First Session of the Tenth Parliament the Committee initially evaluated the efficiency and effectiveness of the Public Service Commission at a public hearing held on April 29th, 2011. During the Second Session, the efficiency and effectiveness of the Public Service Commission was re-evaluated at a public hearing held on Friday March 23, 2012.

In order to undertake a precise revaluation of the PSC, the following documents were requested by and submitted to your Committee:

- Review of the Administrative Management from 2008-2011

- Action Plan proposed by the Public Service Commission to the Joint Select Committee for 2011
- Action Plan proposed by the Public Service Commission to the Joint Select Committee in Chronological order of compliance
- Medium Term Plan, Strategic Plan and Planned Areas of implementation up to 2015
- Legislative adjustments that can enhance the effectiveness of the Commission
- Situation of Vacancies in the Public Service
- Promotion of Prisons Officers
- Public Service List – Revised as at 30<sup>th</sup> April, 2011

These documents formed the basis on which questions were formulated and asked at the hearing.

**(g) Objectives of inquiry**

Based on the information requested by the Committee, the following were the objectives of the inquiry:

- to determine the process of filling vacancies in the public service;
- to identify the deficiencies within the Structure of the Service Commissions Department;
- to ascertain why the absence of an effective Performance Appraisals mechanism for Permanent Secretaries;
- to understand the reason for the Fragmented Nature of the Human Resource Management function in the Public Service;
- to fathom how Disciplinary Matters are dealt with;
- to gain an appreciation of the process of promotions within the Public Service;
- to identify best practices for improving Service Delivery to Public Servants.

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

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 November 28, 2012 considered and adopted this Fifth Report.



## Chapter 3

### Public Inquiry into the Public Service Commission

#### 3.1 Introduction

As mentioned above, the reevaluation of the efficiency and effectiveness of the Public Service Commission was conducted at a public hearing held on Friday March 23, 2012.

At the inquiry the Public Service Commission was represented by the following Officials:

Ambassador Christopher Thomas	Chairman
Ms. Zaida Rajnauth	Deputy Chairman
Ms. Jeanne Roseman	Member
Prof. Kenneth Ramchand	Member
Mrs. Parvatee Anmolsingh-Mahabir	Member
Mr. Frank Abdulah	Member
Ms. Natasha Seecharan	Legal Adviser, Service Commission
Ms. Allison Douglas	Senior State Counsel
Ms. Anoushka Ramsaran	Senior State Counsel
Mrs. Gloria Edwards-Joseph	Director of Personnel Administration
Ms. Anastasius V. Creed	Deputy Director Personnel Administration

#### 3.2 Evidence

##### **Role of the Director of Personnel Administration (DPA)**

The Director of Personnel Administration, head of the the Service Commissions Department (SCD) is the principal adviser and Chief Executive Officer (CEO) to the Commissions. The DPA performs a dual function as both the head of the SCD and accounting officer responsible for providing support to:

- The Teaching Service Commission

- The Public Service Commission
- The Police Service Commission
- The Judicial and Legal Service Commission

The Service Commissions are vested with the power to appoint persons to hold or to act in public offices in the relevant services, including the power to make appointments on promotion and transfer, to confirm appointments, to remove and exercise disciplinary control over persons holding or acting in offices governed by the respective Service Commission.

### **Structure of the Service Commissions Department (SCD)**

The current structure of the SCD is deficient in meeting the needs of the Public Service Commission (PSC). At present the Public Service Commission is awaiting a report from PMCD on its findings and recommendations with respect to the inadequacy of the SCD. The PMCD in collaboration with the DPA is in the process of reviewing the structure of the SCD to enable it to adequately meet the demands of the Commissions. This exercise is expected to be completed by 2013.

### **Manual System vs. Electronic System**

The manual filing system at the Service Commissions Department causes lengthy delays and the dissemination of inaccurate information to the PSC.

In 2009 and 2010 proposals for the provision of funding for the acquisition of an electronic document management system for the SCD were made to the Ministry of Finance.

In 2009 and 2010 minimum funding was provided, this allowed preliminary work to be done by the SCD.

In 2011, the Ministry of Public Administration approached the Inter-American Development Bank (IDB) for funding for a Request for Proposal (RFP) in order for a consulting firm to assist with the design of an Electronic Document Management System for the SCD.

### **Staff Work Environment and “building syndrome”**

For the years 2009 to 2012, the work of the Service Commissions Department was affected by work stoppage by staff of the Department at the order of the Public Services Association. The disruptions negatively impacted on the work of the Public Service Commission. Currently, the Property Management Division of the Ministry of Public Administration is working to provide the Service Commissions Department with appropriate accommodation and storage facilities.

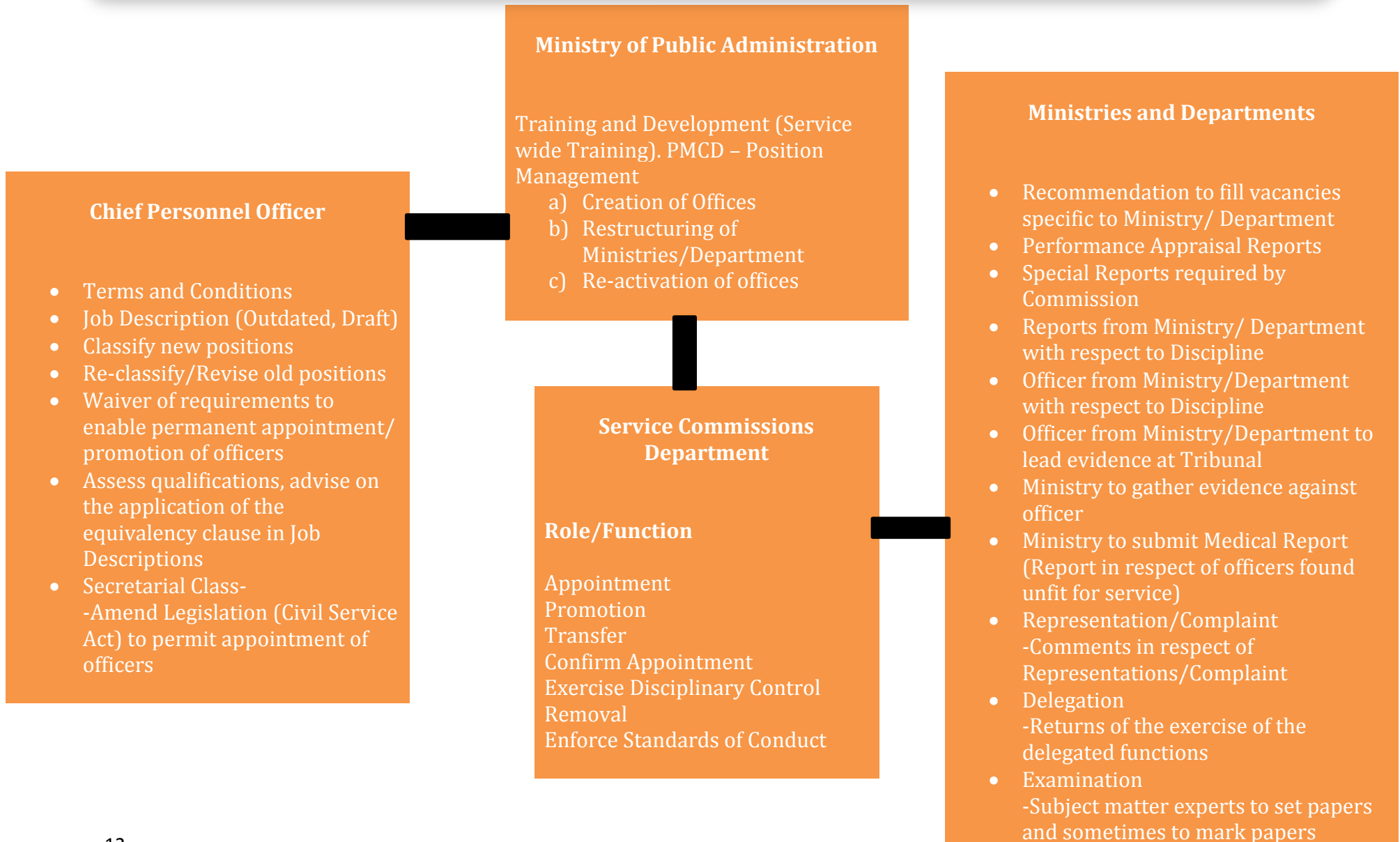
### **Fragmented Nature of the Human Resource Management function in the Public Service**

Over the years the fragmented nature of the Human Resource Management function in the Public Service has been a constant problem plaguing the Commission. Due to fragmentation, the Public Service Commission sourced information from several government agencies in order to carry out its mandate. The Minister of Public Administration in collaboration with the Public Service Commission attempted to resolve this long outstanding issue. During November 2011, meetings were held with the DPA and CPO in order to accelerate resolution of the issues.

The cooperation between the Minister of Public Administration, the PSC, the DPA and the CPO are viewed as steps in the right direction towards alleviating this long standing problem of fragmentation of the Human Resource Management function in the Public Service. See Diagram overleaf.

## Fragmented Nature of Human Resource Management in the Public Service

A diagrammatical representation of the nature of the management of Human Resources in the Public Service illustrating the fragmented nature of this function within the Public Service



## 3.3 Publications by the Public Service Commission

### Publication of Public Service List

In May 2011, the Service Commissions Department headed by Ms. Gloria Edwards-Joseph, Director of Personnel Administration (DPA) published the Public Service List. Under Section 20(1) of the Public Service Regulations, Chapter 1:01 of the Laws of Trinidad and Tobago, the DPA is required to maintain up to date seniority lists of all officers holding offices in the Public Services.

### What is the Public Service List?

The Public Service List is a record of the names of all individuals appointed in the Civil Service, Fire Service and Prison Service of Trinidad and Tobago. It contains the names of officers, their dates of birth and the dates of their first and current appointments. Additionally it outlines the officers' salaries, qualifications and positions held during their employment in the Service.

The List has been compiled from information vested in the officers' personnel records at the Service Commissions Department and Seniority List Data Retrieval Forms submitted by permanently appointed officers and the Human Resource Divisions of various Ministries and Departments. The last list was published in 1982.

### Vacancies

The estimated number of vacancies within the PSC ranges between 8,000 and 9,000. Vacancies are handled manually. A precise figure cannot be determined as the status of vacancies in the public service is not static.

Vacancies in the Public Service are derived from situations such as continuing retirements, resignations, transfers, secondments, dismissals and other departures, occasioned by health reasons or abandonments of office. Some positions have been created for specific periods and reasons and because of their temporary nature those offices cannot be permanently filled.

Many positions are also currently under review/classification/re-classification by the Chief Personnel Officer where the job descriptions and requirements are being revised/classified. There are also situations where offices have been suppressed for years by Cabinet.

The process of filling vacancies in the PSC can be summarized as follows:

- tracking, compilation and verification of data
- advertising over three to five weeks to ensure that information reach all possible interested persons
- subsequent screening of applicants which can number hundreds
- interviewing and evaluating prospective candidates for submission to the Commission.

The need for an electronic document management system in the twenty first century is an issue which has been continuously raised by the Public Service Commission.

### **Improving Service Delivery to Public Servants**

Expediting the provision of services to the public servant is the main setback in the effective and efficient functioning of the Public Service Commission. The work of both the PSC and the Service Commissions Department complement each other. The PSC cannot deliver more than the SCD produces. The PSC and the SCD recognize the need for expediting service delivery.

