



JOINT SELECT COMMITTEE ON
LOCAL AUTHORITIES, SERVICE COMMISSIONS
AND STATUTORY AUTHORITIES
(INCLUDING THE THA)

8th Report
on an
**Inquiry into the Efficiency and Effectiveness of the
Statutory Authorities Service Commission (SASC)**

Third Session (2017/2018), 11th Parliament

Eighth Report

Of the

Joint Select Committee on Local Authorities, Service

Commissions and Statutory Authorities

(including the THA)

on an

Inquiry into the Efficiency and Effectiveness of the

Statutory Authorities Service Commission (SASC)

Third Session (2017/2018), Eleventh Parliament

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Committee Membership

Mr. H.R. Ian Roach	Chairman
Ms. Ramona Ramdial, MP	Vice-Chairman
Mr. Darryl Smith, MP	Member
Mrs. Jennifer Baptiste-Primus	Member
Mr. Nigel De Freitas	Member
Ms. Khadijah Ameen ¹	Member
Dr. Lovell Francis, MP ²	Member
Mr. Esmond Forde, MP ³	Member

Secretariat Support

Mr. Julien Ogilvie	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Terriann Baker	Graduate Research Assistant

Publication

An electronic copy of this report can be found on the Parliament website using the following link:

Contacts

All correspondence should be addressed to:

The Secretary
Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities (including the
THA)
Office of the Parliament
Levels G-7, Tower D
The Port of Spain International Waterfront Centre
1A Wrightson Road Port of Spain Republic of Trinidad and Tobago
Tel: (868) 624-7275 Ext 2277; 2627 Fax: (868) 625-4672
Email: jsclascsa@tpparliament.org

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¹ Ms. Khadijah Ameen replaced Mr. Daniel Solomon w.e.f. 22.03.2017

² Dr. Lovell Francis replaced Mr. Stuart Young, MP w.e.f 01.12.2017

³ Mr. Esmond Forde replaced Mr. Faris Al-Rawi w.e.f 01.12.2017

ACRONYMS AND ABBREVIATIONS

ABBREVIATION	ORGANISATION
CATT	Children's Authority of Trinidad and Tobago
MPAC	Ministry of Public Administration and Communications
PARs	Performance Appraisal Reports
PRES D	Property Real Estate Services Division
SASC	Statutory Authorities Service Commission
SCD	Service Commission Department
TTPS	Trinidad and Tobago Police Service

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EXECUTIVE SUMMARY

- 1.1 At its fourteenth meeting held on Wednesday 22nd March, 2017, the Committee resolved to inquire into the Efficiency and Effectiveness of the Statutory Authorities Service Commission (SASC) and agreed that the following three (3) objectives would guide the inquiry:
- i. **To evaluate the performance of the SASC in executing its mandate.**
 - ii. **To determine whether the resources, systems and procedures of the SASC is sufficient to allow it to operate efficiently.**
 - iii. **To determine the challenges affecting the operations of the SASC and the possible solutions for alleviating these challenges.**
- 1.2. To this end, the Committee agreed to meet in public with officials of the SASC, the Ministry of Public Administration and Communications and the Office of the Prime Minister on Wednesday 26th April, 2017 to discuss matters associated with these objectives.
- 1.3. The Committee obtained both oral and written evidence based on the objectives listed above. Some of the issues which were highlighted during the course of the inquiry included:
1. **The relevance of the SASC;**
 2. **The efforts of the SASC to improve the timeframe for the managers of Statutory Authorities to submit Staff reports;**
 3. **The SASC's collaborations with the other Service Commissions;**
 4. **The entities under the SASC;**
 5. **The inadequate financial allocations to the SASC;**
 6. **The archaic method being utilized by the SASC to capture and store information;**
 7. **The status of the vacant positions for Assistant Commissioner and two Senior Superintendent (Municipal Police);**
 8. **The shortage of persons to fill vacancies;**

- 9. The delays in the reporting of issues affecting Children's Homes to the SASC;**
 - 10. The failure of the NLCB to respond to the SASC in a timely manner with regard to the alleged misconduct of the two (2) NLCB employees;**
 - 11. The inability of the current executive of the SASC to account for the funding which was previously allocated for the construction of a website.**
- 1.4. From observations made during this inquiry, the Committee has proffered recommendations which it believes will appropriately address the issues highlighted. A summary of these recommendations follow this Executive Summary.
- 1.5. We anticipate that the Parliament, SASC, MPAC and other stakeholders would give due consideration to the findings and recommendations contained in this Report with a view to determining the future of this central human resource management body in the context of the wider public service. The Committee looks forward to reviewing the Commission's and the MPAC's response to this Report, which becomes due, sixty (60) days after it is presented to the Houses of Parliament.

SUMMARY OF RECOMMENDATIONS

The following is a consolidated list of recommendations proposed by the Committee:

The Committee recommended that the following be implemented in the short-term (3-6 months):

- i. The SASC should pursue discussions with the Ministry of Rural Development and Local Government, the relevant Municipal Corporations and the Public Service Commission in order to address any concerns and or inconsistencies associated with the policies adhered to for the recruitment and training of Municipal Police Officers.**
- ii. The collaboration between the SASC and CATT should be formalized through the creation of a Memorandum of Understanding.**
- iii. The Commission must seek to obtain monthly reports from the managers of Children's/Adolescent Homes under its purview in order to remain informed of the activities in these institutions.**
- iv. We recommend that the SASC develop a database comprising the names of potential investigators from respective entities to assist with expediting the process of nominating/securing an investigator.**
- v. It is strongly recommended that the various bodies under the remit of the SASC be mandated to scan and email copies of performance appraisal/ staff reports, pending receipt of hard copies.**
- vi. The Executive Officer should capitalize on free training opportunities available via free online courses. The Commission may also seek to collaborate with other Service Commissions to share training and the associated costs.**
- vii. The Committee strongly recommends that an objective internal evaluation of the SASC be conducted with the assistance of the Ministry of Public Administration and Communications, with a view to diagnosing**

the deficiencies within its internal systems and structures. This evaluation should also seek to determine whether the work of the Commission can be transferred indefinitely to the Public Service Commission.

The Committee recommended that the following be implemented in the medium term (7-12 months):

- i. It is recommended that the Chairman of the SASC make the necessary representations to the Ministry of Public Administration and Communications and to the Chief Personnel Officer with a view to enhancing the terms and conditions of this office.
- ii. The SASC should urgently prepare a policy document on Performance Management and Performance Assessment to guide the entities under its purview. This policy should include *inter alia*, standards and timeframes for the preparation and submission of Performance Appraisals/Staff Reports.
- iii. The Committee recommends that the Commission initiate disciplinary action for Heads of Departments that are defaulting on their submission of PARs and staff reports.
- iv. We recommend that the Executive Officer of the Commission urgently seek the assistance of the Ministry of Public Administration and Communications to expand the ICT infrastructure of the SASC. The National Information and Communication Technology Company Limited (NICTCL) (iGovTT) should be mandated to assist the SASC in this regard.
- v. The SASC must commence negotiations with the Public Management Consulting Division (PMCD) to have an appropriate Information Technology position placed on its establishment or be filled by employment contract.
- vi. Serious consideration be given to the efficacy of this body. Arguably, the staff and resources (as limited as they are) should be subsumed into the Public Service Commission.

