



REPUBLIC OF TRINIDAD AND TOBAGO



The Teaching Service Commission ANNUAL REPORT 2010

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1.0

Introduction

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

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

The following persons formed the Commission in the year 2010.

- Ms. Hyacinth Guy - Chairman
- Ms. Anna Mahase - Member
- Mr. Zaffar Ali - Member
- Mr. Oliver Flax - Member
- Dr. Dorrell Philip - Member
(up to December 20, 2010)
- Professor Ramesh Deosaran - Member
(from December 21, 2010)

Ms. Yvette Phillip, Executive Director, Human Resource Management, represented the Director of Personnel Administration (DPA) at meetings and Mrs. Murreen Lezama, Senior Human Resource Adviser, served as Secretary.

2.0

The Constitutional Mandate of the TSC

The constitutional mandate of the TSC as outlined above represents a core function within the Human Resource Management (HRM) field. The responsibility for human resource management within the Public Service is spread among a number of agencies/departments. These include:

- The Personnel Department:- which is responsible for the establishment of the terms and conditions of officers, the hearing of grievances of officers in the public service, performance management and appraisal, HR audits and HR Planning.
- The Pensions Division of the Ministry of Finance:- which is responsible for the processing of superannuation benefits
- The Ministry of Public Administration:- which is responsible for the management of the training and development function, giving advice on increases in establishment and changes to organizational structure and overall change management activities
- The Service Commissions Department:- which is responsible for the provision of administrative and technical support to the four Commissions appointed under Sections 110 - 111 and 120 - 129 of the Constitution of the Republic of Trinidad and Tobago.
- The Permanent Secretaries and Heads of Departments:- who are responsible for the overall management of resources, including human resources, and who have some delegated authority in the areas of recruitment, appointment of officers in temporary offices, and some acting appointments.

Teaching Service Commission 2010



Seated l to r: Ms. Yvette Phillip, Ms. Hyacinth Guy, Chairman and Dr. Anna Mahase.
Standing l to r: Mr. Zaffar Ali, Mrs. Murreen Lezama, Professor Ramesh Deosaran,
Dr. Dorrell Philip, and Mr. Oliver Flax.

2.0

continued

This fragmented nature of the HRM function in the Public Service presents some challenges to the Teaching Service Commission in discharging its mandate. As such, it is imperative that the TSC reach out to its stakeholders and work with them to ensure that all the HRM processes which fall within its mandate are integrated so that the desired overall outcomes are achieved.

Under the system of government in Trinidad and Tobago, the Civil Service is held to be non-political and is expected to serve in an impartial manner any government of the day. The concept of insulating the Civil Service from political interference was a key ingredient of this impartiality and the establishment of Service Commissions in Trinidad and Tobago, and therefore, does provide some security of tenure of office for public servants in Trinidad and Tobago.

The power to appoint and dismiss public servants is vested in the Commissions who can only do so upon establishing reasonable cause. A public servant appointed by the relevant Commission can only be dismissed as a result of disciplinary proceedings preferred by the Commission and after being given the opportunity to be heard. In addition, the public servant, if not satisfied with the action of the Commission, can appeal the decision to an Appeal Board. The Constitution makes it clear at Section

85 that a Minister, "shall exercise general direction and control over that department which shall be under the supervision of a Permanent Secretary whose office shall be a public office." So while public officers have security of tenure under the Constitution, they have a responsibility to serve the government minister who heads the ministry. Ministers are responsible for the outcome of their ministries but have no disciplinary control over the people in those ministries.

Section 129 of the Constitution gives the Commissions the right to regulate their own procedures. To give effect, to this the Commissions have promulgated regulations which set out the principles and guidelines to be followed in making appointments, promotions, transfers and in exercising disciplinary control over public servants. The Teaching Service Commission with the consent of the Prime Minister, has adopted the Public Service Commission Regulations, 1966, with retroactive effect from 26th September 1966. The Commission has recognized that this is not an entirely satisfactory situation and intends to take steps in 2011 to formulate its own regulations. The Public Service Regulations therefore will continue to apply to members of the Teaching Service until the TSC formulates its own regulations.

3.0

Meetings of the TSC in 2010

The TSC exercises its role through regular meetings to consider the business of the Commission. These are usually held on a Wednesday. Several other meetings are held weekly for the purpose of interviewing candidates for appointments to the several offices in the Teaching Service or to meet with various stakeholders.

The decisions of the Commission are recorded in minutes of meetings which are confirmed at the subsequent meeting and placed into the records. From time to time, the Commission invites other officers of the Secretariat to attend its meetings to discuss and clarify matters on the agenda. This is especially so with staff of the Legal and Disciplinary Units of the Service Commissions Department.

In 2010, the Commission held 24 statutory meetings, at which 1,421 notes were considered. In addition the Commission held meetings with representatives of various stakeholders, including in particular, the following:

- The Ministry of Education (the Permanent Secretary, officers of the Human Resource Division and school supervisors);
- The Division of Education, Youth Affairs and Sports of the Tobago House of Assembly;
- The Trinidad and Tobago Unified Teachers Association;
- The Associations of School Principals; and
- The Association of Denominational Boards and individual Boards.
- TTUTA
- Other individuals in the education system, e.g. supervisors, principals

Members of the Commission also participated in 283 promotional interviews for the office of Principal.