The filling of vacancies is not the only area of work of the SCD. The other areas of work of the SCD involve promotions, acting appointments, discipline and representations in respect of the four Service Commissions – the Public Service Commission, the Teaching Service Commission, the Police Service Commission and the Judicial and Legal Service Commission. During the period 2005 – 2010, the Service Commissions Department has been able to process fifty thousand matters, of which more than eleven thousand pertained to the filling of vacant offices.

In 2011, the PSC approached Cabinet for the approval of a Temporary Selection Centre which mirrored an approach utilized by the Teaching Service Commission to allow for the expedition of the interviewing/recruitment process.

### **Role of the Public Services Association (PSA)**

#### ***Director of Personnel Administration (DPA) –***

The Public Services Association has taken up the issue of the filling of vacancies within the public service. The DPA expressed her willingness to meet with the respective party in seeking a resolution to the matter.

#### ***Public Service Commission –***

The PSC does not enter into negotiations with Unions, despite the fact that it is willing to listen, explain and understand various situations which may arise.

### **Equal Opportunity Act- attempts at dealing with complaints**

The Commission does not have jurisdiction over Equal Opportunity matters. These matters are referred to the SCD through the Complaints Authority.

Under the Freedom of Information Act a thirty (30) day timeframe is allocated for a response to request for information. This is a slow process as statistics indicate that of the 232 representations received, only 28 were completed. The outstanding matters are awaiting commentaries from the Permanent Secretaries.

### **Vacancies at the level of the Administrative Assistant**

An officer in a clerical grade must hold an appointment of Clerk IV and must have passed the Clerk IV course for promotion to the Administrative Class or obtained a Certificate in Public Administration before consideration can be given to promotion as an Administrative Assistant.

Previously the CPO allowed appointment from qualified officers below the level of Clerk IV to Administrative Assistant but this practice was discontinued.

### **Alternative Dispute Resolution (ADR)**

As a means of expediting minor behavioral matters ADR is utilized. In the public service minor behavioral matter refers to a matter which does not warrant dismissal, serious disciplinary action or penalties.

Disciplinary matters are processed through the establishment of tribunals or by recruiting an Investigating Officer.

### **Performance Appraisals**

#### **Non-submission and delay of performance appraisals**

The large number of vacancies in the Public Service is due to the absence of performance appraisals and the lack of submission by Permanent Secretaries. Performance appraisals are critical in the promotion of public officers. Performance appraisals fall under the jurisdiction of the DPA.

Five years ago, Permanent Secretaries were granted amnesty as performance appraisals were not submitted in accordance with the regulations.

#### **Prison Service performance appraisal**

Under Section 121 (7) of the Constitution, the Commission is responsible *inter alia* for the promotion of Prisons Officers.

Promotion to the rank of Prisons Officers II has been delegated by the Public Service Commission to the Commissioner of Prisons. Promotions to the level of Prisons Supervisor are determined by the Commission.

The Commissioner of Prisons had been delegated authority for performance appraisals which he did not exercise for years and subsequently it resulted in the



non-submission of performance appraisals for approximately five (5) years.

### **Performance Appraisals of Permanent Secretaries**

Permanent Secretaries as senior top ranking public service officials are vested with the responsibility of the submission of performance appraisals. The absence of performance appraisals and lack of submission by Permanent Secretaries is a main area for concern.

Performance appraisals of Permanent Secretaries are currently not undertaken. Discussions with respect to the design of an assessment mechanism for Permanent Secretaries are ongoing with the PSA, the Prime Minister, CPO and the Ministry of Public Administration.

## **3.4 Challenges/Shortcomings**

### **Filling of Vacancies**

Administrative vacancies require permanent secretaries to send their recommendations to the PSC. In the absence of these recommendations, these vacancies cannot be filled.

Other challenges to filling a vacancy include that the job specification may be outdated, the inability to attract applicants because of the small compensatory package and the limited number of suitable candidates after interviews are conducted.



## Chapter 4

### Observations/Findings, Recommendations and Conclusion

#### 4.1 Observations/Findings

##### **Vacancies**

The creation of a new ministry requires the PSC to fill all positions from the senior management such as a Permanent Secretary to lower-level positions of Clerk I. However, this can only be done when Cabinet approval is conveyed for the Ministry's organization structure.

In most instances, persons are given acting appointments to move from one Ministry, to the new Ministry. However, many new positions do not carry travelling allowances, such as the position of Accounting Assistant and Human Resource Officer which in the wider public service carries a travelling allowance. Thus, these positions remain vacant.

##### **Structure**

The structural problem of the SCD has affected its ability to adequately serve the four (4) service commissions.

##### **Performance Appraisals of Permanent Secretaries**

There should be a system of accountability for Permanent Secretaries. Discussions are ongoing with the PSA, the Prime Minister, CPO and the Ministry of Public Administration in designing the appropriate mechanism for assessment.

## **Disciplinary Matters**

The Alternative Dispute Resolution Process is used to deal with minor behavioral complaints that do not attract the possibility of dismissal, serious discipline or penalties.

## **Submission of Performance Appraisals**

The submission rate of performance appraisals by Permanent Secretaries is under the purview of the Chief Personnel Officer. Performance appraisal reports are necessary for the Service Commissions Department to make acting appointments and promotions.

## **Promotions**

The current process of determining an officer's eligibility for promotion does not take into consideration the level of performance of a public servant, through its performance appraisal. This is evident, as officers are told they are being considered for promotion pending the submission of an up-to-date performance appraisal.

## **4.2 Recommendations**

### **Vacancies**

- Amendments should be made to the Travelling Allowances Act, Chap. 23:50 to create parity of allowances between new and older Ministries for travelling posts.
- Job specifications and compensatory packages should be re-evaluated in order to be competitive and attractive to retain suitable candidates.

## **Structure**

- The structure should be revised to address the current work-load and demands of SCD.

## **Performance Appraisals of Permanent Secretaries**

- An appropriate assessment mechanism for the performance appraisal of Permanent Secretaries should be set up and finalized by the end of 2013.
- The Prime Minister holds the constitutional authority to transfer a Permanent Secretary this should also be made applicable to the Deputy Permanent Secretary (DPS)

## **Disciplinary Matters**

- Budgetary resources should be specifically allocated to set-up of an Alternative Dispute Resolution Centre.

## **Submission of Performance Appraisals**

- The CPO should put adequate oversight mechanisms in place to monitor the submission of performance appraisals by Permanent Secretaries.
- Additional powers should be vested to the PSC in instances of the non-submission of performance appraisals.

## **Promotions**

- The current system for promotions which is based on seniority requires revision in order for consideration to be given to performance rating of the officer over a period of time, rather, than only the static submission of an up-to-date performance appraisal report.

## 4.3 Conclusion

Serious problems and challenges will continue to occur especially within new Ministries, if immediate efforts are not made to reduce the existing number of vacancies.

The lack of performance appraisals will not only affect the ability of the PSC to gauge the effectiveness of public officers but also the setting of performance targets. This in turn will impact the public service as a whole in terms of delivery against targets.

The spill-off effects of Permanent Secretaries not submitting performance appraisals on time, the delay of appointment and promotions all contribute to the creation of an environment for non-productivity within the public service.

Your Committee 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

Sgd.  
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





**MINUTES OF THE THIRTEENTH MEETING HELD IN THE J. HAMILTON MAURICE ROOM,  
MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN  
INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN ON FRIDAY  
MARCH 23, 2012 AT 10:25 A.M.**

**Present were:**

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

**The following Officials from Public Service Commission were also available:**

Mrs. Gloria Edwards-Joseph	-	Dir. Personnel Administration
Ms. Anastasius V. Creed	-	Deputy Dir. Personnel Administration
Ambassador Christopher Thomas	-	Chairman
Ms. Zaida Rajnauth	-	Deputy Chairman
Ms. Jeanne Roseman	-	Member
Prof. Kenneth Ramchand	-	Member
Mrs. Parvatee Anmolsingh-Mahabir	-	Member
Mr. Frank Abdulah	-	Member
Ms. Natasha Seecharan	-	Legal Adviser, Ser. Com
Ms. Allison Douglas	-	Senior State Counsel
Ms. Anoushka Ramsaran	-	Senior State Counsel

**Absent/Excused were:**

Mr. Prakash Ramadhar	-	Member (Excused)
Ms. Shamfa Cudjoe	-	Member (Excused)
Mr. Rodger Samuel	-	Member (Excused)
Brig. John Sandy	-	Member (Excused)

**INTRODUCTION**

1.1 The Chairman called the meeting to order at 10:25 a.m. in J. Hamilton Maurice Room.

## **DISCUSSIONS WITH OFFICIALS OF THE PUBLIC SERVICE COMMISSION**

2.1 The Chairman welcomed officials of the Public Service Commission (PSC). Introductions were exchanged.

2.2 On request of the Committee the PSC Chairman gave an update on the following issues:

(i) **Review of the Administrative Management from 2008-2011:**

- the Minister of Public Administration in collaboration with the Public Service Commission have begun to address outstanding matters on the issue of fragmentation;
- the Service Commissions Department continues to use manual systems of operations;
- the executive management structure of the Department has not been revised in spite of representation by the Commission;
- the PSC continues to advocate its proposals for a review of the Executive Management Structure of the Service Commissions Department;
- a tender will be awarded shortly for the digitizing of records.

(ii) **Action Plan proposed by the PSC to the Joint Select Committee for 2011:**

- all work proposed in the Plan of Work for 2011 was completed;
- three (3) Standing Selection Panels have been appointed to fast track the filling of vacancies in the Public Service.

(iii) **Action Plan for 2012/2013 proposed by the PSC to the Joint Select Committee:**

- the Commission proposes a revision of the time frames for the completion of the strategic objectives for 2012 and 2013 which is dependent on the PSC's functional interrelationship with other governmental agencies.

(iv) **Medium Term Plan, Strategic Plan and Planned Areas of Implementation up to 2015:**

- this plan outlines the goals and potential actions of the Commission. The Commission has indicated while certain actions would be based on present and future achievements, other actions would be anchored on successful outcomes of the joint collaborations with other government agencies.

(v) **Legislative Adjustments that can enhance the effectiveness of the PSC:**

- the legislative review of the scope of the PSC's work requires constitutional change. Though the Commission is constitutionally empowered to review and regulate its own procedures, this authority is subject to the acquiescence of the Prime Minister.

(vi) **Filling of vacancies in the Public Service:**

- the vacancy situation as reported by the media could be misleading and should only be seen in the abstract;

- the theoretical calculation of vacancies could include situations of secondment, offices suppressed and frozen by Cabinet, absences and study leave, the debarment of appointment due to current Civil Service Regulations, stipulated job requirements by the Chief Personnel Officer that cannot be met and temporary positions authorized by Cabinet that cannot be filled.
  - Of the 12 offices created Cabinet for the Financial Intelligence Unit (FIU) of the Ministry of Finance, eight (8) of these offices cannot be filled as they are yet to be classified by the Chief Personnel Officer (CPO);
  - In 2004 Cabinet imposed a freeze on appointments and promotions in the Human Resources series;
  - In 2010, after a period of seven years, Cabinet lifted its freeze and the Commission was consequently able to make over 200 appointments and promotions;
  - Over 300 vacant offices of Clerk Typist I and Clerk Stenographer I/II exist on the staff establishment of the Ministries and Departments. These positions could not be filled until the amendment/revision of existing Civil Service Regulations;
  - The legislation was authorized by Cabinet in 2008 and has only recently been amended. These vacancies can now be filled.
- Measures proposed to eliminate vacancies include:
  - transition from a manual to an electronic database management system;
  - the establishment of a temporary selection centre as authorized by Cabinet in 2010;
  - a number of internal administrative adjustments intended to address the existing situation in the short-term;
    - ✓ Short-term measures include:
      - reinforcing human resource monitoring teams assigned to Ministries and Departments,
      - the development of a template for periodic review with the Ministry of Finance and via that Ministry to other Ministries to maintain an update with respect to the changing patterns vacancies.
- The functions of the Department undertaken manually are:
  - the processing of vacancies;
  - the process of confirmation, promotions, acting appointments;
  - disciplinary matters;
  - representations and requests for information.
- Over the period 2005-2010, the Department has processed fifty thousand (50,000) matters in the Public Service, 11,000 of which were vacancies. In 2010 the Commission processed 1,675 while 31,490 human resources matters were processed by Ministries and Departments.
- The Commission has finalized all submissions. The issues of productivity of the Service Commissions Department and the manual system of operations still remain.