INTRODUCTION

Background⁴

Regulatory Framework

- 2.1. The Statutory Authorities' Service Commission (SASC) was established in 1967 by Section 4 of the Statutory Authorities' Act, Chapter 24:01 in a bid to promote transparency and equity in the employment practices of State Enterprises.⁵ Section 5 of the Statutory Authorities' Act grants the SASC the authority to appoint persons to be or to act as officers, to transfer, promote, remove and exercise disciplinary control over persons so appointed. Thirteen (13) Statutory Authorities fall under the purview of this Commission.⁶
- 2.2. The Commission regulates its own procedures, with the consent of the Prime Minister, and as such has formulated the Statutory Authorities Services Commission Regulations, Chapter 24:01 and its amendments.⁷

Composition of the Commission

- 2.3. A new Commission was appointed to serve for a period of three (3) years from 17th July, 2015 comprising of the following members:
- | | | |
|--------------------------|---|---------------------|
| Mr. Jagdeo Maharaj | - | Chairman |
| Ms. Sharmila Nisha Harry | - | Deputy Chairman |
| Mr. Ragbir Umraw | - | Member |
| Mr. Lemuel Murphy | - | Member |
| Mr. Robert Giuseppe | - | Member ⁸ |

⁴ <http://mbtt.org/index.htm>

⁵ Page 5 of the Twelfth Report of the Joint select Committee Appointed to inquire into and report on Municipal corporations and Service commissions

⁶ Page 10 of the First Report of the Joint select Committee Appointed to inquire into and report on Municipal corporations and Service commissions

⁷ Page 5 Statutory Authorities Service Commission Annual Report October 2014 to September 2015

⁸ SASC Annual Report October 2014 to September 2015

Objectives of the Inquiry

- 2.4. The Committee agreed that the objectives of the inquiry will be as follows:
- i. To evaluate the performance of the SASC in executing its mandate;
 - ii. To determine whether the resources, systems and procedures of the SASC is sufficient to allow it to operate efficiently;
 - iii. To determine the challenges affecting the operations of the SASC and the possible solutions for alleviating these challenges.

Conduct of the Inquiry

- 2.5. A public hearing was held with representatives of SASC, MPA and the Office of the Parliament on Wednesday April 26, 2017 at which time the Committee interviewed the officials on issues relevant to the inquiry objectives. At the public hearing the respective entities were represented as follows:

Statutory Authorities Service Commission (SASC)

- | | | |
|------|---------------------------|---------------------------|
| i. | Mrs. Utra Ali | Executive Officer |
| ii. | Mr. Jagdeo Maharaj | Chairman |
| iii. | Ms. Gracelyn Bhola-Jordan | Administrative Officer IV |
| iv. | Mr. Djallon Frederick | State Counsel II |
| v. | Mr. Robert Giuseppi | Member |
| vi. | Ms. Gayatri Ramoutar | Administrative Assistant |

Office of the Prime Minister

- | | | |
|-------|-----------------------------|--------------------------|
| vii. | Ms. Sandra Jones | Permanent Secretary |
| viii. | Miss Nicha Cardinez-Rostant | Director, Legal Services |

Ministry of Public Administration and Communications

- | | | |
|-----|--------------------|---------------------|
| ix. | Mr. Kurt Meyer | Deputy PS, (Ag) |
| i. | x. Ms. Joan Mendez | Permanent Secretary |

- 2.6. The Minutes and Verbatim Notes are attached as Appendix I and Appendix II respectively.

Summary of Evidence together with Findings and Recommendations

Objective 1: To evaluate the performance of the SASC in executing its mandate.

Relevance

3.1.1. The SASC maintains that it is relevant to the existing public administration framework because the rationale for its establishment still pertains to today's public service environment. That is, to insulate the employees of statutory bodies from undue influences and to perform the roles of a central human resource agency including overseeing the disciplinary procedures, appointments, transfers and promotions in relation to employees of certain statutory bodies.

Vacancies

3.1.2. During the Public Hearing held on April 26, 2017, the Committee sought to ascertain the reason for the delay in the appointment of the Assistant Commissioner of Municipal Police. In response, the SASC stated that the initial steps in the recruitment have been completed by the Commission for the following positions:

1. Assistant Commissioner;
2. Two Superintendent Municipal Police.

3.1.3. However, based on advice provided by legal counsel and the existence of new legislation, i.e. Municipal Police Regulations (2014), the Commission has suspended the recruitment, appointment and promotion of Municipal Police. The Committee was informed that the cessation in the appointment and promotion of Municipal Police Officers has caused significant disquiet among the ranks of the Municipal Police Service.

- 3.1.4.** The SASC submitted that there are variations in the training provided to Municipal Police assigned to the 4 Municipal Corporations falling within the remit of the SASC and the 10 other municipal corporations under the remit of the Public Service Commission. This is due to the fact that the Public Service Regulations do not contain provisions pertaining to the training to be rendered to Municipal Police Officers.
- 3.1.5.** In contrast, the training and recruitment of Municipal Policers recruited by the SASC is guided by the Municipal Police Regulations (2014). According to these regulations, Municipal Police Officers must be trained for 6 months at the Police Academy. However, the period of training for Municipal Police Recruits under the remit of the PSC is four months as per the provisions of the Organisation of Law Enforcement Policy (OLEP). The SASC is currently reviewing the Municipal Police Regulations with a view to recommending further amendments.

Lack of Stability in the Directorship of the Commission

- 3.1.6.** Additionally, it was reported that there is high turnover in the position of Executive Officer who is responsible for managing the operations of the Commission and serves as the Accounting Officer. It was expressed that 5 persons have occupied the post in the past 5 years. Most of the former Executive Officers, left the SASC in favour of serving in the Office of Deputy Permanent Secretary, as the remuneration package was more attractive.

Achievements and Output of the Commission

3.1.7 The following table highlights the achievements of the Commission as at April 21, 2017:

Table 1: Achievements of the Commission

The Number of	2015/2016	2016/2017	Remarks
Appointments confirmed	38	13	
Persons promoted/ appointed	36	56	
Acting appointments and temporary appointments made	1091	894	
Transfers which were facilitated	nil	1	
Persons suspended from duty	6	nil	2 persons Interdicted with court matters
Secondments between Statutory Authorities and/or between Statutory Authorities and other public bodies.	4	1	

3.1.8. The following table provides the number of separations from office for fiscal years 2015/2016 and fiscal 2016/2017.

Table 2: Number of Separations from Office

Number of	2015/2016	2016/2017	Remarks
Terminations	1	1	
Compulsory Retirements	30	20	
Voluntary Retirements	4	8	
Retirements with permission	1	1	
Retirements on Medical Grounds	3	1	

Submission of Staff Reports

3.1.9. Performance Appraisals assist in making employees aware of their strengths and weaknesses and highlights key performance areas that can be used in the placement of employees in prospective posts. The Commission noted that the untimely submission of staff Performance Appraisal Reports was a key factor in the delay of appointment of persons in temporary and acting positions. Further to the execution

of their mandate, the Commission noted that they were unable to assiduously commence any of the relevant processes needed to consider persons for new posts.

- 3.1.10. To alleviate the reoccurrence of this issue, officials of the Commission visited all entities under its purview to conduct training in this area. The Commission has since seen an improvement in the submission of outstanding Performance Appraisal Reports.

Promotions

- 3.1.11. The Commission has limited the promotion and appointment of persons to advertised positions. Based on a court judgment, appointments and promotions have been based on seniority across Authorities which has resulted in the creation of a Master Seniority List. This was completed in 2016 and the Commission had commenced filling vacancies via appointments and promotions.

Disciplinary Action

- 3.1.12. The disciplinary procedures currently followed by the Commission can be found in Part VIII of the Statutory Authorities' Service Commission Regulations [Chapter 24:01]. The disciplinary procedure is outlined in the Regulations from Section 85 to 114. The procedure utilized by the Commission to treat with Misconduct is outlined in **Appendix III**.
- 3.1.13. The Committee was advised that the Commission has collaborated with the Children's Authority of Trinidad and Tobago (CATT) to strengthen its investigative capacity and its disciplinary procedures. However, in order to seamlessly incorporate the investigative reports that have been generated by the CATT the Commission may have to adjust its existing policies.
- 3.1.14. The SASC's submission indicated that during the years 2011 to 2016, forty (40) matters were referred to the Commission by the Statutory Authorities. As at April

21, 2017 there were currently nineteen (19) matters before the SASC. These matters are as follows:

- i. Eleven (11) matters before the court (Thus the SASC has to await the outcome of these Court proceedings before any disciplinary proceedings can be instituted);
- ii. Four (4) matters are awaiting the outcome of Police Investigations;
- iii. One (1) matter was awaiting a nomination of an Investigating Officer.
- iv. One (1) matter is awaiting a report from an Authority;
- v. One (1) matter is awaiting the appointment of an Investigating Officer by the SASC. (A Note for the Commission to appoint the Investigating Officer was expected to be submitted at the Commission's Meeting on 26.04.17)
- vi. One (1) matter is before the Disciplinary Tribunal.