4.0

Overview of Accomplishments for 2010

4.1 Appointments and Promotions:

A Cabinet decision of July 2006 granted approval for the establishment of a Temporary Selection Centre for the Commission to conduct interviews for the filling of vacant offices in the Teaching Service. However, accommodation only became available in July 2010. In 2005, the backlog of vacant offices in the Teaching Service numbered 2,132. Over the period 2005 to 2011 a further 730 positions became vacant making an overall total of vacant offices of 2,862. By December 2010 this backlog was substantially reduced with only 53 vacant offices of Principal and Vice Principal on the establishment. This represents a 98% completion rate for filling of vacant offices.

There were 541 vacant offices of Heads of Department, Deans and Senior Teachers at the end of 2010 and these were scheduled to be filled in 2011. The significant reduction in the number of vacant offices within the Teaching Service was achieved as a result of a review and change in the structural and administrative arrangements used for filling offices. This included:

- Increasing the number of interview panels for offices of Principal and Vice Principal by shifting from all Commissioners sitting on one panel to one Commissioner per panel.
- Increasing the number of selection panels for other administrative offices such as Deans, Heads of Departments and Senior Teachers by the engagement of the services of former public officers, who have served in senior HRM positions in the Public Service and in professional positions such as Schools Supervisor, Curriculum Officers, and Principals in the Ministry of Education (MoE) as members of the selection panels.

4.0 *continued*

4.1 *continued*

- Increasing the frequency of interviews by first decentralising the process and utilizing schools in the educational districts and then using the Selection Centre which became available in July 2010.
- Revising the selection instrument to make it more aligned with the job description so as to achieve more consistency in the selection process.

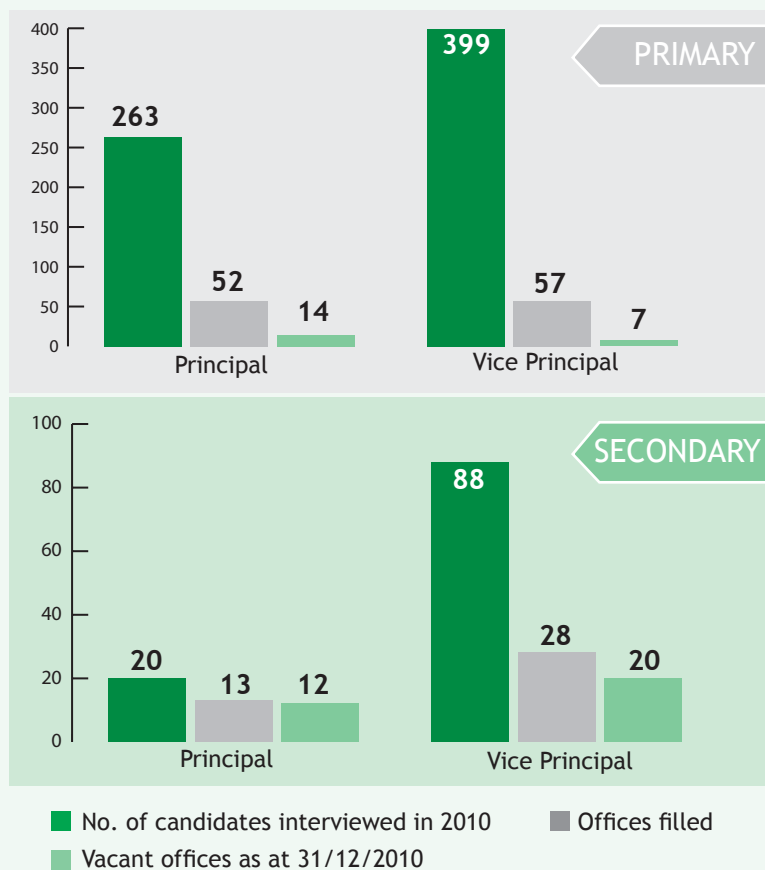
4.2 Principals and Vice Principals

Promotion to an office of Principal is made by the Commission after consideration of reports of interview panels, each chaired by a member of the Commission. Arising from these interviews, order of merit lists are established from which appointments are made. In the case of denominational schools, these are done after the relevant consultations with the denominational boards.

In 2010, a total of 770 persons were interviewed for the offices of Principal and Vice Principal as indicated in Figure 1. By the end of 2010, the TSC, in conjunction with the MoE had identified those offices which were expected to become vacant in 2011 and had requested the MoE to have these offices advertised in the first quarter of 2011.

The result of this change in procedures was that the long periods that public officers spent acting in vacant offices, were virtually eliminated as a result of the expeditious filling of vacant offices. The length of time an officer now remains acting in a vacant office has been reduced from an average of thirty-six (36) months to fewer than six (6) months. In addition, by the end of 2010, there were only 53 vacancies; these were made up 14 Principal (Primary), 7 Vice Principal (Primary), 12 Principal (Secondary) and 20 Vice Principal (Secondary).

Figure 1 - Principal/Vice Principal Appointments 2010



4.3 Heads of Department, Deans and Senior Teachers

In 2010, 66 promotions were made to the office of Head of Department (Primary) and 12 to the office of Senior Teacher (Primary). No promotions were made to the offices of Head of Department (Secondary) and Dean since these vacant offices were not advertised in 2010.