(vii) **Revision of Management Structure:**

- The need for a revision of the present executive management structure of the department which services the four (4) Commissions.

(viii) **Promotions at the level of Prison Officers and Supervisors in the Prison Service:**

- continuing objections to the use of the points system which was endorsed by the Privy Council and used in 2005 and 2006 to promote officers in the Police Service; in 2010 for promotions in the Fire Service and in 2011 for promotions in the First Division of the Prison Service;
- Cabinet by Minute #102 of January 2012 lifted the freeze in order to facilitate the promotion of officers;
- it was noted that promotions would be based on merit, through a point system approved by the Public Service Commission. This system was worked out subsequent to discussions with the Director of Personnel Administration, the Permanent Secretary, Ministry of National Security, the Commissioner of Prisons and the Prison Officers First Division Association.

(ix) Publication of another issue of PSC Speaks Out in 2010;

(x) Publication of an updated Civil Service List in 2012 after a period of 30 years.

3.1 Issues and responses which emanated from discussion with the Officials of the PSC are given hereunder:

(i) **Vacancies:**

- There are approximately 50,000 positions within the Public Service;
- There are approximately nine thousand (9,000) vacancies within the Public Service;
- In 2011 Cabinet granted approval for the establishment of a temporary Selection Centre which has begun to work towards the process of vacancies;
- The Commission requested approval to set-up an electronic database system to assist with the process;
- Funding has been approved by the IDB for this purpose;
- The need exists for a digitized system;
- The conduct and fast-tracking of interviews to fill positions;
- The Director of Personnel Administration has recruited persons who have retired from the Service Commissions Department;
- Granted short-term consultancy;
- Four (4) special project teams have been assigned the task of filling vacancies. One of the teams is responsible for filling all vacancies in the secretarial class;
- The Service Commissions Department is considering filling all vacancies, from Administrative Officer IV to Administrative Assistant;
- The filling of vacancies is being done on a Ministry by Ministry basis;
- Letters and circular memoranda have been forwarded to Permanent Secretaries requesting the submission of recommendations for filling of vacancies.
- Vacancies in the public service fall into two (2) categories:

- those at the Service Commissions Department which can be filled without the recommendation of the Permanent Secretary;
- those in the administrative class with the recommendation of the Permanent Secretary.

**(ii) Filling Vacancies in New Ministries:**

- The Commission has been addressing the filling of vacancies in the Ministry of Transport and the Ministry of Gender, Youth and Child Development;
- Subsequent to Cabinet's approval of the structure, requests are received by the Commission and persons from within the Public Service are sourced to fill vacancies;
- In most instances persons from one Ministry are given acting appointments in another.

**(iii) Relationship between the Commission and HRM Company Limited:**

- The Commission is unaware of the existence of the relationship with HRM Company Limited.

**(iv) Commissions' structural problems:**

- The four (4) Commissions met with the Public Management Consulting Division (PMCD) and have outlined the following structural problems they face:
  - Staffing
  - Structure
- The Service Commissions Department has requested a review of its structure;
- PMCD has not responded to date.

**(v) Contract positions:**

- Contract positions are, in many instances, devised to provide for the performance of a function by a person outside the public service. Because of the salaries and conditions offered by the Public Service these positions would not otherwise be filled.

**(vi) Freedom of Information Requests**

- The Commission does not have the jurisdiction to deal with Equal Opportunity matters; These matters are referred to the Service Commission Department, through the Complaints Authority;
- Under the Freedom of Information Act a 30-day timeframe is given for response to request for information. This does not mean that the matter has been resolved;
- Of the 232 representations received, 28 were completed; and
- The remaining matters are awaiting further comments from the Permanent Secretaries.

**(vii) Alternative Dispute Resolution (ADR)**

- When a complaint is made, comments are solicited from the Permanent Secretary in order to process the matter;
- Sometimes the complaint concerns something occurring within the Ministry;
- A deadline is given to the complainant as to when the matter would be resolved; and
- Minor matters refer to situations which do not attract the possibility of dismissal or serious discipline or penalties and can be solved by an ADR process.

**(viii) Deputy Permanent Secretaries**

- The Prime Minister has the constitutional authority to transfer a Permanent Secretary;
- The position of Deputy Permanent Secretary like that of the Permanent Secretary should be included in the Constitution, giving the Prime Minister the right of transfer.

**(ix) Performance Appraisals**

- Five (5) years ago an amnesty was granted to Permanent Secretaries because of the absence of performance appraisal reports which are necessary for promotions and acting appointments;
- The amnesty was granted in accordance with the Regulations, to bring the matter to a conclusion and ensure that persons were not disadvantaged with respect to promotions;
- In the case of the Prison Service, the Commissioner of Prisons had been delegated authority for performance appraisals which he did not exercise for years;
- The PSC does not have jurisdiction over performance appraisal system. The Commission requires the performance appraisal reports;
- The matter of performance appraisal is under the jurisdiction of the Chief Personnel Officer;
- The absence of performance appraisals has contributed to the large number of unfilled positions;
- The Public Service Regulations stipulates that before an officer can be promoted there must be an up-to-date performance appraisal report on the officer;
- Over the last three years the Commission has requested Permanent Secretaries to submit performance appraisals reports when the period has expired and on a timely basis, that is, one month from the date of the appraisal period;
- The Chief Personnel Officer and Permanent Secretaries have the responsibility for performance appraisal of public officers;
- Regulation 9 stipulates that if a Permanent Secretary is asked to do something that is his/her duty to do and fails to perform, then that person is guilty of misconduct;
- The PSC has never invoked this disciplinary power of misconduct.

**(x) Fragmentation of Functions**

- The Minister of Public Administration has established two (2) committees namely: a Strategy Committee and a Policies Committee as methods of coordination of the services;
- A committee has been established to meet with the CPO on the first Wednesday of every month. This committee brings to the fore issues affecting the mandate of the PSC.

**(xi) Accommodation**

- For approximately four (4) years now the PSC has been consulting with the Minister of Public Administration for removal from the building in which it is housed;
- The Commission was advised that another building has been found but it was unsuitable;
- Requirements were stated as the sufficient floor space to sustain the volumes of files.

**(xii) Appraisal of Permanent Secretaries**

- Appraisal of Permanent Secretaries is not undertaken at the moment;
- Discussions are ongoing with the PSA, the Prime Minister, CPO and the Ministry of Public Administration on designing a mechanism to assess Permanent Secretaries;
- The Commission is however interested in assessing the performance of the Permanent Secretary as regards its delegated function to the Permanent Secretary.

**REQUESTED INFORMATION**

3.2 The officials of the Public Service Commission gave an undertaking to furnish the Committee with the following:

- (i) A detailed listing with respect to the 9,000 vacancies within the Public Service;
- (ii) The report states that for the period 2005-2010, 50,000 matters have been dealt with by the Commission. Give the number of matters which have not been dealt with;
- (iii) Give statistics on the number of outstanding performance appraisals and the frequency/timely submission of performance appraisals.

3.3 On the request of the Committee, the Chairman of the PSC made concluding remarks.

3.4 Subsequently, the Chairman of the Committee made closing remarks, thanked the Officials of the PSC for their attendance and suspended the meeting at 12:00 noon.

*(Officials leave the J. Hamilton Maurice Room)*

3.5 Meeting reconvened at 12:05 p.m.

**CONFIRMATION OF MINUTES**

4.1 The Minutes of the twelfth meeting held on February 27, 2012 was confirmed by Mr. Devant Maharaj and seconded by Mr. Chandresh Sharma.

**MATTERS ARISING FROM THE MINUTES**

5.1 The Secretary was directed to write Mr. Lincoln Meyers to inform him that the matter was raised and addressed at a public meeting of the Committee.

**OTHER BUSINESS**

6.1 The Chairman read a letter dated March 15, 2012 under the subject “Meeting Police Service Commission *in camera*” received from Chairman of the Police Service Commission into the Hansard record.

6.2 The Chairman subsequently solicited the views of all Members present with respect to the letter. There was consensus that the Committee should continue to meet the Police Service Commission in public.

6.3 The Secretary was asked to circulate a copy of the letter to all Members of the Committee and to request the Police Service Commission to submit in writing, the criteria and process used in the evaluation of the Commissioner of Police.

6.4 Mr. David Abdulah was given one week to submit the insertion for the Draft Report of the Committee to the Secretary.

### **ADJOURNMENT**

7.1 There being no other business the Chairman thanked Members for their attendance and adjourned the meeting to Friday April 27, 2012 at 9:00 a.m.

7.2 The adjournment was taken at 12:28 p.m.

I certify that these Minutes are true and correct.

Sgd.  
Chairman

Sgd.  
Secretary

*March 23, 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

**VERBATIM NOTES OF THIRTEENTH MEETING OF THE JOINT SELECT COMMITTEE APPOINTED TO ENQUIRE INTO AND REPORT TO PARLIAMENT ON MUNICIPAL CORPORATIONS AND SERVICE COMMISSIONS, WITH THE EXCEPTION OF THE JUDICIAL AND LEGAL SERVICE COMMISSION HELD IN THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, THE PORT OF SPAIN INTERNATIONAL WATERFRONT CENTER, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON FRIDAY, MARCH 23, 2012 AT 10.25 A.M.**

**PRESENT**

Mr. Subhas Ramkhelawan	Chairman
Mr. Elton Prescott SC	Vice-Chairman
Mr. David Abdulah	Member
Mrs. Vernella Alleyne-Toppin	Member
Mr. Chandresh Sharma	Member
Mrs. Joanne Thomas	Member
Mr. Devant Maharaj	Member
Miss Marlene Mc Donald	Member
Mrs. Jacqueline Phillip-Stoute	Secretary
Miss Candice Skerrette	Asst. Secretary
Miss Indira Binda	Graduate Research Assistant

**ABSENT**

Mr. Rodger Samuel	Member
Miss Shamfa Cudjoe	Member
Brig. John Sandy	Member
Mr. Prakash Ramadhar	Member

**Mr. Chairman:** Good morning, ladies and gentlemen. And welcome to this, the Thirteenth meeting of the Joint Select Committee appointed to enquire into and report to Parliament on Municipal Corporations and Service Commission with the exception of the Judicial and Legal Service Commission.

Today I want to welcome members and staff of the Public Service Commission. Just a

couple points, one, at our last meeting when we met some time ago on April 29, 2011, a number of points were raised and it was our intention today to follow up and discuss where the Public Service Commission has gotten to terms of its undertakings in a number areas and other areas which you would want to discuss.