3.1.15. By letter dated May 16, 2018, the SASC provided the following updates regarding the matters which were awaiting the appointment of an investigator:

- 1. The matters were investigated and reports were submitted for the consideration of the Commission;**
- 2. Based on the Reports Charges were drafted in the two (2) matters.**
- 3. The Commission has considered the charges and agreed that the two (2) matters should be referred to the Tribunal.**
- 4. The Port of Spain Corporation and Office of the Prime Minister have been asked to nominate a presenter in each matter who will present the evidence to the tribunal.**

Children's Homes

3.1.16. During the Public Hearing held on April 26, 2017 it was stated that the SASC may not be diligently addressing the disciplinary matters that involve officers assigned to Children Homes. A contributing factor to this was the tardy submission of reports

from investigating officers. This was further exasperated by the incomplete and incorrect formatting of investigative reports.

3.1.17. The Commission is also unable to appoint more investigating officers due to the rank requirement which stipulates that the investigator must be of a higher rank than the officer under investigation. The Committee was advised that if an officer of superior rank is not available in the Statutory Authority wherein the matter arose, the line ministry must then appoint an appropriate officer within the Ministry to conduct the investigation which can be a tedious and protracted process.

3.1.18. To assist with enhancing its capacity to deal with disciplinary matters involving Children Homes, the Commission proposes to collaborate with the Children's Authority. However, amendments to the Statutory Authorities Act are required to give effect to this proposal. Investigations conducted by the SASC place considerable focus on the actions of the employee, whereas the Children's Authority's actions are premised on the child (victim) who is being considered.

3.1.19. The submission of the SASC identified the following reasons for delays in the appointment of investigators:

- (i) Either of the organizations does not follow-up in a timely manner;
- (ii) After a nominee is appointed by the Commission, he/she may decline to perform the duties of investigator (months into the process the Investigator will decline the appointment.) This triggers a restart of the process.

Criminal Matters

3.1.20. The SASC stated that once it has received notification that a criminal charge has been initiated against an employee of a statutory authority, the employee is then immediately suspended until the completion of the investigation. There have been instances where the Commission was not notified that criminal proceedings had commenced against an employee. As a consequence, there were delays in the

suspension of the accused employees. The Commission has engaged in dialogue with the CATT to facilitate the establishment of communication between the two entities to prevent a repeat of these instances.

Findings and Recommendations

Based on the evidence set out in this section, the Committee concluded the following:

- i. There are divergences in the knowledge and training requirements for Municipal Police Officers falling under the purview of the SASC and those under the purview of the Public Service Commission. This incoherence has resulted in uncertainty and indifference in an already depleted Municipal Police Force.
- ii. The remuneration package ascribed to the Executive Officer of the SASC is inadequate to attract or retain public officers.
- iii. Tardy submissions of Performance Appraisals have affected the Commission's ability to efficiently facilitate promotions and appointments. The Commission has been proactive in relation to minimizing the timeframe for the submission of Performance Appraisals by entities under its purview;
- iv. The lack of investigators within statutory authorities has prolonged the disciplinary process;
- v. Fostering cooperation among key stakeholders is crucial to ensure that communication lines can be created and maintained.

Recommendations

- A. **The Committee strongly recommends that the SASC pursue discussions with the Ministry of Rural Development and Local Government, the relevant Municipal Corporations and the Public Service Commission with a view to addressing any concerns and or inconsistencies associated with the policy adhered to for the recruitment and training of Municipal Police Officers.**
- B. **Given that the remuneration associated with the Office of Executive Director-**

SASC appears to be comparatively unattractive, it is recommended that the Chairman of the SASC make the necessary representations to the Ministry of Public Administration and Communications and to the Chief Personnel Officer with a view to enhancing the terms and conditions of this office.

- C. The collaboration between the SASC and CATT in respect of investigations into allegations made against employees of Children Homes under the purview of the SASC, should be formalized through the creation of a Memorandum of Understanding. The necessary amendments to the relevant laws/regulations which are required to facilitate this type of collaboration should be initiated with the assistance of the Children's Authority and the Ministry of the Attorney General and Legal Affairs.
- D. With immediate effect, the Commission must seek to obtain monthly reports from the managers of Children's/Adolescent Homes under its purview in order to remain informed of the activities in these institutions.
- E. We recommend that the SASC develop a database comprising the names of potential investigators from respective entities to assist with expediting the process of nominating/securing an investigator.
- F. To further expedite the transmission of performance appraisal/ staff reports, the Committee strongly recommends that the various bodies under the remit of the SASC be mandated to scan and email copies of performance appraisal/ staff reports, pending receipt of hard copies.
- G. The SASC should give priority to preparing a policy document on Performance Management and Performance Assessment to guide the entities under its purview. This policy should include *inter alia*, standards and timeframes for the preparation and submission of Performance Appraisals/Staff Reports.
- H. The Committee recommends that the Commission initiate disciplinary action for Heads of Departments that are defaulting on their submission of PARs and staff reports.

Objective 2: To determine whether the Resources, Systems and Procedures of the SASC are sufficient to allow it to operate efficiently.

Resources

3.2.1 The Committee was informed that the allocation of additional resources was needed in the following areas:

1. Accommodation;
2. Information Technology Infrastructure;
3. Financial Allocations; and
4. Staffing

Unsuitable Accommodation

3.2.2. The Committee was informed that the Commission was seeking better accommodation. In this regard, Commission advised that it had been in contact with the Property Real Estate Services Division (PRESO) in March 2017. The SASC reported that it was advised that PRESO was attempting to locate appropriate accommodation for the Commission.

Financial Allocation to the SASC

3.2.3. Similar to the other Service Commissions, the lack of financial resources has negatively affected the operations of the SASC. During the public hearing, the Executive Officer advised that for fiscal 2016/2017, the Commission was given an allocation of \$5.1 Million although \$9 Million was requested.

3.2.4. The Executive Officer who appeared before the Committee was unable to account for the money that was allocated for the development of a website.

Staffing within the SASC

3.2.5. As at April 21, 2017 the staffing of the Commission was as stated below in Table 3.

Table 3: Staff complement of the SASC as at April 21 2017

Position	No of Position	Remarks
Executive Officer	1	Assumed May 2016
State Counsel II	1	Assumed November 2017
Administrative Officer IV	1	
Administrative Officer II	2	2 Vacant (with bodies)
Administrative Assistant	3	3 Vacant (with bodies)
Records Manager	1	Vacant
Clerk IV	3	2 Vacant (with bodies)
Accounting Assistant	1	
Clerk III	5	4 Vacant (with bodies)
Clerk II	1	
Clerk I	3	2 Vacant (with bodies)
Clerk Stenographer IV	1	
Clerk Stenographer II	2	2 Vacant (positions used as Clerk Typist)
Clerk Typist II	1	Vacant (with bodies)
Clerk Typist	3	2 Vacant (with bodies)
Messengers	2	
Estate Constable	1	
Part-Time Maid	1	
Driver	1	Short Term Contract

3.2.6 As at May 2018, the SASC's staff now includes:

One (1) Attorney at Law;
One (1) Human Resource Professional;
One (1) IT Specialist.

3.2.7 The Commission indicated that due to the small size of its administrative department, operations are significantly affected when persons proceed on leave and no replacements are provided. To alleviate this, the SASC has sought to implement a succession planning strategy which involves staff rotations that allows staff to gain

training and experience in all areas. It was noted that the Executive Director has delegated authority to approve further continuing appointments.

- 3.2.8. The Commission is considering a draft policy for the delegation of certain functions to Heads of Authorities. Once approved by the Commission, the Prime Minister's approval will be sought in keeping with Section 5 (2) of the Statutory Authorities Service Commission's Act Chapter 24:01 of the Laws of Trinidad and Tobago.

Systems

Lack of Technological Infrastructure

- 3.2.9. It was reported that the Commission is lacking Information and Communication Technology (ICT) equipment and infrastructure. As at April 21, 2017 a telephone was the Commission's only means of communicating with clients. The Commission has sought to redirect its allocations in its draft estimates to address this deficiency.
- 3.2.10. It was submitted that 100% of the Commission's recurrent expenditure is allocated to salaries and allowances. The Commission stated that it submitted recommendations to the Ministry of Finance towards the end of the 2016 financial year in a bid to have 'savings in certain votes' transferred to Minor Equipment which would have enabled the Commission to purchase at least 25 new computers and a server which it desperately needed. However, these efforts were unsuccessful.