4.4 Secondary School Teachers

Appointments of teachers within the secondary school system have also been increased and made more effective by working with the Ministry of Education (MoE) to identify areas of need and focus the selection process specifically in those areas. The TSC has delegated to the MoE the temporary appointments of persons, in the office of Teacher for both government and assisted schools for a period not exceeding three months. These are made from a priority list of candidates approved by the Commission.

4.0 *continued*

4.4 *continued*

Applications for teaching positions in secondary schools are received and assessed by the Permanent Secretary, Ministry of Education to determine

- Teaching grades of the applicants; and
- Subject area(s) for which the applicants qualify.

The applications are then sent to the Teaching Service Commission, which has authorized selection panels to interview the applicants. Each panel comprises a Human Resource Adviser II of the Secretariat of the Commission and a Curriculum Officer in the relevant subject area from the Ministry of Education. Reports of the panels are considered by the Teaching Service Commission, which approves priority lists for appointment of subject specialists. From these lists, the Permanent Secretary in the Ministry of Education has been delegated authority to make temporary appointments not exceeding three months. Boards of Management of assisted schools select their

temporary teachers from these approved priority lists.

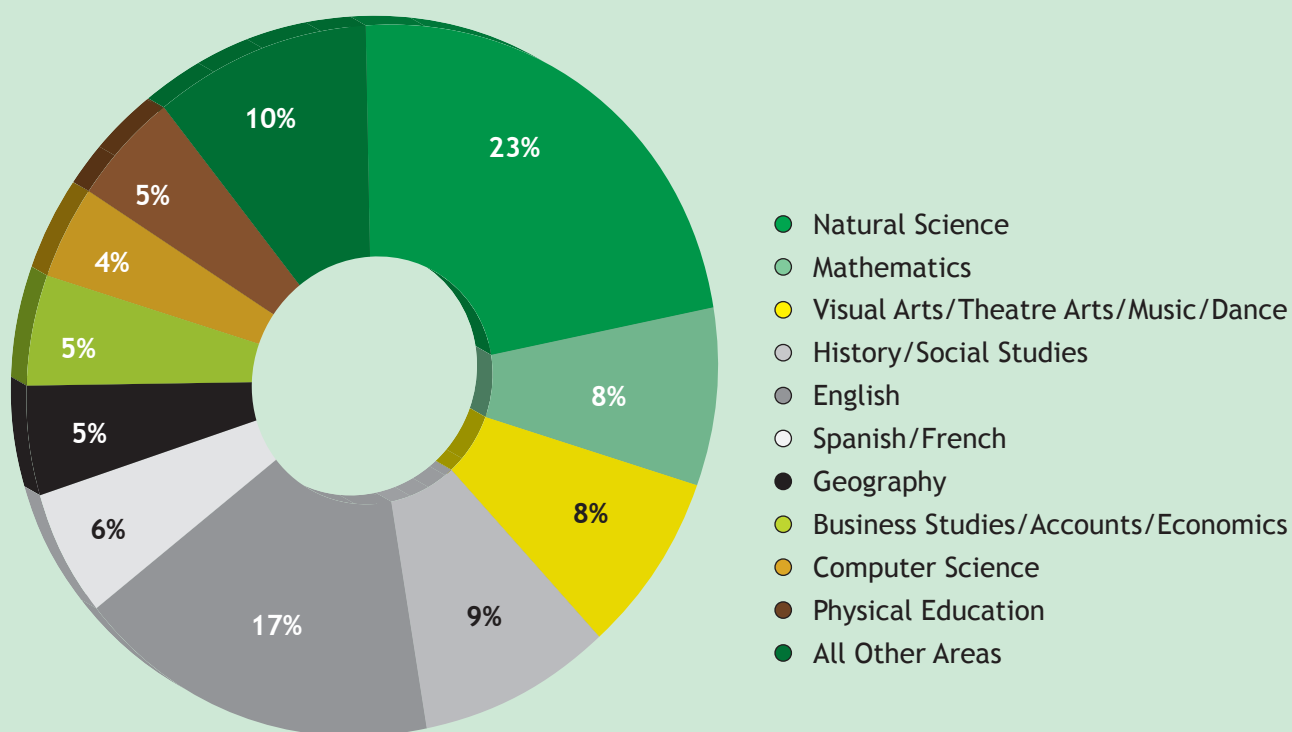
During the year 2010, regular meetings continued to be held between senior members of staff of the Teaching Service Secretariat and the Ministry of Education to monitor the priority areas of need in the various schools. Accordingly, the Commission was able to organize the selection process with these needs in mind, and so maintain a high level of efficiency in the appointment process.

In 2010, a total of 658 persons were interviewed in 110 sessions to assess their suitability in 25 subject areas. As a result 598 persons (91%) were approved by the Commission and were placed on the order of merit list. The performance of candidates by subject area clusters is summarized in Table 1 below and Figure 2 on page 8. Further in 2010, 262 appointments were made to the offices of Teacher II/III, and 69 appointments/promotions to Technical Vocational Teacher I-IV.

Table 1 - Performance of Candidate by Subject Area

Subject Area	Number of Candidates	
	Interviewed	Successful
Natural Science	145	140
Mathematics	51	48
Visual Arts/Theatre Arts/Music/Dance	50	49
History/Social Studies	56	52
English	121	102
Spanish/French	41	35
Geography	30	29
Business Studies/Accounts/Economics	36	31
Computer Science/Information Technology	31	21
Physical Education	30	30
All other areas	67	61
Total	658	598

Figure 2 - Distribution of Successful Candidates by Subject Area



4.0

continued

4.5 Primary School Teachers

The MoE has determined that all teachers in the primary school system must have a relevant first degree and must be certified to teach in the primary school system. To this end, it has instituted a development plan where primary school teachers who do not have this level of education are taken out of the classroom and sent to a tertiary level institution to become qualified. After becoming qualified, teachers are placed back into the classroom. Meanwhile, temporary appointments are made to the vacant offices of Assistant Teachers.