The Chairman of the Public Service Commission has asked to make some introductory remarks which are customary, and we will move to that in a couple of minutes. Some of the key areas that were discussed at our last session were the question of fragmentation or a lack of coordination in the Human Resource management base because of the specific and differing rules of the Chief Personnel Officer, DPA, the Public Service Commission and the Ministry of Public Administration, among others. Then the rule of the Public Service Commission department was touched upon. The question of seniority in terms of recruitment and the selection process was addressed. We have had some discussions as to the filling of vacancies and I note that the Public Service Commission has delivered to us, this joint select committee, some seven papers which I intend to address some of these areas. So let me start by asking members, or asking the chairman to introduce members of the Public Service Commission, and then we can take it forward from there. Before I do I will just ask our members to introduce themselves starting with the Deputy Chairman.

*[Members of the Committee introduced themselves]*

**Mr. Chairman:** Chairman?

**Ambassador Thomas:** Mr. Chairman, on the front row we have the members of the commission and seated immediately behind us are members of the service commission department. I will follow your practice or your procedure and ask the members to introduce themselves from the left.

Ambassador Christopher Thomas	Chairman
Ms. Zaida Rajnauth	Deputy Chairman
Mrs. Gloria Edwards-Joseph	Dir. Personnel Administration
Ms. Anastacius V. Creed	Deputy Dir. Personnel Administration
Ms. Jeanne Roseman	Member
Mr. Frank Abudulah	Member
Prof. Kenneth Ramchand	Member
Mrs. Parvatee Anmolsingh-Mahabir	Member

Ms. Anoushka Ramsaran

Senior State Counsel

Ms. Allison Douglas

Senior State Counsel

Ms. Natasha Seecharan

Legal Adviser, Ser. Com

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*[Members of the Public Service Commission introduced themselves]*

**Mr. Chairman:** Chairman, I invite you to make some opening remarks.

**Ambassador Thomas:** Thank you, Mr. Chairman. The commission is pleased to meet with you again. In order to aid in our discussions, the Public Service Commission has provided, as a supplement to its Annual Report of 2010, a number of papers which provide an update on matters which we consider pertinent to our discussion.

We would first like to address the items mentioned in your agenda to the Commission

which we have outlined as Papers I - IV. We will then make a few remarks on Papers V, VI and VII which have all been forwarded to you in advance of this meeting.

Members of the commission will note that in respect of Paper I which is *Review of the Administrative Management from 2008 and 2011*, through the initiative of the Minister of Public Administration, and in collaboration with the Public Service Commission, some long outstanding issues or matters on the issue of fragmentation have begun to be addressed. Our administrative machinery has however not changed. The Service Commissions Department continues to operate largely through manual systems of operations and the executive managerial structure of the Department has not been revised in spite of representations by the Commission.

In this latter context we continue to advocate our proposals for a review of the Executive Management Structure of the Service Commissions Department. We are pleased to report however that in respect of digitizing our manual records, a tender will be awarded shortly for a firm to undertake the exercise.

Notwithstanding this situation, Paper II will indicate that the commission has completed all that we proposed in our plan of work for 2011 submitted to you last year. The activity with the greatest impact so far is the appointment of three Standing Selection Panels to fast track the filling of vacancies in the Public Service.

Paper III, provides advanced information on the status of the Commission's strategic goals for 2012 and 2013 and engagement of the Commission with the other agencies involved in their progress. Although these areas of our actions are not strictly before you at the present time, we consider it of practical importance to advise on the need for foreseeable revisions of our time frames where the completion of our objectives must be necessarily dependent on our functional interrelationship with other governmental agencies.

Paper IV addresses the future strategic plans of the Commission up to 2015. We have outlined our goals and our prospective actions. We have been cautious however to indicate that while certain actions would be based on our present and prospective achievements, others must realistically be anchored under successful outcome of our joint collaboration with other government agencies.

In this respect, it must be emphasized that the Public Service Commission is not a stand-alone body and can only achieve many of its objectives where the coverage of its constitutional mandate requires collateral action by other governmental bodies.

Paper V, underscores this assertion as any practical legislative review of the scope of the Commission's work requires constitutional change and though the Commission is constitutionally empowered to review and regulate its own procedures, this empowerment is subject to the consent of the Prime Minister. In that respect, subsequent to our meeting with the committee last year, we suggested a number of matters which would require legislation. The Commission is still uncertain whether those matters have formed a part of the report of your committee. We would appreciate to be informed accordingly.

Part VI and VII relate to two specific aspects of the work of the Commission namely the

filling of vacancies in the public service and the promotions at certain levels of the prison service. The Commission believes that this is an appropriate forum to inform on these two areas of its work particularly in light of the continuing negative media reports on both these matters.

In Paper VI, the Commission has sought to indicate that the vacancy situation as reported in the media could be very misleading; that theoretical calculation of vacancies could include situations of secondments, suppressed and frozen offices by Cabinet, absences or study leave, the debarment of appointment due to current Civil Service Regulations, stipulated job requirements by the Chief Personnel Officer that cannot be met and temporary positions authorized by Cabinet that cannot be filled. In this context, the Paper emphasizes that the vacancy situation is never static and any theoretical vacancy situation reported in the media should only be seen in the abstract, as in all the above situations no fillings can be effected. Let me give you three examples:

- i. For the Financial Intelligence Unit (FIU) of the Ministry of Finance, Cabinet created 12 offices. However, of the 12 offices created, eight offices cannot be filled as these offices are yet to be classified by the Chief Personnel Officer.
- ii. In 2004 Cabinet imposed a freeze on appointments and promotions in the Human Resources series. In 2010, after a period of seven years, Cabinet lifted its freeze and the Commission was then able to make over 200 appointments and promotions. This change is not fully reflected in the abstract calculation reported in the media.
- iii. Over 300 vacant offices as Clerk Typist I and Clerk Stenographer I/II exist on the staff establishment of the Ministries and Departments and could not be filled for many years pending the amendment/revision to existing Civil Service Regulations. The necessary legislation was authorized by Cabinet in 2008 and the legislation has only recently been amended and these vacant offices can now be filled. The offices however are still recorded as vacant.

Notwithstanding the above factors, Paper VI recognizes that many vacancies do exist and informs of measures proposed to eliminate them which include the overdue transition from a manual system of operation to an electronic database management system; the establishment of a temporary selection centre authorized by Cabinet in 2010 and a number of internal administrative adjustments that are intended to address the existing situation in the short term. These include the reinforcing of our human resource monitoring teams assigned to Ministries and Departments, the development of a template for periodic review with the Ministry of Finance and through that Ministry with other Ministries to maintain an update on the changing patterns of vacancies. An example of the template is annexed to Paper VI.

Paper VI finally emphasizes the need for a revision of the present executive management structure of the Department which services four commissions and indicates that the functions of the department are not exclusively the processing of vacancies, but includes the process of confirmation, promotions, acting appointments, disciplinary matters, representations and requests for information. All of which processes are undertaken manually. Finally, that notwithstanding

that wider coverage of functions, over the period 2005-2010, the Department has processed in the context of the Public Service alone, fifty thousand 50,000 matters, 11,000 of which were vacancies.

**10.40 a.m.**

For the year 2000, the department has processed 1,675. In addition, under delegation of authority, ministries and departments have processed in 2010, 31,490 human resource matters. Moreover, paper VI underscores that the Commission is not in arrears and has finalized all submissions of the department. The issue remains, however, the productive capacity of the Service Commissions Department and the continued manual system of operation. It is baffling therefore to have the Commission criticized when it is not in arrears of any submissions before it.

In this respect, I want to refer to the observation of Senior Counsel and former Chairman of the Commission who on page 64 of his publication stated and I paraphrase, that there was a serious misapprehension by the executive and leaders in our society that Commissions are fully responsible for the “de jure” and “de facto” management of all services of the Commissions that that misapprehension derives from an unawareness of the constitutional role and function of the Commissions, and that the misapprehension permeates managers and a large section of the population. Let me admit that my paraphrase is much softer than the tone and content of Senior Counsel’s observation. I can only hope that the media here will take full cognizance of this in their responsibility to the public.

Paper VII addresses the promotions of Prison Officers at the level of Prison Officers II and Prison Supervisors. The paper informs of a protracted consultation through which this process has been conducted, the continuing objections of certain members of the Prison Officers Association primarily on the use of the now well accepted points system in promotion, and the decision of the Commission to proceed with the promotion and its offer to meet the Executive of the Prison Officers Association to clarify further our mutual positions, as we proceed.

Finally, paper VII also emphasizes that the used of the point system has been endorsed by the Privy Council, has been use in the promotions of the Police Service in 2005 and 2006, in the fire service in 2010 and in the First Division of the Prison Service in 2011. Further, by Minute No. 102, dated January 12, 2012, Cabinet in lifting the freeze to facilitate the promotion of officers, noted that promotions would be based on a merit-based assessment through a point system approved by the Public Service Commission, a system that has been worked out after discussions with the Director of Personnel Administration, the Permanent Secretary, Ministry of National Security, the Commissioner of Prisons and the Prison Officers First Division Association.

We trust that these papers will underscore to the Joint Select Committee that the Commission continues to fulfill its mandate to the best of its ability in spite of the constraints within which it has to operate.

Finally, Mr. Chairman, and Members of the JSC, we are pleased to report that we published another issue of the PSC Speaks Out in 2010, and we also published an updated Civil

Service list in 2012 after a period of 30 years. I believe we submitted those to you today. We trust that these papers and the information we have provided to you will underscore to this Committee that the Commission continues to fulfill its mandate to the best of its ability in spite of the constraints under which it continues to operate. Thank you, Mr. Chair.

**Mr. Chairman:** Thank you very much, Chairman Thomas. Let us start with the question of vacancies. I think the public, if I am to understand it properly, is deeply concerned about the filling of vacancies within the public Service. You have mentioned in your introductory remarks that you have done all that you are required to do under your remit and you do not have any outstanding matters, but even if we deliberate on the number of vacancies in the public service—what the media has been saying 11,000—the feedback, as I understand it, based on your calculations or the calculations of the DPA, is that there are some 9,000 vacancies; is that correct DPA? In the paper that you have, you said that there are some 9,000 vacancies still outstanding. If that is the case, can you explain how do you close the gap between what the PSC is doing and what is being done by the Service Commissions Department in order to resolve the issue which is the issue in this case of vacancies?

**Mr. Thomas:** First of all, I do think you are correct in the sense that the Public Service Association speaks of 11,000; our best calculation at the moment is between 8,000 and 9,000. We recognize that there is an existing situation of vacancies. Last year we did approach Cabinet to have a selection centre established temporarily—they have done this. It has been approved and that has begun to assist the process. We have asked to have an electronic data base system that will help us in that process. I understand that the moneys have been approved by IDB but the final stages have to be done.

We have also looked at a number of other internal situations that would help to push this situation forward, but even with the best will in the world the structure of the department—and the DPA could speak to that—would not permit this to be done within the kind of optimum time that is required. There will certainly be need for a more digitized system and we also hope that if the delegated authority system works well we would then be able to move towards having more of those matters handled by permanent secretaries.

That is the projection, but I do not know whether the DPA has any additional matters.

**Mrs. Edwards-Joseph:** Thank you, Chairman. I want to just add to what the Chairman has said in terms of the approaches taken to fill the vacancies. We are using several approaches, one of which the Chairman identified with the selection centre and the conduct and fast-tracking of interviews to fill positions, in addition to which I have recruited some retired persons who have worked in the Service Commissions Department before, and I have also granted some short-term consultancy where we have established some project teams to approach the filling of the vacancies as projects.