Training

- 3.2.11. It was further reported that staff of the Commission have been engaged in various training activities over the last 5 years. Details of these training sessions can be found in **Appendix V**. In light of financial constraints, the SASC has sought to utilize the services of the Public Service Academy. However, the disadvantages of this approach are that less employees of the Commission can

benefit from training and that training programs may not be customized to meet the specific needs of staff of the SASC.

Findings and Recommendations

Based on the evidence set out in this section the Committee concluded as follows:

- i. Many of the prevailing resources and operational constraints confronting the SASC were highlighted in previous Joint Select Committee reports. The most recent of which is June 28th, 2013.
However, the evidence received during this inquiry clearly confirms that many of these issues continue to hinder the effective operation of this Commission.
- ii. The Commission's office is in serious need of ICT infrastructure and equipment. It appears that for consecutive years, the Commission was unable to secure sufficient funds to purchase computers and a Server. It is inconceivable that in 2017, a central Human Resource body, with multiple stakeholders is operating with only a telephone.
- iii. Due to the Commission's small staff complement, its operations are significantly affected when staff proceed on extended leave and replacements are either not provided by the Public Service Commission or replacements are delayed.
- iv. Financial constraints have affected the Commission's ability to engage in external training sessions. It was expedient of the Commission to seek training for its staff at the Public Service Academy as an alternative.

Recommendations

- A. We recommend that the Executive Officer of the Commission urgently seek the assistance of the Ministry of Public Administration and Communications to expand the ICT infrastructure of the SASC. In this regard, we further recommend that the Permanent Secretary, Ministry of Public Administration and Communications mandate the National Information and Communication

Technology Company Limited (NICTCL) (iGovTT) to assist the SASC in this regard.

- B. The SASC must commence negotiations with the Public Management Consulting Division (PMCD) to have an appropriate Information Technology position placed on its establishment or be filled by employment contract.**
- C. Given prevailing financial constraints, strategic thinking and innovation is imperative for state entities. It is recommended that the Executive Officer seek to capitalize on free training opportunities available via free online courses. The Commission may also seek to collaborate with other Service Commissions to share training and the associated costs.**
- D. Given the significant operational shortcomings that have been thwarting the efficient operation of this Service Commission and the relatively small number of bodies under its remit, we recommend that serious consideration be given to the efficacy of this body. Arguably, the staff and resources (as limited as they are) should be subsumed into the Public Service Commission.**
- E. The Committee strongly recommends that an objective internal evaluation of the SASC be conducted with the assistance of the Ministry of Public Administration and Communications, with a view to diagnosing the deficiencies within its internal systems and structures. This evaluation should also seek to determine whether the work of the Commission can be transferred indefinitely to the Public Service Commission.**

The Committee respectfully submits the foregoing for the consideration of the Parliament.

H.R. Ian Roach
Chairman

Ms. Ramona Ramdial, MP
Vice-Chairman

Dr. Lovell Francis, MP
Member

Mr. Esmond Forde, MP
Member

Mr. Darryl Smith, MP
Member

Ms. Khadijah Ameen
Member

Mrs. Jennifer Baptiste-Primus
Member

Mr. Nigel De Freitas
Member

June 01, 2018

Appendices

Appendix I

Minutes

MINUTES OF THE 15TH MEETING OF THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT ON LOCAL AUTHORITIES, SERVICE COMMISSIONS, STATUTORY AUTHORITIES (INCLUDING THE THA) HELD IN THE LEVEL 2 CONFERENCE ROOM AND THE J. HAMILTON MAURICE ROOM, MEZZANINE FLOOR, OFFICE OF THE PARLIAMENT, TOWER D, 1A WRIGHTSON ROAD, PORT OF SPAIN ON WEDNESDAY APRIL 26, 2017

PRESENT

Members

Mr. H. R. Ian Roach	Chairman
Ms. Ramona Ramdial, MP	Vice-Chairman
Mr. Nigel De Freitas	Member
Ms. Khadijah Ameen	Member

Secretariat

Mr. Julien Ogilvie	Secretary
Ms. Khisha Peterkin	Assistant Secretary
Ms. Katharina Gokool	Graduate Research Assistant

ABSENT

Mr. Faris Al-Rawi, MP	Member (Excused)
Mr. Stuart Young, MP	Member (Excused)
Mr. Darryl Smith, MP	Member (Excused)
Mrs. Jennifer Baptiste-Primus	Member (Excused)

Discussions with Officials of the Statutory Authorities Service Commission

9.1 The Chairman welcomed the officials of the Statutory Authorities Service Commission (SASC) and introductions were exchanged.

Opening Statement by the Chairman of the SASC

9.2 The Chairman of the Statutory Authorities Service Commission was invited to make a brief opening statement. During his statement he advised the Committee as follows:

- i. by directly engaging the management of the entities under the Commission's purview regarding delays in the submission of performance appraisals, the

Commission was able to realize an improvement in this area. In this regard, promotions for 2016 were based on the staff reports;

- ii. the Commission held meetings with several stakeholders including the President of the Republic, the Attorney General, Permanent Secretaries of related Ministries. The Public Service Association also accompanied the SASC during its visits to the entities under its purview;
- iii. The SASC adopted a collaborative approach with other Commissions to amend its Regulations; and
- iv. the SASC today is as relevant as it was 50 years ago because the principles under which the SASC was formed are the same principles that exist today. Those are to avoid nepotism, favouritism and prevent political interference in appointments.

Opening Statement by the Permanent Secretary, OPM,

- 9.3 Ms. Jones advised the Committee that although the relationship between the OPM and the SASC is not an intimate one, both offices share a common goal of ensuring that agencies under their purview are managed efficiently and effectively.

Opening Statement by the PS, Public Administration and Communications

- 9.4 The Chairman invited the Permanent Secretary in the Ministry of Public Administration and Communications to make a brief opening statement. She stated that although there is no direct link between the agencies, the Ministry provides assistance in relation to structure, training and advice on policy matters when required.

9.5 The following issues arose from the discussions held with the officials of the SASC:

i. Entities under the Purview of the SASC

- a. The Chairman, SASC advised the Committee that the Commission currently has 12 entities under its purview. The Committee was advised that the Cocoa Development Company was placed under the Ministry of Agriculture, Land and Fisheries.
- b. It was noted that the SASC is only responsible for the Municipal Police Officers assigned to the Port of Spain and San Fernando City corporations and boroughs of Arima and Point Fortin.

ii. Matters concerning Children Homes

- a. A member raised the issue of the failure of the SASC to address disciplinary matters involving officers assigned to Children Homes in a timely manner. The Commission advised that one of the contributing factors was the delay in the submission of reports or complaints to the Commission. The Committee was informed that matters are further delayed because an investigator has to be appointed.
- b. The protocol for the appointment of an investigator requires that the investigator be of a higher rank than the officer under investigation. In the event that there is no senior officer to conduct the investigation within the entity, it is incumbent on the line Ministry to appoint an appropriate officer within the Ministry to conduct the investigation. However, this process is protracted.
- c. The Executive Officer explained that when an officer who is the subject of a disciplinary matter is required to cease to perform duties pending the completion of the investigation, arrangements are made to appoint someone to act in the position.
- d. The SASC is currently liaising with the Children's Authority with a view to acquiring the assistance of the Authority in the execution of investigations since the Authority is more equipped in this area. As such, consideration is being given to proposing amendments to the Statutory Authorities Act to allow for this type of collaboration.
- e. The State Counsel II, SASC advised that investigations conducted by the Children's Authority focuses on the child (victim) whereas those conducted by the SASC focused on the conduct of the worker. Therefore the authority must be careful in determining what information it captures from the reports of the Children's Authority.
- f. In addition, it was noted that the Regulations prohibit the SASC from giving specific guidelines to investigators. The State Counsel II also shared that there is some reluctance to investigate one's co-worker and this is reflected in the poor quality of investigation reports submitted to the Commission.

iii. Status of investigation into the conduct of NLCB employees

- a. With respect to the National Lotteries Control Board (NLCB), the Committee sought an explanation for the delay in investigation of a matter involving a former NLCB Board Director. The Commission advised that the delay was due

to the failure of the Board to respond to Commission's request for a Report on the matter. Investigators were eventually appointed from the Ministry of Finance.