The Commission has delegated the responsibility for interviewing and appointing suitable candidates for temporary offices in primary schools in Trinidad to the Permanent Secretary,

Ministry of Education. Interviews are conducted on the basis of need by the Ministry and order of merit lists are prepared for approval by the Commission. Initial temporary appointments for three months are made by the Ministry on the basis of these lists. Permanent appointments of teachers to primary schools are made by the Commission, on the recommendation of the relevant authority. During 2010, a total of 100 such appointments were made to the office of Teacher I.

In spite of this procedure, there is still a long time lag between the identification of a vacant office in the school and the filling of the office. The TSC has been in discussion with the MoE with a view to improving the effectiveness of this system.

4.0 *continued*

4.6 Fillings in Tobago

In the case of Tobago, interviews for candidates for temporary appointments are conducted by selection panels each comprising a Human Resource Adviser II, of the Service Commissions Department, and two school supervisors from Tobago. Order of merit lists are prepared for approval by the Commission, from which initial temporary appointments are made by the Chief Administrator, Tobago.

4.7 Other Administrative Offices

Appointments to vacant offices in other administrative offices which were de-linked from the Public Service Commission continue to be made by the TSC. During the period the Commission conducted selection processes and made appointments/promotions to the following offices:

- Chief Education Officer,
- Curriculum Officers,
- Guidance Officer I,
- Director of Educational Services,
- Schools Supervisors I and III commenced and are expected to be completed early in 2011.

4.8 Other Matters

Other matters relating to appointments that were addressed by the Commission in 2010 include:

- 308 Acting Appointments
- 251 Temporary Appointments
- 817 Confirmation of Appointments
- 240 Transfers
- 90 Temporary Transfers/Releases on Secondment
- 65 Cases of Separation on various grounds including Permission to Retire (28), Retirement on Grounds of Ill Health (14), Retirement on Ground of Marriage (8) and Abandonment of Office (9)

4.9 Discipline

The roles and responsibilities of the various offices/office holders are prescribed in the Constitution, the Education Act and the Public Service Commission Regulations as adopted by the Teaching Service Commission. These are summarised as follow:

- The TSC has the power to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers.
- Schools supervisors have the responsibility for submitting reports on matters relating to the discipline of teachers. (Education Act. Chap 39.01. Sec 26 (c))
- Principals are responsible for maintaining discipline in the schools (Education Act. Chap. 39:01. Section 27 (d)).

In the area of discipline, the Commission recognized that there was a weakness in the system in that disciplinary matters took an inordinately long time to be resolved. It was observed in 2006 that, on average, it took more than a year for a serious matter occurring at the school involving a teacher to be brought to the attention of the TSC. Generally, this was not the result of lack of attention to the matter, but the manner in which the regulations were interpreted and applied.

Regulation 85 of the Public Service Commission Regulations, 1966 as adopted by the Teaching Service Commission says:

85.1 Where an officer is alleged to be guilty of misconduct or indiscipline, the Permanent Secretary or Head of Department shall forthwith report the matter to the Director for the information of the Commission.

4.0 *continued*

4.9 *continued*

In an effort to uphold the rights of the individual against whom the allegation is made, a thorough investigation is carried out by the MoE in order to determine whether any basis exists for laying a charge against the officer. Meanwhile the officer continues to perform his/her functions in the school. While this may suffice in the case of allegations such as absence without reasonable cause, or persistent irregularity, where such allegation involves violence or abuse of children or criminal charges, the risk of the officer remaining in the environment while the investigation proceeds, increases significantly. To mitigate this risk, the Commission instituted a process change and directed that:

The Principal and/or the School Supervisor will report to the Permanent Secretary forthwith, (that is, within the same school day) any allegation of misconduct that has been made against a member of the Teaching Service. The Permanent Secretary will report the allegation forthwith (within the same working day) to the Director for the attention of the Commission in keeping with Regulation 85.1.

Where the allegation involves abuse of children by a teacher, violence in the school involving a teacher, safety violations involving a teacher or where criminal charges are laid against a teacher, the same as above applies.

The revised guidelines further indicated that the Commission, if deemed appropriate, shall write to the Permanent Secretary forthwith, (that is within 24 hours of notification by the Director) informing that the officer should cease to report for duty until further notice from the Commission. The Permanent Secretary has to issue this

notice to the officer within 24 hours of receiving same and the officer so directed shall cease to perform the functions of his office forthwith, until directed otherwise by the Commission. The Permanent Secretary shall immediately take steps to investigate the matter, in keeping with Regulation 90 of the Public Service Commission Regulations, which gives the officer a maximum of 30 days to complete the investigation and produce a report.