To this end, I have about four project teams going. One of the project teams is looking at filling all of the vacancies in the secretarial class as a result of the recent amendment to the legislation. That team is working even on weekends, Saturday and Sunday last week and they



are working Saturday and Sunday this week again, because we had given ourselves a deadline of March 31, 2012, and I want to tell you that we are indeed meeting our deadline of March 31<sup>st</sup>.

The special project teams in terms of the retired persons are targeting Ministry by Ministry. We have all but completed all the positions in the Ministry of Finance like Customs, and so on, in addition to which we have been issuing, from time to time, letters to the Permanent Secretaries and circular memoranda asking Permanent Secretaries to submit recommendations for the filling of vacancies. Vacancies in the public service also fall into two categories. Those that the Service Commissions Department can fill without the recommendation of the Permanent Secretaries as those generic across the board and we are filling those in the clerical class and those in the administrative class. The project teams are working on that because we have filled all the vacancies from Administrative Officer IV straight down to Administrative Assistant.

I can tell you some challenges we are having in terms of filling. The positions at the administrative level, if you would permit I do not know, but in addition to which the memos that we send out from time to time, the last which was last year December, referring to our Regulation 13, and asking permanent secretaries to send their recommendations so that we can fill because we cannot fill those vacancies in the absence of recommendation.

I have recently designed and the Commission has approved a new data capture form, which for the most part we have to do manually because we are now trying to get the document management system in place where we will be able to capture the data that would help us to do the promotion a little faster. It is hoped that by capturing the data this way we would be able to do bulk promotions. This, I think, will go a long way in alleviating the number of vacancies that we have to fill within the given period of time.

**Mr. Chairman:** Just to add to that question, how many positions do you have in the public service?

**Mrs. Edwards-Joseph:** If I were to make a rough, I think we should have about maybe 60-something or 50-something thousand officers.

**Mr. Chairman:** How many?

**Mrs. Edwards-Joseph:** About 50-something thousand officers. I could be wrong, give or take; just give or take the number.

**Mr. Chairman:** So 50-something thousand; 9,000 vacancies according to the paper here and even if you address the issues of the Clerk Stenographers, the filling of those 300 positions with 30-odd positions with the FIU, which I would come to later, would you say that level of vacancies, the unfilled positions, would you say that that level, 9,000 out of 55,000 is satisfactory?

**Mrs. Edwards-Joseph:** No, I would not say it is satisfactory to have so many vacancies on any establishment at a given time, but although there are vacant positions you have vacant positions with actual bodies in them, as the Chairman would have told you. And the Chairman would have already identified what are the constraints and the challenges in terms of filling all the vacancies. So some we can fill and some we are unable to fill for a number of reasons. Some of

them might be vacant and frozen, vacant and people on secondment but, ideally, in any public service it is good to have all your positions filled so that the organization could perform at maximum because when persons are temporary or acting there is a level of uncertainty and, certainly, the person may not feel motivated, so I would not say that is ideal.

**Mr. Chairman:** Yes, because it is about 15 to 20 per cent of the positions that are unfilled.

**Mrs. Edwards-Joseph:** Yes.

**Mr. Chairman:** Are there any questions by Members? Mr. Maharaj?

**Mr. Thomas:** Chairman, I would like to speak [*Inaudible*]

**Mr. Chairman:** No, let us get the question and then you can respond.

**Mr. Thomas:** All right.

**Mr. Chairman:** Mrs. Thomas?

**Mrs. Thomas:** Thank you, Mr. Chairman. I was just wondering with the number of vacancies as regards to the performance of the various Ministries, is it that the functions related to these positions are being now done by maybe temporary personnel or is it that the functions associated with these vacancies are just not being done?

**Mrs. Edwards-Joseph:** I am wondering if I am getting you correctly. Are you talking about the level of staff to process the matters being temporary?

**Mrs. Thomas:** No, I am talking about the actual vacant position. Let us say you have an administrative position that is vacant, that position goes with a function, who is performing that function; is that you have somebody temporary or is it that function is not being done at all?

**Mrs. Edwards-Joseph:** No. In those positions you have actual bodies, either people performing temporarily or in acting capacities, you have people in the positions.

**Mr. Chairman:** That is all of the 9,000 positions?

**Mrs. Edwards-Joseph:** No, not all of them.

**Mr. Chairman:** Okay, so how many?

**Mrs. Edwards-Joseph:** Some of the vacant offices would be vacant offices without bodies, because the Chairman would have explained to you our inability to fill some positions in terms of maybe the way—the job specification may be outdated. In some positions we are unable to attract applicants for the positions at all because of the small compensation packages attached to the position. Take for example, in the Ministry of Works, in particular, we have great difficulty in attracting or filling positions like Civil Engineers, that is a position that is placed in Range 53 with a starting salary of \$5,000 and \$6,000; how are you going to get an engineer to come and work for you at that level of money? So in some instances you have the vacancy and despite our best efforts we are unable to fill such positions. So you have instances like that as well.

**Mr. Chairman:** But do you have a figure then of the 9,000 vacancies all of these factors, notwithstanding, how many of them do you have bodies in and how many don't you, for whatever reason?

**10.55 a.m.**

**Amb. Thomas:** Those figures we do not have. We have to work those figures out. Service

Commission, in fact, does have those figures.

**Mr. Chairman:** That is a bit of a surprise.

**Mr. Maharaj:** This deals with the same issue of vacancies; I have a number of questions, so I would put through all at one time.

The Government created essentially two new Ministries, the Ministry of Transport and the Ministry of Gender Affairs with Minister Verna St. Rose-Greaves. Has the Commission looked at the staffing of these two Ministries in particular, seeing that they are newly created, so they would be able to effectively carry out their functions as mandated by Government?

On the larger global point, have you looked at filling vacancies relative to particular core units and how the vacancies or lack therefore would impact on the operation of those units? For example, one area may have vacancies for 10 persons, or 10 positions, but it may not impact the operations of that unit, while another unit may have a vacancy of two and it may significantly impact on the vacancy of that particular operation.

**Amb. Thomas:** Mr. Chairman, I want to offer the following explanation in the first instance. One, where Ministries have been differently aligned, we have been making arrangements to have persons and officers transferred accordingly to fill those vacancies and to transfer those positions from one Ministry to the other. So the answer to that is yes in the first instance.

**Mr. Maharaj:** If you could elaborate a bit more, because I know my colleague, Ms. St. Rose, and myself have an enormous challenge in terms of the inadequacy of staffing for both the Ministry of Transport and the Ministry of Gender Affairs. I would really like to hear what measures you are advancing to ensure that we are adequately staffed.

**Amb. Thomas:** Let me say, in the first instance, what comes to the Commission that we service. The details of the question you are asking I would ask the DPA to follow on that.

**Mrs. Edwards-Joseph:** Yes, member Maharaj, we have been addressing the filling of vacancies both in the new Ministry of Transport and the Ministry of Youth Development that is, filling of the positions from the level of the PS straight down to the clerk or the manipulative person. Once we get the request after the Cabinet approves the organization structure, we then proceed to source persons from within the public service to fill vacancies. We have made the proposal to fill the vacancies to the Commission, and officers have been appointed.

In most instances, persons are given acting appointments from one Ministry and they have to move across to another, and after we make the appointment the officers who are so appointed would make enquiries, especially at the senior level. So you would have your clerks and your lower level staff, because they would assume the positions, but in terms of the accounting assistants, the human resource officers, and some of the senior positions, these people do not take up the appointments, because in most instances because their positions are new, they are not travelling positions. Where they are, they would be getting traveling carries with it a \$2,000 grant a month. In many instances, people are not willing, although we have appointed them, to take up the appointment, but rather to lose it.

It is like the chicken and the egg situation, the person has to be in the position and justify

the need for that position to be scheduled under the Travel Ordinance. So we are having great difficulties in sourcing officers, in some instances, to fill your positions because they are not scheduled under the Traveling Ordinance.

**Mr. Maharaj:** Are you saying that the Commission makes an appointment and officers simply refuse to take it up?

**Mrs. Edwards-Joseph:** Yes, I am saying that. Officers turn it down for a number of reasons. Initially they would they are interested, but then they find out subsequently and turn it down.

**Mr. Maharaj:** On the main issue, the interest of the Commission is ensuring these entities are staffed in order to function to service the public, for example, the Licensing Division of the Ministry of Transport. On the establishment a provision is being made for 165 licensing officers, and right now there are only 50. When you factor in normal sick leave, vacation and people just not showing up for work, you work down to approximately 30-odd officers to carry out the functions of the Licensing Office in Port of Spain. The consequential impact on the public is terrible. People are complaining, the public is crying to high heaven about the lack of service. We want to know what the service commission is doing to ensure that we have persons in there to satisfy the public.

The public does not want to know about this set of details; they want to know when they are getting served in a timely and efficient manner.

**Mrs. Edwards-Joseph:** Yes I hear you, Mr. Maharaj. You mentioned that you have created 1,116 positions, what—

**Mr. Maharaj:** This was not created; this is what I met. This is what existed in the establishment. The Commission is not filling those vacant positions. Remember the Public Services Association recently declared they were going to start protesting outside the Service Commission because of the failure of the Commission to fill those vacancies. By failure to fill these vacancies, the Government is embarrassed and the public is inconvenienced in a significant way.

**Mrs. Edwards-Joseph:** Mr. Maharaj, from time to time we go out by way of advertisement to fill the vacancies, because if we have an order of merit list from a previous advertisement, we can fill it. Most times when we advertise, because of the type of compensation packages attached to the position, you get a limited number of persons responding. Even of the persons who do respond to the advertisement, we go by way of interviews. When we conduct interviews, we invite the Transport Commissioner or the subject matter who is going to sit with us, and even then you get limited numbers of persons who are found suitable. So the Commission is continuously advertising to fill vacancies.

We know the issues, we know the challenges, but in the absence of suitably qualified persons willing to present themselves to fill the positions, I do not see very much that we can do in the circumstances.

**Mr. Maharaj:** Given the fact that the representative union for the majority of public servants, the Public Services Association has taken up this issue of filling the vacancies, what sort of

consultation has the service commission done, if any at all, with the PSA, in order that the commission works along with the union in some kind of collaborative, positive way to address the situation.

**Mrs. Edwards-Joseph:** I know that the President of the PSA has written seeking an audience.

**Mr. Maharaj:** He is right behind you.

**Mrs. Edwards-Joseph:** I know he has written seeking an audience with the commission to treat with the matter at issue. I have listened to his programme and I have heard his utterances. We are not opposed to meeting with anyone if it will advance the work of the commission, to put our heads together united to seek solution to the problem of filling the vacancy. As such, if Mr. Duke has any sort of suggestion that he could put forward, I am sure, I am speaking on my own behalf, we would welcome him.

We have met with Mr. Duke from time to time, in terms of seeking solutions to the problems in the public service. We are not opposed to meeting with him.

**Mr. Chairman:** It sounds to me like a case that the operation is successful, but the patient dies, because we are not able to fill the positions, and we have about 15 or 20 per cent of the positions filled. Whatever the reasons, it means that the work required from the public service and the areas that you cover cannot be done for various reasons. It is something that we would certainly have to look at in more depth, because on the one hand I hear Amb. Christopher Thomas saying, "Look, we have done all that has been put before us," but on the other hand, the stakeholders, the customers, the public, are feeling shortchanged because they cannot get the service. So we need to close the loop, one way or the other, to resolve this matter. Amb. Thomas you wanted to make a comment?