- b. The investigation has been completed and the matter is now at the Tribunal Stage.

iv. Financial Allocations of the SASC

The Commission indicated that inadequate funding was one of its main challenges. The Executive Officer advised that an allocation of \$5.1 Million was received for fiscal 2016/2017, but \$9Million is actually required to adequately meet the Commission. The Commission was asked to indicate the areas where additional funding is required. The Commission submitted that additional funds are need for:

- ICT Upgrade – as the organization is currently operating with very outdated IT infrastructure and equipment. It was estimated to be 10 years old;
- Minor Equipment - \$3000 was allocated to purchase items for the Commission

v. Filling of Vacancies

Entities Under the SASC's Purview

- a. The Committee questioned the delay in the appointment of the Assistant Commissioner of Municipal Police which has been lingering since 2015. The Executive Officer advised that further to a meeting held with the DPS of the Ministry of Rural Development and Local Government, persons are expected to assume duty in this position along with two Senior Superintendents on May 01, 2017.
- b. It was noted that the SASC has been in discussions with the Ministry of Rural Development and Local Government with a view to aligning the training of all Municipal Police Officers regardless of the Service Commission under which they fall.

Staffing for SASC

- a. The staff of the Commission is comprised of officers appointed through the public service commission. The Executive Officer of the SASC lamented that the SASC has submitted recommendations for the filling of all the vacant

positions on its establishment. Notwithstanding, the PSC has failed to make the necessary appointments.

- b. In the interim, the SASC has been offering junior staff who are adequately qualified acting positions in the senior posts. This was done with the permission of the PSC. This measure has acted as a effective means of retaining these junior officers at the SASC.
 - c. The Committee was also informed that there are no contract positions at the SASC.
 - d. The Commission also advised that it has established a system of succession planning for all senior positions on the establishment of all the entities under its purview. As such, there is predictability regarding who will fill a position when an officer retires.
- vi. Delegation of Powers to the entities under its purview**
The Committee was advised that in contrast with the PSC, the SASC does not delegate any of its functions to the management of the entities under its purview. The Executive Officer explained that given its limited remit the Commission has the capacity to handle all of its responsibilities without delegation.
- vii. Rapid turnover in the office of Executive Officer, SASC**
The current Executive Officer assumed the position in May 2016. It was reported that five (5) persons have served in this position over the past 5 years. The position is classified under range 68, however, it appears that persons relinquish the post in favor of the post of Deputy Permanent Secretary.

Request for Additional Information

10.1 The Statutory Authorities Service Commission was requested to provide certain information in writing that they were unable to provide during the hearing.

- i. With respect to the improvement of ICT systems/infrastructure at the SASC:
 - a. What were the amounts allocated for this purpose over the past 5 years?
 - b. How much was actual spent over the past 5 years;
 - c. Were there instances where funds were allocated for this purpose but were not used? If yes, please explain why these funds were not used for the intended purpose.

- ii. What amendments do you recommend should be made to the Statutory Authorities Act? Provide the rationale for each proposed amendment.

ADJOURNMENT

11.1 The Chairman thanked all present for attending.

11.2 The meeting was adjourned at 12:53 p.m.

I certify that the Minutes are true and correct.

Chairman

Secretary

May 22, 2017

Appendix II

Verbatim Notes

VERBATIM NOTES OF THE FIFTEENTH MEETING OF THE JOINT SELECT COMMITTEE APPOINTED TO INQUIRE INTO AND REPORT ON LOCAL AUTHORITIES, SERVICE COMMISSIONS, STATUTORY AUTHORITIES (INCLUDING THE THA), HELD IN THE LEVEL 2 MEETING ROOM (IN CAMERA) AND (IN PUBLIC) IN THE J HAMILTON MAURICE ROOM, MEZZANINE FLOOR, TOWER D, INTERNATIONAL WATERFRONT CENTRE, #1A WRIGHTSON ROAD, PORT OF SPAIN, ON WEDNESDAY, APRIL 26, 2017 AT 9.44 A.M.

PRESENT

Mr. H. R. Ian Roach	Chairman
Miss Ramona Ramdial	Vice-Chairman
Miss Khadijah Ameen	Member
Mr. Nigel De Freitas	Member
Mr. Julien Ogilvie	Secretary
Miss Khisha Peterkin	Assistant Secretary
Miss Katharina Gokool	Parliamentary Intern

ABSENT

Mr. Faris Al-Rawi	Member [<i>Excused</i>]
Mr. Stuart Young	Member [<i>Excused</i>]
Mr. Darryl Smith	Member [<i>Excused</i>]
Mrs. Jennifer Baptiste-Primus	Member [<i>Excused</i>]

STATUTORY AUTHORITIES SERVICE COMMISSION

Mrs. Utra Ali	Executive Officer
Mr. Jagdeo Maharaj	Chairman
Ms. Gracelyn Bhola-Jordan	Administrative Officer IV
Mr. Djallon Frederick	State Counsel II
Mr. Robert Giuseppi	Member
Ms. Gayatri Ramoutar	Administrative Assistant
Miss Nicha Cardinez-Rostant	Director, Legal Services
Mr. Kurt Meyer	Deputy PS, (Ag)
Ms. Sandra Jones	Permanent Secretary
Ms. Joan Mendez	Permanent Secretary

Mr. Chairman: Good afternoon, ladies and gentlemen. We would like to resume. This is continuation of this public hearing of the Joint Select Committee on Local Authorities, Service Commissions and Statutory Authorities, including the THA. My name is H.R. Ian Roach. I am Chairman of this Committee and on my right is the Vice-Chairman who

will introduce herself, and the other Members.

[Introductions made]

Mr. Chairman: Welcome gentlemen. Could you introduce yourselves, please, starting with the Chairman?

[Introductions made]

Mr. Chairman: Thank you very much. I just want to remind you all this hearing this morning is to evaluate the performance of the Commission in executing its mandate, determine whether the resources, systems and procedures of the Statutory Authorities Service Commission are sufficient to allow it to operate efficiently, and to determine the challenges affecting the operations of the Commission and the possible solutions for alleviating these challenges. The last occasion this Commission appeared before a Joint Select Committee to account for its execution of its mandate was on June 28, 2013. That is some time. So we are glad to have you here this morning to pick up from where we last—this afternoon, actually, because we have passed lunchtime. I will invite the chairman to make a short opening remark and Ms. Jones thereafter and Ms. Mendez again.

Mr. Maharaj: Thank you very much, Mr. Chairman. Good afternoon everyone. Chairman, Members of the Joint Select Committee, thank you for inviting us to discuss matters relative to the operations of the SASC. Some questions were sent previously and we have supplied the answers to you all. I know that you may have further questions. We will be willing to take those questions and answer them to the best of our ability.

Now, this Commission has taken its task very seriously. During the last year, we had 44 meetings and we dealt with 617 matters, the most by any of the commissions in the 50-year history of the SASC. We realized that promotions were being made without up-to-date staff reports and we decided to tackle this thing head-on. We discussed it with the authorities. We also discussed it with the Public Service Association before venturing. So we looked at the staff report which is at section 34. We know section 34 has some kind of connotations. So we made copies of that section 34 from the SASC regulations and we went around to each authority explaining to them the importance of the staff report and therefore how it should be done. We informed them, it is a legal requirement and therefore failure to do this is failure to perform a legal function. And I am happy to report that we have been getting exceptionally good results from the Authorities under our purview.

We also asked for names of those officers who are failing to do the staff report on time. So that last year with the exercise, we are making appointments, promotions and so on, with 2015 staff reports, and already in 2017 we are using 2016 staff reports to make appointments, promotions, transfers, and so on. So we are well on our way. We are hoping to continue with this exercise and we are hoping to work with the authorities again. We plan to do another visit to see now how they are doing it, because we explained to them how to do it. The first thing, we are getting it done. Secondly, we need to see that is done in the proper way. So we believe that if the staff report is properly done we are going to have a more productive public service.