This procedure which is now well in place and functioning has sought to balance the right of the individual with the rights of other persons in the system that may be at risk in the interim. However there continues to be some degree of challenge. While the TSC is now fully aware of the issues of discipline which occur at the level of the school, the efficiency of the investigative machinery, which takes place at the level of the Ministry of Education has not improved. The regulations provide for investigations to be completed in thirty (30) days and a report submitted to the Commission. Invariably, this process sometimes takes over a year and the TSC has been in discussions with the MoE to determine the reasons for the delays and to take steps to address this.

Table 2 outlines the disciplinary matters handled during 2010 and Appendix I gives further details of those matters.

Further, and in order to address issues of unpunctuality and irregularity in the Teaching Service, the TSC revised the disciplinary policy to establish limits which will prompt the employer to send information to the TSC. A copy of this revised policy is attached at Appendix II. This will be promulgated in 2011.

Table 2 – Disciplinary Issues Handled in 2010

Court Action	Preferment of Disciplinary Charges	High Court Action	Abandonment	Disciplinary Tribunal Findings
8	5	3	24	10

4.0 *continued*

4.10 Administration and Stakeholder Relations.

The Commission, in seeking to achieve its mandate had of necessity to pursue some aspects of reform, both at the strategic level and at the administrative level. It did so by engaging its stakeholders in the change process, (in particular the MoE, and the denominational boards), while at the same time retaining its independence under the Constitution of the Republic of Trinidad and Tobago. As such it established a series of regular meetings with its main stakeholders:. Some of these were:

- The Permanent Secretary of the Ministry of Education - Quarterly meetings between the senior level of the MoE and the Commission to align the role and functioning of both departments with the strategic objectives of the education sector. Monthly meetings with a joint operational team comprising officers from the TSC Secretariat and the HR officers of the MoE to establish better channels of communication and expedite problems solving with respect to operational issues.
- The Division of Youth Affairs and Sport, Tobago; Meetings to update on TSC matters and address Tobago issues.
- Officials of TTUTA - Meetings to update on its initiatives and discuss challenges and issues
- The Denominational Boards - Meetings as necessary to discuss policies and placement issues
- The Principals' Associations - bi-annual meetings to update and discuss policies
- Schools' Supervisors - Annual workshop with the first line supervisors in the system, to discuss the roles in establishing and maintaining high performing schools.

Other initiatives undertaken in this area include:

- The Commission also opened itself to meetings with individual teachers and Supervisors, if such meetings were deemed necessary for the fulfilment of the mandate of the TSC.
- The Commission continued the production of its newsletter called "TSC Speaks" which informs stakeholders on its activities.
- The Commission continued the process of revising the internal work processes of the Secretariat to reduce cycle time for processing documents, improve the registry process, computerize some data to facilitate production of reports, and improve the record keeping and record retrieval process.
- The Commission undertook an exercise aimed at reducing the backlog of confirmations of appointments, acting appointments, and the appointments of persons to Teacher III and Teacher II offices who were serving in temporary positions.

5.0

Major Challenges

5.1 The Concordat

The Concordat of 1960, subtitled “Assurances for the Preservation and Character of Denominational Schools as approved by Cabinet”, refers to the reorganisation of the education system at that time, insofar as those proposals affected “the Denominational Boards of Management, the Governing Bodies and Principals of Assisted Secondary Schools”.

The Concordat had laudable intentions, the main one being to broaden opportunities for all the children of the nation for a good education, tapping into the quality of holistic education then being offered by the denominational schools while preserving the religious essence of each of these schools. In return for financial assistance (to assisted schools), the schools would allocate 80% of their spaces to children from any denomination who had achieved a benchmark level of examination success. On the other hand, certain prerogatives would be retained by the denominational schools.

Thus, the Concordat states in part:

A teacher shall not be appointed to a school if the denominational Board objects to such an appointment on moral or religious grounds. Similarly, if a teacher be found unsatisfactory on these grounds, moral or religious, the denominational authority shall have the right to request his removal to another school after due investigation.

The Concordat therefore provides for the approval of the denominational boards of any proposed appointment in the school.

The Teaching Service Commission has sought to apply this agreement in its letter and spirit but, in doing so, has encountered

a number of challenges. For example, persons who are not “of the faith” but who have been accepted by the boards to teach are debarred from an appointment as Vice Principal or Principal, even if they have given long and meritorious service to the school. Such teachers are sometimes superseded by persons who are of the faith but whose competency as an academic leader falls short of the teacher who is not of the faith. This has given rise to disgruntlement, demoralisation and a sense that the system is unfair. Indeed, a legal challenge has been made to this system on constitutional grounds and a decision is being awaited.

The TSC has also had to deal with situations where a qualified teacher who is of the faith is refused by the denomination on unspecified “moral” grounds while, in other cases, the objection is based on a charge that the teacher, while admittedly being of the faith, is not as regular at worship as the board of management would like.

Given its constitutional responsibility to appoint teachers in all schools in a manner that is fair, consistent and transparent, the TSC sometimes finds itself challenged to accept some of the reasons being offered for denying a qualified and high performing teacher a seemingly deserved opportunity for advancement.

The TSC has continued to work within the stipulations of the Concordat, but on many occasions has invited representatives of denominational boards to its offices to discuss the situation, apprise the board members of the Commission’s stand on the matter and to hear the honestly held views of the Board. Happily, a resolution has been found in most cases, but this fifty-year old agreement between Church and State still constitutes one of the many challenges faced by the TSC in delivering its mandate to the people of Trinidad and Tobago.