**Amb. Thomas:** I wanted to say to Mr. Maharaj that he is absolutely right in terms of looking for possibilities; it is not that we have not engaged the association, indeed, next week Mr. Duke will be meeting with me to discuss, to understand the situation a little better, because I do not think he clearly understands it, and if he has any suggestion that might advance the question of vacancies.

**Mr. Maharaj:** What is the relationship between the commission and HRM Company Limited, please?

**Mrs. Edwards-Joseph:** I am not aware of there being any.

**Mr. Alleyne-Toppin:** Just to take a little ride on what Mr. Maharaj was saying, I would like to have some of the same issues addressed for the Ministry of Tobago Development.

I saw where in 2010, from your report, you filled one vacancy in the Ministry of Tobago Development. Now that we have moved away from the Central Administrative Services Tobago, it is no longer the CAS which was very small administrative unit, and we are working to build a full-fledged Ministry. We are having very serious problems, challenges, just as he has described in respect of staffing and the different units that we should have, like monitoring and evaluation, finance, planning and IT. We do not have any of those.

We have gone before the PMCD and received permission to do some contracts position, but I would really like you to help us to bring ourselves to the place we should be as a

full-fledged Ministry, please.

The other question is about office accommodation. For those who are responsible, we have a very serious issue with accommodation for the Ministry of Tobago Development. We have outgrown that space where I sat when I was 19-years-old. That space has now been deemed by the fire service as a fire hazard, and we have a few short weeks to vacate that space.

**Mr. Chairman:** I do not think that is a job of the commission. That is probably for the Ministry of Public Administration.

**Hon. Alleyne-Toppin:** I know that too, but I need the staffing, and the staffing goes with the space; because if we do not have the space we cannot seat the staff.

**Mr. Chairman:** May I say to the PSA that clearly whatever the challenges, something significant is missing in terms of filling of the vacancies. Chairman, you had spoken to some of the issues relating to the Service Commission Department. You had raised the question of the ability of the Service Commissions Department to satisfy all the requirements. Would you like to amplify on that particular matter and then maybe we could talk with the DPA?

**Amb. Thomas:** Chairman, the four commissions have met with the PMCD. We have outlined some of the structural problems that the department has servicing four commissions. We have asked for a review of the structure.

**Mr. Chairman:** What are these structural problems?

**Amb. Thomas:** In the first instance staffing, one department servicing four commissions where the work has expanded to the extent where the structure itself needs to be reviewed and revised. PMCD has not responded, as far as I am aware. In terms of coming back to us, they have promised to come back to us with a suggestion, recommendation or proposals, we have not had any, but we continue to operate, as I try to say, through a department dealing with the four full commissions. We need to look again at the whole structure to see how it might be so designed to accommodate the different demands of these commissions.

**Mr. Chairman:** But in your report you had said that over the period 2005—2010, some 50,000 matters would have been dealt with by the Service Commissions Department. How many matters have not been dealt with?

**Amb. Thomas:** I wish I could give you some statistics, and I cannot. But when I said 50,000 I was referring to the Public Service Commission, not to the other commissions as such. We do not have that figure here; we did not focus on that figure.

**Mr. Chairman:** Maybe we should get some statistics on what is missing, because clearly something is missing.

**Mrs. Thomas:** Amb. Thomas, I was listening to the plight of member Maharaj and also member Alleyne-Toppin, and I am just going back a little to the bodies in position. I am wondering, what is to debar these persons who are currently performing the functions, in a temporary status or contractual status, to be given the positions or to be appointed to the positions? These persons from what I gather are actually performing the functions. I just wanted to find out what is the process or what is to debar those persons been appointed, because the ultimate result is better

service for the citizens of this country.

**11.10 a.m.**

I particularly was interested as regards the Ministry of Transport. We all hear the complaints, probably you and other Members, you go down, you do not want to wait, just to get a normal transfer. So, something like that I think is supposed to be of key interest to the Commission, and that is what I am wondering, can these temporary and contracted persons be appointed to the positions?

**Amb. Thomas:** In relation to temporary positions, yes, many of these can be filled, provided we can do so quickly, and we are working towards that. In terms of contractual positions, contract officers are not public servants, and therefore they cannot be taken into the public service simply like that, they have to go through the whole process. A contract officer is not a public servant.

**Mrs. Thomas:** No, I understand that, but what I was referring to, a contract person filling a position, temporarily, whether it is for one, two or three years, but for a position that you would have on your list as a permanent vacancy? Okay, let us just refer then, if that is the case, to those temporary bodies, filling the positions, because you know when people operate in a temporary capacity, the output is not as great as when they are secured in a permanent status in their position.

**Amb. Thomas:** I want to stay a little on the question of contract positions, because I think there is a misunderstanding here. Contract positions are, in many instances, devised to provide for the performance of a function by a person outside the public service because they get more money, the terms and conditions are better. You cannot attract certain people to those positions given the salaries and conditions that are paid by the public service. So that there is a way of, if I may use the term, using the contract positions to fill a position which a public servant or a person will not accept. In terms of the question of temporary positions, yes, we can work more assiduously on that to ensure that those positions could be filled.

**Mr. Maharaj:** Thank you, Mr. Chairman. Two issues relating to pages 27 and 28 of your annual report. Page 28, speaks to the issue of the Equal Opportunity Act. You said in 2001 you got eight complaints of using the Equal Opportunity Act, and you have consulted the lawyers and so on, and they have told you that you do not fall under that jurisdiction, and amendments need to be made in order to be compliant. But I think that what jumped at me is that you had at least eight officers who felt that they were discriminated against in some form or fashion, and I would really like to know, barring the legal aspect of it which precludes them from using the Equal Opportunity Act as a form of redress, has the Commission attempted to deal with the complaints of these officers, because they felt that they were aggrieved in some manner and way? That is with regard to the EOA.

In relation to the Freedom of Information Act, you look at the number of complaints coming from the broad public service of 147, and responding to 83, and 64 versus 85 from the Fire Service and so on, and you attribute to the lack of responses for 100 per cent really needing time to get archival records and so on. But there is a time frame involved in the FIA of 30 days

in which you are compelled to respond, and the day after the applicant can seek legal redress. So your delay here may result in some sort of judicial review. What mechanisms are you putting in place in order to treat in a timely manner the freedom of information request for members of the service?

**Amb. Thomas:** I believe that you have asked three questions, at least, one is the Equal Opportunity Act, and as you have said, the Commission does not have the jurisdiction to deal with those matters. These matters can also be referred, and have been referred, to the Service Commission Department, through what you might call the Complaints Authority—Freedom Information, and they are in fact addressed there.

In the case of the Freedom Information Act the 30 days you refer to exists, yes, but the response in 30 days does not necessarily mean that you have handled and completed the matter, because some of these matters take a lot of research and time, and so a matter simply cannot be completed to resolution within 30 days. But the Complaints Division or Unit of the Service Commission Department has been actively been pursuing these matters, but each matter takes a tremendous amount of research and time.

**Mrs. Edwards-Joseph:** I just want to add to what the Chairman said. You will see that the number we said we had received over the period, 232 representations, and we were able to complete 28. Normally when an officer makes a complaint, before we can send the matter to the Commission, because the complaint sometimes is about something happening within the given Ministry, we have to get the comments from the Permanent Secretary in order to process the matter, because sometimes we are not aware of what is happening until it is brought to our attention for the first time.

So the matters that have been completed, being 28, will be matters that we had full information for, and for what we could have completed. It does not mean that of the remaining balance that we have not taken action, it just that we have not been able to bring closure to those matters, because we are still awaiting further comments from the Permanent Secretary or even when the PS comments, there might be further questions to be asked and answered. So, we have to ensure all the complaints of the officers are indeed addressed.

We keep the officers informed every step of the way, what is happening by letting them know that the matter we have asked the Permanent Secretary for further comments, we give you a deadline by which we hope the matter would be resolved. In some instances we have identified the challenges, sometimes when an officer makes representation, it goes back to 20 or 30 years, in some of the records that I have mentioned, they are stored in our secondary storage archival records, and it does take time pulling and going through those records manually, in order to address the concerns of the officers, but we do try to meet the timelines stipulated.

**Mr. Maharaj:** I have seen in your report also you gave a little summary of your judicial adventures, and it appears that you were victorious in all, or is it that you have just omitted what you lost? [*Laughter*] Given the importance of vacancies, and coming back to the issue of vacancies, and the potential for unrest as you have the majority union lobbying for it, do you not



think that it is wise to include them in the decision-making and consultation process from a very early stage in order to get them buying in to the whole process, and thereby avoiding any potential conflict and public confrontation?

**Mr. Chairman:** I think that was a statement rather than a question.

**Mr. Maharaj:** I am asking if they think it would be productive by involving the union, so that it avoid any conflict and confrontation with such discussions beforehand?

**Amb. Thomas:** I am sure that, someone who has worked in other areas, that there is a value in consultation, and there is a value in consultation beforehand, we have done this and we continue to do this. But the Commission is not, by its independent status, a negotiator, it does not get into situations where it negotiates with the union. So what we can certainly do is to listen to and explain and understand and we can proceed, but certainly we need to keep that parallel situation very clear.

**Mr. Chairman:** Mr. Prescott SC, you had a question?

**Mr. Prescott SC:** Thank you, Chairman. I want to do several things if you permit me? Firstly, Amb. Thomas, you and your Public Service Commission have my congratulations on finally producing the Civil List after 30 years. I trust that we can expect a review every five years, or rather a published, updated list on a five-yearly basis. My congratulations are offered to you.

My first question is to be found in the report submitted by way of supplement to the published report at paper 4. Item 6 or paper 4 speaks of an alternative dispute resolution process that is either being considered or has been established. I would like you to tell us what—have you found it? What informs the need for establishing Alternative Dispute Resolution, (ADR) as a process, and how does one define a minor behavioural matter in the public service? I am assuming it is minor to the Commission, and not necessarily to the public officer. The question is as broad as that.

If you would permit me, I would just address question 3 at the same time, and that is by reference to paper 5, item 5. There is a proposal that the position of Deputy Permanent Secretary should be included in the Constitution, giving the Prime Minister the right of transfer as obtains for Permanent Secretaries. I am keen to find out if the Prime Minister does in fact exercise a right of transfer in relation to those offices, and then of course what informs the need to include persons at the level of Deputy Permanent Secretary within that embrace. The Deputy Permanent Secretary position I am thinking could be one to which every public servant could aspire without having to ask himself, can I satisfy the esoteric considerations of a Prime Minister?

**Amb. Thomas:** First of all, thank you very much for your congratulations on the publication of the book, I am sure that the Service Commission Department certainly appreciates that. My understanding is that the regulations do not say that they should be published every five years, but shorter than that. Is that correct? But we are moving to a shorter period, so we certainly would want to work towards that.

The process of dealing with complaints on discipline takes a very long time, and some areas are minor. By minor, we refer to those questions that—do not attract the possibility of

dismissal or serious discipline or penalties. We believe that those things can be solved by the kind of ADR that we are proposing. What we have seen is that the process through which a disciplinary matter takes place, where you have to establish a tribunal, first you have to get investigating office, and it could run to six or nine months, sometimes years. And some of these matters are not very complex. It may be a misunderstanding between two officers—a bad day or something like that. These smaller matters can in fact be handled by an ADR process, and so the Commission has looked towards this as a means of expediting these things and resolving these minor situations. And minor by that I mean things that do not attract necessarily dismissal or some serious sort of penalty.

**Mr. Prescott SC:** Permit for us to ask at this point, that however is what the Permanent Secretary would be expected to address on a daily basis, is that not right, those kinds of behaviour?