Buoyed by this success, we did talk to the President about, you know, having other commissions work together because we have the same rules and regulations which we follow, and therefore we may be doing something different to them—so as to unify our processes and so on. So that, for example, if you have somebody who is going on secondment from one commission to a next, it sometimes takes three months for that to be effective. We feel that is too much time and if we work together as commissions, we might be able to do something about it. So in the

process we have been having meetings with other stakeholders. The commission held meetings with several stakeholders in the interest of our citizens.

Besides meeting with the President, we had a meeting with: the Attorney General; the head of the Public Service; former Minister of Rural Development and Local Government, Permanent Secretary; Ministry of Agriculture, Land and Fisheries, Permanent Secretary; Gender, Child Affairs; Division, the Children's Authority, the Public Service Commission, the Police Service Commission; the Commissioner of Police and, of course, the Public Service Association.

12.15 p.m.

During our visits to the authorities, we had the Public Service Association with us so that they will be able to lend support to what we are doing, because we are very happy that we are on this drive. It will eliminate a lot of problems we have when disciplinary matters come because if the staff report is done properly we are going to deal with those problems. We even have the kind of problems we have when discipline matters arise.

The other thing I want to raise a bit is that the question of relevance, and that this came up in the last meeting, whether the SASC is relevant, and I want to say it is relevant today as it was 50 years ago because the principles under which the SASC was formed are the same principles that exist today—to avoid nepotism, favouritism and also to stay away from political interference in appointments.

I will like to read something that Lord Diplock talked about, the 1962 Constitution, *Thomas v The Attorney General of Trinidad and Tobago* [1982], and with your permission, Sir, I would like to read this.

Mr. Chairman: A short exercise?

Mr. Maharaj: Yes, very short:

“The whole purpose of Chapter VIII of the Constitution which bears the rubric

‘The Public Service’ is to insulate members of the Civil Service, the Teaching Service and the Police Service in Trinidad and Tobago from political influence exercised directly upon them by the Government of the day. The means adopted for doing this was to vest in autonomous commissions, to the exclusion of any other person or authority, power to make appointments to the relevant service, promotions and transfers within the service and power to remove and exercise disciplinary control over members of the service.”

There is something that we had to answer, whether this commission should continue to exist is part of one of the questions that was supplied to us and this was why we have ventured bringing forth this information to show that we are relevant today as it was 50 years ago. Thank you very much.

Mr. Chairman: Thank you very much, Mr. Maharaj. Ms. Jones.

Ms. Jones: Thank you, Chair and members. It is privileged for me to be here today to sit here in the session, and while the relationship with the statutory commission is not very intimate, we do share a common goal of ensuring that the agencies under their control, that human resources manage efficiently and effectively because they are largely the agencies that deal with service delivery to the population. So I am very happy to be here to be able to participate in this session. Thank you.

Mr. Chairman: Thank you. Ms. Mendez.

Ms. Mendez: Good afternoon, Chair and members. As well, I am very heartened to be participating in this discussion.

We do not have a direct link with the SASC, however, under the authorities we do provide assistance in terms of structure, training, or any other policy decisions advice that we may be requested to provide. So thank you.

Mr. Chairman: Thank you very much. Just before we engage in our enquiry, is it 2016—is it correct to say that you all have 12 entities under your portfolio, or is there more than that?

Mr. Maharaj: Yes, it is 12.

Mr. Chairman: It is 12. I saw in your 2015 Report you said the Cocoa Industry Board was repealed by Repeal Act, No. 4 of 2014, and replaced with a company called the Cocoa Development Company, is that company now under your portfolio, or it is not?

Mr. Maharaj: No, it is not. It is under the Ministry of Agriculture, Land and Fisheries.

Mr. Chairman: Ministry of Agriculture, Land and Fisheries. Okay. Please, put on your mike when you speak so it could record. Miss Ramdial would like to ask a question.

Miss Ramdial: Thank you. Good afternoon, everyone. My first question would be and based on your submissions to us, you identified inadequate funding as one of your challenges, can you tell me what has been your budgetary allocations for this fiscal year?

Mrs. Ali: Approximately \$5.1 million.

Miss Ramdial: Is that adequate?

Mrs. Ali: No, it is not.

Mr. Chairman: How much?

Mrs. Ali: \$5.1 million.

Miss Ramdial: Do you care to give us some details with respect to where you may need additional funding?

Mrs. Ali: Certainly for IT. Under minor equipment, we got \$3,000 and that is for each vote. We got minor equipment for 3 sub-votes. For each one we got \$1,000 which clearly cannot even buy a cell phone. So the statutory authorities' current IT infrastructure is approximately 10 years old. Our computers are 10 years old. By and large, our job right now is largely manual based. The infrastructure for IT is very, very basic, so that would have been one area that we would have liked to improve. We did not get the funding for it. Towards the end of last year, the last fiscal year, based on savings in various votes we tried to ask the Ministry of Finance for approval to transfer funds to minor equipment so that we would have been able to acquire at least the hardware. We were not successful in doing that either, so really that is a huge area that we need help in.

Miss Ramdial: Ideally, what would be the budgetary allocation that you would have requested?

Mrs. Ali: In the last fiscal it would be pretty close to \$9 million.

Mr. Chairman: Tell me something. In your 2015 Report, you had an Assistant Commissioner of Municipal Police was outstanding, has that position been filled?

Mr. Maharaj: Not at this point in time, but plans are afoot for it to be filled very shortly.

Mr. Chairman: At very short notice you said. This is 2015. That was since 2015, we are in 2017.

Mrs. Ali: We have had meetings with the Ministry of Rural Development and Local Government as recent as Monday and we were informed by the DPS there that those three positions—the assistant commissioner and the two senior superintendents—they are to come on board as early as the 1st of May.

Mr. Chairman: First of May?

Mrs. Ali: Yes.

Miss Ameen: Mr. Chairman, you would appreciate my background in local government and immediately I just want to clarify one thing, of the city corporations—Port of Spain and San Fernando fall under the statutory authorities—are there two boroughs as well? The Arima and Point Fortin.

Mr. Maharaj: Point Fortin and Arima, yeah.

Miss Ameen: Since the initial assignments of the boroughs and the cities as statutory authorities, you have had Chaguanas being named a borough afterwards, it is not under the statutory authorities.

Mr. Maharaj: No, it is not under.

Miss Ameen: The regional corporations fall under the Public Service Commission, and all the corporations, cities, boroughs and regional corporations report to the Ministry of Rural Development and Local Government, do you see the need to realign the local government bodies in terms of who they report to, the service commissions, whether it is statutory or public service?

Mr. Maharaj: I think we will have a problem because I think we have the capacity to take on the extra because we only had municipal police and we have been dealing with municipal police for a number of years, and municipal police is relatively new to the other corporations. So that we have a little history in that area of which we can piggyback on to try and ensure that the whole municipal police corporation functions as a unit and not you have some under the SASC and some under the Public Service Commission, because we have started an exercise to recruit and we have a number of people waiting.

Miss Ameen: Well, that actually brings me to my next question. Reference is made to the training for recruitment of municipal police officers in those four corporations; in your report that you sent to the Committee are there plans to harmonize training for municipal police with the other 10 local government bodies that fall under the purview of the Public Service Commission; and would there be a difference in the salaries, for instance, or the terms and conditions?

Mrs. Ali: Terms and conditions are handled by the CPO. So we will not be able to speak to that. With respect to the training, in our meeting with the Ministry of Rural Development and Local Government on Monday, we are in discussion with them to align the training. It has only started on Monday and the commission is now considering what has been put forward to them by the Ministry of Rural Development and Local Government. So we are looking at that, aligning all of the training for the municipal police so that it would be uniform, notwithstanding that we are not under the same commission.

Miss Ameen: Do you have that kind of collaboration for other staff apart from the municipal police that is being recruited now—for other staff and positions—that you share where you have similar positions in regional corporations that fall under Public Service Commission?

Mr. Maharaj: No. The senior positions when we advertise we find that people from the Public Service Commission apply. Some of them are successful and they have accepted positions with the SASC. So we do have that criss-cross. As I spoke earlier, you know the thing about trying to get the movement from one in a shorter space of time, the secondment, that is a problem we need to deal with because sometimes three months is a little too long.