5.2 The Memorandum of Understanding

A new classification and compensation plan for personnel in the teaching profession was implemented with effect from 1st January, 2000. The effect of this plan was to raise the minimum qualifications and experience required for the offices of Principal, Vice Principal (Secondary and Primary), Head of Department, Dean and Teacher III (Secondary) and Teacher Educator.

The representative professional association for teachers, Trinidad and Tobago Unified Teachers' Association (TTUTA) argued successfully that the change had effectively disqualified from promotion many officers who had given long and meritorious service under the old classification. The resultant Memorandum of Understanding (MOU) between the CPO and TTUTA therefore agreed that where:

- i. There is a dearth of candidates with the required qualifications and experience to fill the aforementioned offices;
- ii. There is a lack of capacity for training (e.g. for the Diploma in Education.); and
- iii. The required internal training was not in place by the Ministry and or the Tobago House of Assembly" the following should apply:

"For appointment/promotion to the offices of Principal and Vice Principal in the Primary and Secondary Schools, academic qualifications and/or experience requirements to be waived where there is a dearth of suitably qualified persons to fill the vacancies".

These arrangements were initially to have been effective over the period 1st January 2006 - 30th April 2008 but were extended by agreement between the CPO and TTUTA.

The MOU was intended to protect teachers who had not had the opportunity to acquire the new qualifications and experience and provide them with an opportunity for being promoted. As it turned out, a large percentage of teachers had in fact acquired the requisite qualifications and experience, and the dearth applied for the most part to small schools in mainly rural areas. The result was that for schools where there was no dearth, teachers with good qualifications and experience and who had done well at the interview for the position, but who had not topped the list, were ineligible for promotion. On the other hand, in schools where there was a dearth of qualified applicants, teachers with basic academic qualifications and little or no experience had to be selected as Principal or Vice Principal.

This has created a significant imbalance among the ranks of Principal and Vice Principal nationally and has been essentially unfair to the qualified teachers who are not gaining promotion.

The TSC brought this issue to the attention of the relevant parties and has proposed that persons now be selected for the offices of Principal and Vice Principal nationally. This is especially important given that order of merit lists now exist for offices of Principals and Vice Principals. This allows for a situation where teachers who apply for a particular school, and were not placed, can be offered other vacant offices. In this way, qualified applicants can be offered an opportunity for promotion and unqualified applicants will be placed only after the list of qualified applicants has been exhausted.

5.0

*continued***5.3 The Disciplinary Process**

The Constitution of the Republic of Trinidad and Tobago vests in the Teaching Service Commission the power “to remove and exercise disciplinary control” over persons appointed by the Commission to “hold or act in public offices in the Teaching Service”. However, the primary responsibility for maintaining discipline in schools rests with the Principal who is guided by the policy of Progressive Discipline as promulgated by the Ministry of Education. Should a teacher be alleged to have committed an act of misconduct (e.g. persistent tardiness or absenteeism), it is the responsibility of the Principal to initiate the Progressive Discipline Process: this includes counselling, verbal warning, written warning and final written warning. If the undesirable behaviour continues, the matter must then be reported as an allegation of misconduct by the Principal, via the School Supervisor to the Permanent Secretary, then by the Permanent Secretary to the Teaching Service Commission.

If the contravention is of a more serious nature (e.g. inebriation or drug abuse while on the job), the matter must be immediately reported to the Permanent Secretary by the Principal, again via the School Supervisor and the matter must then be submitted forthwith by the Permanent Secretary to the Teaching Service Commission. “Forthwith” has been defined by the Teaching Service Commission as within twenty-four (24) hours of receipt of information of the incident.

In cases of criminal conduct (e.g. child molestation) the matter must also be reported forthwith by the Principal to the Police as well as to the Teaching Service Commission in the previously prescribed manner.

All allegations of misconduct (except those of a criminal nature) must begin with a formal investigation and it is the responsibility of the Permanent Secretary to initiate these investigations and to

monitor their progress to ensure that they are completed within the stipulated period of thirty days.

The results of the investigations are then submitted by the Investigating Officer to the Discipline Section of the Service Commission Department. After due consideration, the Discipline Section submits to the Teaching Service Commission a recommendation as to whether or not the officer is to be charged and, if so, with what offence.

If the Teaching Service Commission agrees that the teacher is to be charged, the teacher is informed of the decision and the matter is then submitted to a tribunal of the Service Commission. These tribunals consider cases referred to them by the Teaching Service Commission as well as by the Public Service Commission and the Police Service Commission. The resolution of cases before the tribunals can take several months or even years. The three-person tribunal passes the facts and finding of the case to the TSC for its final determination. If the teacher is found guilty, the results are submitted to the Discipline Section which then relays this information to the Teaching Service Commission with a recommendation that an appropriate sanction be levied against the teacher.

Having decided on a sanction, the guilty party is then informed of the intended sanction and is given fourteen days on receipt of notification to make any representations as he or she may wish to submit to the Teaching Service Commission. On receipt of the representation, the Teaching Service Commission then makes a final decision as to the penalty to be imposed. This information is then relayed to the Permanent Secretary for implementation.

5.3 continued

If a teacher is charged with a criminal offence, the matter is removed from the jurisdiction of the Ministry of Education and the Teaching Service Commission both of which must await the judgement of the courts. If the teacher is found guilty, the Teaching Service Commission can impose such a penalty as it deems appropriate. If the teacher is found not guilty, the Teaching Service Commission can still initiate disciplinary action once the offence falls within the prescribed definition of misconduct (according to the Education (Teaching Service) (Amendment) Regulations, 2000.