**Amb. Thomas:** Well, it really is not the function of the Permanent Secretary, and secondly, each person will have his right to address a situation in which, he feels he is aggrieved by. So, it is not strictly speaking a Permanent Secretary's function.

Now the question of the Deputy Permanent Secretary (DPS), my understanding is that the Prime Minister has the constitutional authority to transfer a Permanent Secretary. We are talking about transfer, we not talking about promotion now, and therefore I think your question, is it promotion or transfer you are referring to?

**Mrs. Edwards-Joseph:** Transfer.

**Amb. Thomas:** Why did we not do transfer?

**Mrs. Edwards-Joseph:** I do not know why that was not answered there. Why did you put that there?

**Mr. Prescott SC:** The position of the DPS should be included in the Constitution, giving the Prime Minister the right of transfer, as obtains for Permanent Secretary. Was it intended to refer only to promotion to that position, or having attained the position then you become susceptible to the Prime Minister's intervention?

**11.25 a.m.**

**Amb. Thomas:** Essentially, what is stated here is transfer, we may have to review that. Essentially we talked about transfer not promotion to that position.

**Mr. Chairman:** We have talked a lot about recruitment and the question of filling of vacancies; I want to raise the question of appraisals and performance appraisals. In your various papers, in particular, I recall Paper 7 with regard to prison officers, there was a situation where performance appraisals were not done for many officers for a period of time, and in the other papers you spoke about performance or lack of performance appraisals or delays in the submission of performance appraisals by Permanent Secretaries, now, tell me with regard to the Permanent Secretaries and the public service, what is the on-time record for the submission of appraisals and how many are submitted on time?

**Amb. Thomas:** Chairman that is a very delicate issue. I could begin by saying some five years

ago we had to grant an amnesty to Permanent Secretaries, because performance appraisals were simply not done. In order to promote officers we need to have their performance appraisals report. We granted an amnesty and sought to bring the matter to, what you might call, conclusion. How many appraisals have been done or not been done, I do not have the numerical number here with me. I do not believe that the situation is ideal. I think there are still many outstanding matters.

In the case of the prison and the question of appraisal, as you would note from a report, and I am very encouraged by the fact that you seem to have read the reports entirely, in terms of the prisons, what happened there was that the Commissioner of Prisons had been delegated a certain authority and for years he had not exercised that authority in terms of performance appraisals. So, there was a disconnect so to speak, between the performance of prison officers and the appraisal report that the Commissioner should have submitted. But I would ask the DPA to expand on that as appropriate.

**Mrs. Edwards-Joseph:** Thank you, Chairman. First of all I want to say that performance appraisal is not a matter for the commission in terms of having jurisdiction over the performance appraisal system. We need the end product which is the performance appraisal reports, once they perform the—so, the monitoring or the absence of performance appraisal is a matter for the CPO to monitor how quickly the Permanent Secretary send in the report to us, because we just want the end product to do our promotions to make our acting appointments.

In the case of the prison service, the fact that we had to do the promotion system and there had not been performance appraisals done for four and five years is a matter we could write to the Commissioner or we could write to the Permanent Secretary and say, listen, send the performance appraisal to us, but whether or not the commission can take any punitive action against the Permanent Secretary if the reports are not submitted on time, this is not a matter that falls for the commission to treat with. We could only make provision like the amnesty the Chairman referred to in order that we should be able to do our work.

One of the factors that contributed to the large numbers of positions unfilled as well, is the absence of performance appraisals, because our regulation also says that before an officer can be promoted there must be an up-to-date performance appraisal on the officer, and it is only recently over the last two or three years the commission has started telling Permanent Secretaries, listen, submit the performance appraisals to us as quickly as you can, that means, once the period has expired the report should come to us as quickly as possible, maybe one month from the cut-off date of the appraisal period.

What we are doing in instances to encourage the Permanent Secretaries and Heads of Department is to send the report to us as quickly as you can, we would proceed to make the recommendation to promote the officer, and we have been telling the officer, listen John, James, Mr. Paul, Mr. Harry, Mr. Maharaj, you are indeed eligible for promotion, the commission is contemplating your promotion, but we are unable to do so because the performance appraisal is outstanding. The Permanent Secretary is then given seven days in which to respond, because the

officer has been informed that the Permanent Secretary has been given seven working days to respond and submit the performance appraisal to us, and for the most part we have been getting good results in terms of getting the performance appraisals to us, but the whole management of the system is not a matter for the Service Commission department or the commission itself.

**Mr. Chairman:** I think we have been hearing a lot of that, this is not my remit, that is not my remit, but at the end of the day if it falls through cracks and it might be bigger than cracks, the service that is required by the public and by the stakeholders, public employees, that service is not being properly fulfilled, and our committee is trying to put its collective mind around this.

You are saying that the whole question of performance appraisal is not part of the remit of the Public Service Commission, yet still somebody—I believe it is the Public Service Commission—provides amnesty to Permanent Secretaries for not doing so. So, the question is one of, who is responsible for getting our collective act together, and I still want the answer for the question of statistics, through you, Chairman, through you, DPA, to send us statistics on what has been missing in terms of performance appraisals and how timely they have been submitted? I cannot understand, for the life of me, how you can determine promotions if you do not have the appraisals of persons. Now, you are getting the appraisals of persons that you are considering, but there might be persons who are eminently qualified, that you are not considering because you do not have the performance appraisals, maybe you could amplify on that for the benefit of our committee?

**Amb. Thomas:** Chairman, we would certainly be able to give you those statistics. We do not have them here with us. I can make them available. However, I will ask the DPA to discuss further the question of statistics, but I want to just refer to your first question which is the one on different remits of bodies and I want to remind this committee that we have made this a very important matter to you in the context of fragmentation, where a system has been so designed, the different bodies have specific functions, and where the CPO has a function it is the CPO's remit, and unless the bodies work together in a coordinated manner then you do have those, as you call it, falling between the cracks.

We are working towards that and the Deputy Chairman would tell you if we reach that point, that on the question of fragmentation the Minister of Public Administration has now established—recognized the problem, because we met with her and has established two committees. It is a policy and strategy committee to look at the question of bringing the services together in terms of coordination to be able to avoid that kind of falling between cracks.

**Mr. Chairman:** If I may interject, Ambassador, and just to drill down a bit on this question, can you tell me categorically who is responsible for performance appraisals of public officers?

**Amb. Thomas:** The CPO is the person who is ultimately responsible for that together with Permanent Secretaries.

**Mr. Chairman:** And the DPA was going to amplify a particular matter?

**Mrs. Edwards-Joseph:** You mentioned the whole question of collaboration and I just wanted to put on the table, yes, we have been meeting with the CPO and collaborating. As a matter of fact,

when the amnesty was granted in 2005, it was as a result of our collaborative effort, because we needed a product to be able to do our promotion, the CPO and the commission met and the design of this amnesty form came about, so there is collaboration.

In addition to which, we have established a committee where we meet with the CPO once a month, every first Wednesday in the month in terms of bringing issues to her that may be affecting our work and maybe she could also bring issues to us that are affecting the fast completion of what is required in the—I think, Chairman, you had raised a point where you said that in the absence of performance appraisal there might be people who are eligible and who may not be considered, then those persons might slip through the crack. This is not so. What we do, we bring all the persons, all the officers who are eligible for promotion to the attention of the commission. We actually make the recommendation by putting them in the respective vacancy. We are unable to issue the letters to them in the absence of the performance appraisal, hence the reason we tell them, you are being considered for promotion, but we ensure every officer who is eligible is taken on board, in making the relevant submission to the commission. So, the absence of performance appraisal at the given time would not impact negatively on the officer who is being considered.

**Mr. Chairman:** Mr. Sharma, you are eager to ask a question?

**Mr. Sharma:** I am not eager, but I want to ask questions because I think that is my purpose here. Chairman, I am frightened by what I am hearing here. Is it that you are breaching the laws that have caused you to be appointed, and are you acting outside of your rules of engagement? And the answer seems to be yes, it is almost like doing heart surgery without doing the required test. You are saying to this body here that you have been promoting persons without the requirements that the law sets out.

**Amb. Thomas:** No, we are not saying that at all.

**Mr. Sharma:** Hold on. The fact that you granted an amnesty for which you have no power so to do, the fact that you are appointing persons when the appraisals have not yet come in, you are not allowed to do that. The fact that it has happened and the fact that the public—in the public I mean public officers—have gone to court, so it would have come to your attention, you would have been drawn into it one way or the other, saying that we have not been treated with for whatever reasons, and you have operated with all that knowledge. How is it that you can grant an amnesty when I am not aware where that is allowed by yourselves? Where is it that you are allowed to do promotions for which an appraisal is required and the appraisal has not come to your attention?

**Amb. Thomas:** Chairman, the other members of the commission might wish to expand on this, but my understanding is, and I think it is correct, that promotions are not done unless appraisals are had and processed. What the DPA tried to say was that having considered the person's seniority and the vacancies that are available the persons are told, the commission proposes to promote you subject to the performance appraisal report by your Permanent Secretary, only when that is received and that is satisfactory does the commission proceed with the promotion.

That is the first point.

**Mr. Chairman:** Yes, I think that was made clear to the committee, but the second point—

**Amb. Thomas:** The second point is the question of amnesty. For many years that performance appraisal reports had not been submitted by Permanent Secretaries, it therefore created a situation in the service where many officers—the commission did not act outside this mandate. We consulted with legal affairs on this matter and we got a full legal understanding that it is possible and practical to provide an amnesty to, in that case, avoid the stagnation of promotions.

**Mr. Chairman:** So, you are saying that it is within your powers to grant an amnesty?

**Amb. Thomas:** It is in the regulations as well.

**Mr. Chairman:** Now, before I turn to Mr. Maharaj, I just want to raise this matter relating to Permanent Secretaries. Permanent Secretaries, one function you have mentioned is performance appraisals, if they do not submit performance appraisals on time, is it part of your remit to deal with that, even as a disciplinary matter?

**Amb. Thomas:** To deal with that or to deal with them?

**Mr. Chairman:** To deal with them and deal with that, the non-submission of performance appraisals.

**11.40 a.m.**

**Amb. Thomas:** We have Regulations to deal with that and I would ask the DPA to cite them as specifically.

**Mrs. Edwards-Joseph:** Yes Chairman, Regulation 9. If the Permanent Secretary has been asked to submit a performance appraisal and the Permanent Secretary fails to submit the appraisal within the time stipulated, the Commission can then invoke Regulation 9 that says, once the Commission calls upon a Permanent Secretary to do something that is the duty of the Permanent Secretary to so do. If the Permanent Secretary fails to perform then the person is guilty of misconduct.

So the Commission can indeed invoke Regulation 9 to compel the Permanent Secretary to act.

**Mr. Chairman:** So to expand on that question, is it within your powers to ask the Permanent Secretary to submit annual performance reports of every single person, reportable to the Permanent Secretary, and why have you not done that?

**Amb. Thomas:** It is within our remit to do that, and we have done that repeatedly to Permanent Secretaries. The performances I see and the responses have been varied—it is not up to mark.

**Mr. Chairman:** And therefore, you have powers to discipline as you would have mentioned in Regulation 9. Why have you not invoke those powers?

**Amb. Thomas:** That is a good question. Well we have really exhausted a lot of our approaches. In the first instance, one does not move to discipline except as a last resort. We have spoken with them, we have consulted, we have called them in, we have discussed it, we have seen improvements and then we have seen “slacking off” of those improvements. In other words, it is varied. The ultimate obviously is discipline. We have not moved to that and you are probably

right in that respect.