Mr. Chairman: You said you have a shortage of—the data shows that the majority of the commission activities were acting and temporary appointments; has that been rectified?

Mrs. Ali: You are speaking to the staff of the statutory authority commission itself?

Mr. Chairman: Yes.

Mrs. Ali: Every quarter we have to make recommendations to the service commissions with respect to filling for vacancies. So as recent as March this year, we have made recommendations for the filling of the vacancies. That has not happened. That notwithstanding, the commission looked at how best it can handle the void. So what we recognized was that there are other very qualified junior officers in the statutory authorities and we have begun an exercise where we are training our officers in all aspects of the functions in the statutory authorities.

With the permission of the service commission, we have been able to offer acting positions to these persons. That has helped us significantly because these junior officers may not have been able to acquire acting in larger Ministries. So we have been able to retain them for a longer period of time and that is working well for the commission right now.

Mr. Chairman: Now, is it that this commission deals both with public servants and civil servants?

Mrs. Ali: The staff of the statutory service commission—the staff of the commission itself is public officers, and the statutory authorities, that is, the agencies under the statutory authorities, the commission provides officers for them. So the Statutory Authorities Service Commission does not provide our own staff. The service commission does that for us.

Mr. Chairman: You have a mixture?

Mrs. Ali: No, no, no. The service commission itself is under public service. The agencies under the statutory authorities, this is what the statutory authorities provide staff for.

Mr. Chairman: What is your complement of contract workers?

Mr. Maharaj: We do not appoint contract workers. We deal with only monthly paid—

Mr. Chairman: Sorry?

Mr. Maharaj: Monthly paid workers.

Mr. Chairman: Only monthly paid workers?

Mr. Maharaj: Yes. No contract and those who have permanent positions.

Mr. Chairman: Mrs. Ali, you were about to say something as well.

Mrs. Ali: Yes. Are you speaking about the staff in the statutory authority, or are you speaking about staff in the authorities under the service commission?

Mr. Chairman: Under the service commission.

Mrs. Ali: Okay, good. Under the Statutory Authorities Service Commission we have no contract staff, but in the statutory authorities, the agencies under us, yes, they would have staff but we will not be able to account for that because we only provide persons on the establishment.

Mr. Chairman: Now, I am seeing something that contrasts to the Public Service Commission, who was before us just now, that you all have not delegated, there is no delegation for your powers at all to any your subordinates, what accounts for that?

Mr. Maharaj: The commission is pretty small. We will just deal with a number of authorities—just a few—and we are fully capable of handling all our appointments, promotion, transfers and so on. We are capable of doing that. We have a waiting list and almost all positions at this point in time. So that if someone should retire, we have somebody waiting to take that position. So we have streamlined our operations and we have this waiting list.

From all the authorities, or the seniority list coming from all, we have composed a seniority list across the board for all the authorities. So therefore when somebody goes, somebody is retiring, there is somebody already waiting to take up the position. So we have been a little proactive in that area and we hope to continue in this vein.

Mr. Chairman: Interesting. Miss Ramdial.

Miss Ramdial: Thank you, Chair. Going back to your last enquiry held at the Parliament on June 28, 2013, there was an issue with the exercise of disciplinary action in children's homes, can you give us an update with respect to that issue?

Mr. Maharaj: Now, there is a little problem with that, in that sometimes the homes do not report to us immediately when something happens. So that in our visit to the homes we have explained to them the importance of informing us immediately because we need to take action immediately and we have been doing that now. As soon as we are informed, action is taken; we will remove the person if the person is to be removed; if we have to get an investigator, we get an investigator. So we have been dealing with that problem now.

Miss Ramdial: But if you remove an officer from one of these homes, how soon before are they replaced knowing the quantum of duties that they have at these children's homes to perform?

Mr. Maharaj: No, once somebody is removed, the commission replaces that person to act in the position until the matter is determined.

Miss Ramdial: Okay.

Miss Ameen: Yes, from what I understand, trained investigators from the Children's Authority report on the homes under the purview of the Statutory Authorities Service Commission. Of course, the Children's Authority came into being long after the Statutory Authorities Act, has any action be taken to amend the Statutory Authorities Act to allow the Children's Authority's investigators to assist in generating reports on the homes and report directly because it appears as, you know, it is an arrangement you have now, but you are not bound to do it back by the Act at this time?

Mrs. Ali: Currently, that is not so. We have been in dialogue with the Children's Authority. One of the challenges that the commission has, is—as Mr. Maharaj was explaining—the length of time it takes for the home to report to the authority. Also, we have a challenge with respect to—the commission appoints an investigator. The investigator is normally nominated by either the authority depending on the positions or grade because the person who is investigating someone has to be of a higher position or grade, and also if the authority cannot handle that, it then goes to the line Ministry and the line Ministry will nominate someone.

That process takes quite a while. So in our dialogue with the Children's Authority, they have been explaining to us that they actually have the resources. So what we are doing right now is looking at the legislation to see if we can amend it so that the authority could piggyback on what the Children's Authority is doing and we can use their report because they have the resources to do it. So we are currently in the process of looking at that.

Miss Ameen: All right. Mr. Chairman, I am keen to see your recommendations because, as I said before, one of the

rules of this Committee is to make recommendations for Parliament and this is something when it comes to the protection of children and speeding up the efficiencies where investigations are concerned. Can you say how long, or when your recommendations may be ready, if it is a document you would be able to send to the Committee for us to put in our report, or is it some time off?

Mr. Frederick: If I may? In our discussions with the Children's Authority, we were very well oriented and we understand that the investigator's slant on their side is with regard to the children. Our difficult is our investigation is with regard to the worker. So we have to be very careful in our impetus that we want to get the report in and get the person properly investigated, that we parallel the two and we commingle what we have, but we have to go from the both slants. Remember, we are there to deal with the employee, the worker.

Our difficulty is our investigators are not specifically trained in the way that the Children's Authority investigators are trained and with the resources. Many a time we would get an investigator, normally they begin and then some of them deny doing the work. They do not want to do the investigation, and then it is a whole begin-again process to start from scratch. The way the regulation is worded we are not allowed to even direct the investigator as to how to do the job. So what tends to happen is when the report comes in certain questions are not answered, we would ask and send it back, but we cannot tell them how to do it. It must be impartial.

So we have had incidents where reports have come in two and three times and it still does not satisfy the questions. Here is the issue when people send us pre-actions with regard to the persons being investigated: How long is enough to investigate a person before we find that there is no evidence to continue? We have external counsels who we consult with, and when we realize that we have been investigating this person for two and three years and they are on suspension, there comes a point in time where we will be taken to court for the length of time that we are taking to come to a determination. What we would love to happen is that if we can get on to the Children's Authority and we get investigators trained to do the both, it would save us the time having to find somebody senior who wants to—for want of a better word—do the job of investigating one of their peers.

The issue most times is that the senior person is on the same compound. They do not want to be investigating their peers and I get the impression that sometimes that impacts upon the report that we get in the end, which most times we cannot use, only to be sent back, or consult the line Ministry to get somebody else to do the job.

Miss Ameen: Based on your experiences so far, are you in a position to make recommendations for changes in the Statutory Authorities Act to deal with that blind area in terms of you not being able to direct the investigators accordingly and so on, because you would want at least give the investigators certain parameters, certain questions to satisfy, and if you do not have that power you become toothless. So, do you think you are in a position to make recommendations in that area?

Mr. Frederick: We would love to make recommendations, but you must bear in mind that we are guided by the Act and the regulation. The regulation even though it is silent on it, we cannot simply amend for amending's sake. We would need to get Cabinet approval, the regulation needs to be redrafted, but I would love to see that we are allowed to not just waste this tool we have, which would help us to do the job more effectively and faster.

As the EO indicated, our IT is threadbare at most. We are in the process of working with the IT that we have and many a times, we here, we use our own personal devices in order to communicate—which should not be—in

order to get the job done because we do not have the tools available to us to help us move along. If we were able to insert or amend the regulation to allow us to use the reports and then be able to tell the investigators what we want done, train them in doing the reports, it will be a great assistance to us and it will speed up time. And if we had like a criteria as to who could be investigators and what they can do and how the report should look, it would save us a lot of time of going back and forth to get things done.