If the matter is less than four (4) years old, the Teaching Service Commission can prefer disciplinary charges against the officer. If however, the matter is more than four (4) years old it would be considered an abuse of the process to pursue it. (See the case of Anthony Leach and the PSC/ H.C.A. 1002 of 2004 and Paula Barrimond vs the PSC. H.C.A. s. 1301 of 2005.)

It is clear from the foregoing process that:

- Several parties are involved in the disciplinary process, before and after it reaches the attention of the Teaching Service Commission;
- Even when the matters are addressed in a timely manner, the whole process takes several months. In reality, most matters are not handled within the prescribed timeframes;
- In cases of criminal misconduct, the decision of the court must be awaited and this includes the entire appeals process.

Despite the foregoing limitations, the productive working relationship established with the Ministry of Education and with the Discipline Section has facilitated the Teaching Service Commission in monitoring and addressing the disciplinary process on an on-going basis. In order to address allegations of misconduct more expeditiously, the Teaching Service Commission has amended its policy such that:

- Allegations of serious misconduct are to be reported to the Commission within twenty-four hours
- Other allegations that impact the stability of the school are to be reported within three days and
- Information on teachers who have been warned for tardiness and excessive absenteeism in accordance with the Ministry's Progressive Discipline policy is to be submitted to the Teaching Service Commission for such further action as the Commission deems appropriate.
- The MOE is required to provide regular progress updates on all outstanding disciplinary matters to the Commission.

The revised Discipline Policy will be promulgated in 2011 and the Teaching Service Commission has positioned the issue of teacher discipline as one of its main strategic objectives for attention in 2011.

6.0

A Home for the Teaching Service Commission

For several years, the Commission had not been able to function effectively in the filling of vacant offices because of the lack of interviewing space at its offices on Woodford Street, Port of Spain. It requested that the Cabinet approve the establishment of a Selection Centre. This was approved and as a result the rate of filling vacancies improved significantly. However, there continues to be a number of short comings in the Selection Centre. These include:

- Location: although a building was located on Queen St. P.O.S it has proven to be very inconvenient and impractical for the purpose intended. It is located in the heart of the city and visitors have to face traffic congestion and inadequate parking facilities.
- Amenities: the building is still not fully equipped with the resources and facilities necessary for the basic comfort of visitors. For example, the washroom facilities are inadequate, the escalators are generally out of service and the air conditioning is not well regulated.

The Commission is of the view that the contract for rental of this building should not be renewed at the end of it and a new location should be secured which meets the following requirements:

- Ease of accessibility from North, South, East and West
- Safe and adequate parking facilities
- Adequate layout with interview rooms, spacious, well-lit, appropriately furnished, properly air-conditioned and sound proofed.
- Clean, functioning and comfortable washrooms, sufficient in number for the male and female users of the Centre.
- Adequate kitchenette and lunch room facilities.

7.0

The Indispensable Secretariat

Although much remains to be done, the Teaching Service Commission is justifiably proud of its achievements in the year under review. It is appropriate, however, to record that very little could have been achieved without the support and initiatives of the Commission's Secretariat.

The Secretariat performs a range of valuable support functions and the smoothness and expedition with which the TSC operates depends largely on the efficiency and effectiveness of the Secretariat.

The Secretariat is the link between the TSC and its various stakeholders and performs such critical functions as:

- Sending and receiving correspondence, mainly between the TSC and the MoE as well as the Discipline Section of the Service Commission Department;
- Acting on decisions and following up on directives issued by the TSC to ensure their prompt attention and implementation;
- Arranging all interviews carried out by and on behalf of the TSC as well as conducting interviews of Secondary School entry level candidates;
- Arranging meetings with the TSC's various stakeholders.
- Interfacing with the public on matters of concern

7.0 *continued*

The Secretariat also carries out a range of administrative functions including:

- Undertaking research for the preparation of various reports;
- Maintaining the TSC's personal files of teachers and providing necessary information on those teachers to the Commission and the MoE;
- Preparing notes on matters related to employment, appointments, retirement and disciplinary issues for the consideration of the TSC at its bi-monthly meetings;
- Maintaining up-to-date files on all TSC matters and providing such information as may be required by the TSC for decision-making purposes;
- Arranging for the printing and distribution of "The TSC Speaks", the Commission's periodical;

Special recognition is due to the expert leadership and management competencies displayed by the Executive Director who has developed a motivated and productive workforce within the Secretariat. Through an approach that is firm but fair, demanding yet considerate, she has created a work ambiance in which the members of staff are always willing to "go the extra mile" to ensure that the Commission operates smoothly and effectively.

8.0

The Way Forward

8.1 Reviewing the Regulations.

A sub-committee of the Commission will be established in 2011 to undertake a full review of the regulations governing the Commission. This is expected to be completed by December 2011.

8.2 Delegation of Authority

During 2010 the Commission gave consideration to further delegation of authority for appointment of persons to temporary positions for up to one year rather than three months. However, the Commission agreed that this matter should be considered in the context of a broader Delegation Order against the background of new Regulations for the Commission, which were earmarked for 2011.

8.3 Building Leadership Capability

The Commission will undertake in 2011 a review of the selection process for Teachers, Administrators, Principals, Vice Principals and Supervisors with a view to designing systems which can identify the leadership capability of individuals in the education system. This will include the introduction of new selection methods such as assessment centres and psychometric testing.