**Mr. Chairman:** I think it is clear that you have the powers, but you have not really invoked the powers. I think that is what you are saying. Is that correct?

**Amb. Thomas:** I would say that is correct, yes.

**Mr. Chairman:** I would come back to the question of Permanent Secretaries and performance appraisals of Permanent Secretaries. Who appraises the Permanent Secretary? But Mr. Maharaj has a question.

**Mr. Maharaj:** I am advised that the efficiency of the Public Service Commission has been significantly affected if not retarded by something which is called “building syndrome” which was discovered in 2009, and we are in 2012 now.

I am further advised that workers are leaving early because of a result of the conditions and so on of this “building syndrome”. Further, handcuffing and handicapping the Commission for performing its duties which seemed to be far ahead of the Commission’s ability. What is the Commission doing in order to prevent workers from leaving early and so on, because of this sick building syndrome which was discovered in 2009?

**Amb. Thomas:** I am sure the DPA can speak more authoritatively on this matter than I can, but I would say that, one we have consulted with the former Minister of Public Administration and the present Minister for removal from that building. We have been advised from time to time that another building has been found. That building has not proven suitable, and so we are still there.

**Mr. Maharaj:** With all due respect that is four years ago you know. Four years to now we cannot locate a building in Port of Spain or outside of Port of Spain to move a group of people?

**Amb. Thomas:** Mr. Maharaj, it is not my remit to find a building for the Public Service Commission. I am saying we have done this for the last four years or more, and we have been told by the political directorate, one we must move out of Port of Spain there is no building in Port of Spain. Two, the three buildings that have been found are all unsuitable. [*Interruption*]

**Mr. Maharaj:** You have to move out of Port of Spain.

**Amb. Thomas:** All unsuitable in Port of Spain. Where ever we have asked, we have been told repeatedly this building is available. In fact the last—must have been last year, we were told that One Woodbrook place was suitable. We checked. We went through and we discovered the volume of our files is such that it could not be sustained. The floor space or the floor capacity— [*Interruption*]

**Mr. Maharaj:** What sort of requirements do you all have in terms of files and people and so on. What sort of requirements do you all have in terms of building—files?

**Amb. Thomas:** You are getting out of my depth. I do not go into these administrative matters.

**Mr. Maharaj:** I am thinking since this is affecting the operations of the Commission in such a significant manner— [*Interruption*]

**Mr. Chairman:** I think to be fair that has been documented and passed on to the relevant Ministries, but has not been resolved as yet. It is not something that I think the Chairman of the

Commission can effectively answer. But I want to go back to something that you can effectively answer which is, how many years of amnesty have you given in terms of performance appraisals. How many years?

**Amb. Thomas:** We have granted amnesty on one occasion. I do not know how many years they were. I think it was 2005—2007 we have granted amnesty that period of time to ensure that persons were not disadvantaged in their promotions. That is the only occasion we have done it.

**Mr. Chairman:** Yes okay. Now my great concern with regard to a lack of performance appraisals is how are you as a Commission, going to be able to gauge the effectiveness or lack of effectiveness of officers in the public service, or the public service as a whole in terms of delivery against targets. If you do not have performance appraisal, do you have targets. If you do not have targets, how do you gauge how well the public service is doing? Can you give me some sort of perspective as to how you as the Commission would deal with that question of effectiveness or lack thereof?

**Amb. Thomas:** As a Commission we can only deal with that question on the basis of the performance appraisal reports.

**Mr. Chairman:** Right.

**Amb. Thomas:** If there are no performance appraisal reports then it is more difficult to decide how officers are performing. And so we have to insist that these reports are given on time. I do not know whether there are any other areas that I can give you to vet.

**Mr. Chairman:** Okay, so there is a lacuna in terms of the overall operations, in terms of the assessment by dint of not having these performance appraisals.

**Amb. Thomas:** Yes and it is a very difficult one. Because if the performance appraisal reports are not submitted within a specific time we have also been told legally that a performance appraisal report cannot be submitted by another senior person in relation to two or three years ago. Because that person is not really aware of the performance of that particular person. So you do have a problem there.

**Mr. Chairman:** It seems to me a very critical problem in terms of effective delivery of services to our citizens if we cannot assess the performance of those public officers. And I come now to the question of, if the Permanent Secretary is essential to the conduct and submission of these performance appraisals, and the Permanent Secretary is not delivering who is appraising the performance of the Permanent Secretaries.

**Amb. Thomas:** That is the question we would really like to get some assistance on. The performance appraisal of Permanent Secretaries is not as far as I understand done by anyone at the moment. It involves a number of factors. Their responses to the human resource requirement as far as the Public Service Commission is concerned, the requirements are laid down in terms of the financial regulations and there are a series of other things that was supposed—there is no one person who can appraise Permanent Secretaries. There must be a body or committee that does this. And you would note in our submissions that we have raised this issue that we would like to have a system of accountability for Permanent Secretaries. That



system has not yet been worked out. DPA do you have any thing that you want to add to this?

**Mrs. Edwards-Joseph:** Not particularly at this time, Mr. Chairman. But just to say that I know there are discussions that is ongoing with the PSA, the Prime Minister, CPO and the Ministry of Public Administration in terms of designing what might be the appropriate mechanism for the assessment of Permanent Secretary. In terms of the assessment of Permanent Secretaries, in terms of the Commission remit, the Commission is interested in assessing the performance of the Permanent Secretary as regards our delegated function to the Permanent Secretary. But clearly there are other functions like financial management and other areas that may be best assessed by the PS to the Prime Minister who ultimately sits as the head of the public service and in discussion, in collaboration with other stakeholders as may be useful to come up with appropriate format.

**Mr. Chairman:** So then it must be a matter of major concern to you that the effectiveness of delivery of public officers cannot effectively be measured if you do not have performance assessments and you do not have the ability as I understand it at this point in time to assess Permanent Secretaries. Now if that is the case, there is a major challenge, and the challenge is that a significant executing agency of the executive is not being effectively assessed and properly measured. Do you not have a great concern about that.

**Amb. Thomas:** Mr. Chairman, as I have indicated our reports do say that. We are hoping to be able to develop. We cannot do it alone—an accountability framework for Permanent Secretaries. Until such time that is put in place, which requires different actors to those who are involved to formulate the kind of mechanism through which this can be done we are still short of that, and you are right in that respect but we cannot do it alone. We can propose, we have done that, we have discussed it with the Minister, we discussed it with several other persons and we do have as you would have noticed in the documents that we have submitted, we are now at a point where we have brought together a number of designs you might say which we must now discuss with the board of Permanent Secretaries, with the CPO to ensure that we can reach an accommodation and an agreement as to the basis on which Permanent Secretaries would be assessed.

**Mr. Chairman:** Well it is most amazing that for the past 50 years that we have nobody assessing the performance of Permanent Secretaries, who carry such a heavy weight in terms of being able to deliver the services that policy makers would want. I am sure that it is something that we collectively have to resolve. If you are saying this what I interpret that to mean is that these persons are lords and ladies unto themselves. Even politicians have to face the polls and are measured and tested, why not Permanent Secretaries in another capacity.

**Prof. Ramchand:** I have a document in front of me headed: “Meeting of Public Service Commission with the Joint Select Committee of Parliament on April 29, 2011.” Written comments were requested on two issues: legislative and (ii) regulatory adjustments that can enhance the effectiveness of the Commission and issue number (ii): The impression that the PSC does not have an established role in the performance appraisal process for Permanent Secretaries. I quote:

“Recommendation: The role of the PSC in the performance appraisal process of Permanent Secretaries should be legislated. There could possibly be a committee comprising the Chairman of the PSC, the head of the public service and the relevant Minister to conduct such performance appraisals.”

This document is dated April 29, 2011. So I think we have done our part to suggest a way out of a really absurd situation, but I do not know what action has been taken on the basis of this recommendation or if our Chairman knows the fate of this document.

**Amb. Thomas:** No, I do not think that document has been advanced but we have said it before to this committee and we say it again that we must be able to devise a system where we can have Permanent Secretaries accountable and appraised. .

**Prof. Ramchand:** I might just add something to it. I am very concerned about this whole issue of week after week getting matters coming to us and there is no performance appraisal from the Permanent Secretary. And we have to perform all kinds of contortions to proceed.

**11.55 a.m.**

I think you were saying Chairman that the Commission has the power to discipline permanent secretaries for not submitting their assessments in a timely manner.

**Mr. Chairman:** I have not said that, the Commission Chairman has said that. I asked the question and it is clear. The question is why has it not been done?

**Prof. Ramchand:** I think from what you are saying, implicit in your statements and in our own statements is that perhaps a procedure might be for us every year to write to the permanent secretaries reminding them of the existence of Regulation 9. Specifically every year, tell them, “Listen, Regulation 9 exists and yuh supposed to do this in a timely manner”. If I know how the Civil Service and the legal system work, that would not be enough to act on. The DPA says whenever she sends a letter to them saying “I want an answer in seven days” she tends to get it. So it may well be if you do the annual one, that is document one, then when they do not submit you write them a letter and say “within seven days”. If they do not comply, then I would be in favour of taking action against them because they had a warning.

**Mr. Chairman:** Well it might be useful to take your own wise counsel on this matter, because there are various ways you can address a matter, and if you have something in your hands that you can use at this time rather than waiting for constitutional adjustments, waiting as you have to for regulatory adjustments and so on, use what you have in the time being because you might not get to the end or to the finish line but you certainly can make a few steps with what is within your powers to do at this point in time. And I think that would advance the cause at the very least.

Chairman, we are at 11.57 a.m., are there any concluding remarks that you would want to make at this point in time?

**Amb. Thomas:** Just one or two. The first is that I am heartened by the interest that the committee is showing on this occasion and the fact that the reports that we have painstakingly submitted have been read. And that has really given us some encouragement. Secondly, the

atmosphere on this occasion has been one that I consider to be the appropriate atmosphere in which business is discussed, and to let you know that we would like to, as far as possible, ensure that what takes place here be circulated as widely as possible so that the misunderstandings that are occurring in the society could be corrected. Thank you.

**Mr. Chairman:** Let me just say that our committee is heartened that you have given us, shall we say, a passing grade.

**Amb. Thomas:** Just a little above that.

**Mr. Chairman:** We will take all of these various matters that you have raised with us into consideration and in terms of communicating with the relevant persons as far as the remit of the committee is concerned. Even though you have said that you have met most of the requirements, you do not have any outstanding issues, I want to reiterate and reinforce that the public is not being fully served on a number of areas. The public officers are not being—the concerns with regard to vacancies and the filling of vacancies and the timeliness are not being addressed fulsomely in my view.

Whether that is as a result of fragmentation, as indeed a great part of it may be, it is fine enough, but at the end of the day, collectively, we have a number of services to deliver. I would want to encourage you even though it has not been discussed here today to set up a website to receive complaints directly from all of your stakeholders so you can address them at a much faster clip than would occur if you go other circuitous routes such as receiving letters and waiting for letters and so on. We are in the electronic age.

I want to thank your members for being as frank as they can with regard to this matter. And I think we had a useful meeting. There is a lot that has to be done in terms of recruitment, there is a lot to be done in terms of the appraisal system and some of those factors are within your hand. Use what is available to you to see that we can improve the efficiency within the context of what is currently under your control.

Having said that, I want to thank all the members of the committee, the public and those who are sitting in our gallery for being with us today and I want to thank you. I will suspend the sitting as we go on to the other part of our meeting. Thank you very much members of the Public Service Commission.

**12 noon:** *Meeting suspended.*