9.0

Acknowledgements

The Commission wishes to express its gratitude to the Director of Personnel Administration, staff of the Secretariat of the Commission and the Ministry of Education and all the other stakeholders in and out of the education system who supported the Commission over the period. Ms. Yvette Phillip, Executive Director of the Teaching Service Commission is singled out for her astute leadership of the Secretariat and guidance to the Commission, which in no small measure, contributed to its achievements.

The Commission also wishes to state its heartfelt appreciation to Dr. Dorrell Philip for the contribution she made to the Commission over the years of her tenure. Her insights and significant inputs into the Commission's deliberations account for the considerable progress made in achieving the targeted goals and objectives. Dr. Philip's term of office expired on 20th December, 2010.

Appendix 1

Disciplinary matters handled in 2010

Category	Before Commission	Concluded
Court Charges	8	4
Preferment of Disciplinary Charges	5	0
Disciplinary Tribunal Reports	10	8
Abandonments	24	9
Resignations	3	3
Disciplinary Tribunal Proceedings/ Voluntary/ Compulsory Retirement	1	1
High Court Action filed against the Commission for 2010	3	0
Outcome of on-going High Court Action Matters	5	2 - In favour of the Commission

2 Cases dismissed

5 - Exonerated

1 - No further action taken

2 - found guilty and reprimanded (1 a fine imposed)

Appendix 11

Policy Guidelines for Handling Teacher Indiscipline in Schools

1. Part 1 - Authority

- 1.1. Section 125 of the Constitution of the Republic of Trinidad and Tobago authorises the Teaching Service Commission (TSC) to appoint persons to hold or act in public offices in the Teaching Service established under the Education Act, including power to make appointments on promotion and to transfer and to confirm appointments, and to remove and exercise disciplinary control over persons holding or acting in such offices and to enforce standards of conduct on such officers.
- 1.2. Section 129 of the Constitution of the Republic of Trinidad and Tobago authorises the Teaching Service Commission to regulate its own procedure, including the procedure for consultation with persons with whom it is required by this Constitution to consult, and confer powers and impose duties on any public officer.
- 1.3. The Teaching Service Commission has adopted the Public Service Commission Regulations, Chapter 1:01.

2. Part 2 - Role and Responsibility

- 2.1. These are policy guidelines for dealing with Teacher Discipline in schools. They are to be considered in conjunction with the **Code of Conduct made under the Education (Teaching Service) (Amendment) Regulation, 2000 Regulations 62-77) and in keeping with Regulations 84, 85, 87 88 of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**
- 2.2. The Permanent Secretary, through the Principals, and Schools Supervisors of the Ministry of Education has the responsibility for ensuring that the school environment is safe, conducive to learning and teaching and is one in which the values required of a model citizen can be nurtured and developed. This environment can only be maintained if there is order and good discipline in the school.

- 2.3. To this end the following procedures are instituted:

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

- a. The Permanent Secretary shall report the allegation of misconduct or the criminal charge as outlined above, forthwith (within the same working day of receiving same) to the Director for the attention of the Commission in keeping with **Regulation 85 (1) of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**
- b. The Director shall forthwith that is, within the same working day of receiving the report from the Permanent Secretary bring the matter to the attention of the Teaching Service Commission.
- c. The Commission, if deemed appropriate, shall write to the Permanent Secretary forthwith, that is within 24 hours of notification by the Director, informing that the officer should cease to report for duty until further notice from the Commission in keeping with **Regulation 88 (1) of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**

2. Part 2 *continued*

2.3. *continued*

- 2.3.2. Where the allegation made against a member of the Teaching Service involves any issue, outside of those raised at 2.3.1. above and is a matter that threatens the stability of the school, impacts the delivery of the curriculum or the ability of the Principal or other Administrators to manage effectively, the Principal will report the matter to the Permanent Secretary via the established procedures within three (3) working days of becoming aware of the issue.
- a. The Permanent Secretary will immediately, that is, within five (5) working days of receiving the information, send a report on the issue to the Teaching Service Commission.
 - b. The Commission, if deemed appropriate, shall write to the Permanent Secretary within three (3) working days of receiving the report indicating whether or not the officer should cease to report for the duty until further notice from the Commission in keeping **Regulation 88 (1) of the Public Service Commission Regulations as adopted by the Teaching Service Commission.**
 - c. Matters falling within this section (2.3.2) include but are not limited to, incidences of teacher insubordination, habitual absences, persistent tardiness, unauthorised absences, neglect of duty, and wilful failure to perform duties.

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

2.5. The Teaching Service Commission considers that any unauthorised absence and any late coming/early leaving will affect the delivery of the curriculum. Unauthorised absence is absence without prior permission or notification. Late coming is reporting for duty any time after the established start time of the school day without prior permission. Leaving early is leaving one's assigned duties before the official end of the established school day without permission. The record of any Teacher who has exceeded the limits of paid absences established for the position should be brought to the attention of the Teaching Service Commission within two (2) weeks of the end of the school term. Late coming and early leaving in excess of sixty (60) minutes per term or six (6) times per term should be brought to the attention of the Teaching Service Commission within two (2) weeks of the end of the school term.

NOTES



REPUBLIC OF TRINIDAD AND TOBAGO



The Teaching Service Commission

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