Miss Ameen: Mr. Frederick, certainly, you cannot amend your own regulations.

Mr. Frederick: No, I cannot.

Miss Ameen: One of the purposes of this Committee, all Committees of Parliament, is to make recommendations, and if one of your recommendations is to amend the Act, then we would want to hear your recommendations in terms of what should be amended within the Act so that it could be part of this Committee's report and then all the other steps in terms of Cabinet and Parliament coming to approve and amend would come into place, but I really do not like to see things happening from the top down. From the bottom up, you as the practical people who are working with the Act are in the best position to make the recommendations. So, is it something that you can consider to send recommendations?

Mr. Frederick: We would love to assist and we could send recommendations at a later date after we have discussed it fully because I really would like to get the input of my other colleagues—

Miss Ameen: Of course.

Mr. Frederick:—because I have only been at the commission now since November of last year. So I am still in the preliminary stage of understanding how the system works. But just in the time I have been there I have been stymied by getting disciplinary actions moved simply because either the reports are insufficient, or people start and they stop halfway through and we have to start all over again. So if there was a way, as you say, we want to recommend—recommendations must be based on sampling and evidence to show why we need it and we could pull data to assist the commission in that light.

Mr. Chairman: Good to hear you say what you are saying. I want to know has that impacted upon—I think in 2017 the media reported that National Lotteries Control Board Director had failed—there were five charges. She was indicted, or the person was indicted for misconduct, and there was some sort of, I do not want to use the word “reluctance”, some difficulty in having that person suspended. There were two investigation comments I believe. Can you report on the developments of that at this point in time? And there was another officer I believe also was also subsequently suspended.

Mr. Maharaj: Yes, there were two officers. But you see, we had to be certain about the information that was supplied to us and it took some while for the board to respond to us. It took over a month to get the response. Everything had to be delayed because of this. We wanted to deal with it as early as possible, but because of the fact that the board did not respond in a timely manner, we could not have because we asked certain questions and we were looking forward to the answers to those questions before we could have taken action.

Mr. Chairman: So did you all appoint an investigator in this instance?

Mrs. Ali: Yes. We had to get the investigators from the Ministry of Finance. So we had the Ministry of Finance nominate persons. Again, it is because of the positions that the individuals at the NLCB held and that has been done.

The investigations by those persons have been completed. We are in the process of getting it to the tribunal and that is the stage it is at right now—the tribunal stage.

Mr. Chairman: Thank you.

Miss Ramdial: Just going back to the children's home, in a 2013 Parliamentary Committee Report it was suggested that the children's home be removed from the ambit of the commission and responsibility for the management of these homes be vested in a board of directors who would be responsible to the relevant line Minister, what are your thoughts with respect to this particular recommendation?

Mr. Maharaj: Now, I think we can still manage and, you know, because we have a history. We know what is happening and we have been having dialogue with the Children's Authority, Permanent Secretary, Gender Affairs, and we are in a position to continue and I feel we are competent enough to be able to do this.

Mr. De Freitas: Thank you, Mr. Chairman. To move out to another topic at this point, reference is made to the funds that were allocated for the development of a website for the SASC, and the questions I wanted to question are if you could provide an account for the funds allocated towards the development of the website; as well as, does the SASC have plans to establish a website within the ensuing two years?

12.45 p.m.

Ms. Ali: Okay. This Executive Officer took office at the Statutory Authorities in May of last year. When that allocation was made, I was not there so I would not be able to account. That is stated in the report, unfortunately, even the commission, I do not think this particular commission was in office at that time. So in terms of reporting with respect to what happened with the funds at that time, I am unable to do so. This commission and especially this EO is very, very sorry that that opportunity was lost because I am actually working right now with very, very old—a basic and extremely old system, right, and I tried as best as I could during the last fiscal year to get the computers, at least the hardware.

With the establishment of a website, that will be one of the areas that we are going to be looking at in the year and hopefully over the next two years, because we are actually doing a DP programme right now to ask for funding, and we have spread it over a two-year period. If we were to get the funding so that we could get probably the hardware or so going at this point in time and have the intranet and so. We see that as a benefit to the commission because right now, we have tonnes and tonnes of paper, tonnes and tonnes of files. We do not have an information management system. We do not have a lot of things.

In advertising, we have to advertise full page ads. It costs us extremely, you know, a lot of money and we just do not have the resources. If we were to advertise now, we would not be able to pay for one advertisement based on the allocations we have. So that opportunity that we lost is really affecting us. So the commission is now, in its estimates, putting forward proposals to get the computers at least, in the first instance, and additional in the year to come.

Mr. Maharaj: I want to add also that we have had five Executive Officers in the last five years so that changeover, rapid changeover of things, Executive Officers, that has created the problem for us.

Mr. Chairman: You have a hostile environment there or something?

Mr. Maharaj: *[Laughter]* I do not know. I suppose, you know, people looking for more lucrative positions and the

Deputy Permanent Secretary is a little more lucrative than that of the Executive Officer.

Mr. Chairman: What is the pay range for the Executive Officer?

Ms. Ali: That is it. You would have carried me way into my conclusion because that would be a recommendation. The Executive Officer is at range 68. The level of responsibility for the Executive Officer is great. The Executive Officer is the accounting officer. With the procurement legislation, et cetera, the Executive Officer is exposed to the same sets of challenges, et cetera, as the Permanent Secretary.

Mr. Chairman: So you are saying it should be at what? Range 60?

Ms. Ali: It is currently at 68, it clearly has to go where it needs to be able to attract and keep. Right. Because if somebody is the Executive Officer and they have this level of responsibility and you can get to somewhere else and you may not be held that accountable, you know. So it is something that we need to look at and address.

Mr. Chairman: Let me ask Ms. Jones to respond to that. “Yuh feel yuh was going to get away?” *[Laughter]*

Ms. Jones: Chair, Committee, as with everything, it is going through the reform. What the Executive Officer said is very true. The issue is really looking at the future of the authority to be able to determine what will be the ideal structure for the commission and, in that regard, you will be able to say what level of leadership and range that would be or whether it should go under Salaries Review Commission and so on. So it really depends on the strategic focus and purpose of the Statutory Authorities Service Commission in the future.

Mr. Chairman: Well, at this stage, I would like to invite the chairman to offer any closing remarks he has.

Mr. Maharaj: Thank you very much, Mr. Chairman. We are happy to be here and I hope we have clarified some of the issues that were raised in the questions, and I hope that working together—we are working with all the authorities, trying to improve the productivity in the authorities and hopefully it can be done in the wider public service so that we can have a better public service for Trinidad and Tobago.

We have seen that the staff report or the performance appraisal report is an important productivity tool and if it is done properly, Trinidad and Tobago will benefit and we have taken the lead in ensuring that this is done. I am hoping that others will do the same because we all want to have a better Trinidad and Tobago, especially in the public service. Thank you.

Mr. Chairman: Thanks. I would like to invite member Ameen to have the closing remarks on behalf of us.

Miss Ameen: Thank you, Mr. Chairman. Chairman, there is no doubt that the Service Commissions play a critical role in—well, insulating the public service from the warms and colds of the political environment. But you have a serious job to do in ensuring that the efficiency in terms of delivery to the public, and I always say our end customer is the citizen and I am happy that Ms. Jones, the Permanent Secretary in the Office of the Prime Minister, sat in this afternoon in this hearing.

From the concerns coming up with the Statutory Authorities Service Commission as well as the Public Service Commission, there is a lot of work to be done. I know that the issue of public service reform is a hot potato but even—well for the politicians at least because any politician who is brave enough to touch the public service could face serious backlash, but it has to come from within. It has to be that the public service and the statutory services want to improve their own administration. And for that purpose, I want to implore you to take the opportunity, as you have today, to make recommendations for changes to be done to improve your own operations and not just leave it up

to someone who has the political will, the bravery or stupidity, to go and interfere with the public service. It cannot be done from the top down, it has to come from within.

So I trust that in our future engagement with the Committee here, you will be able to make solid recommendations for reform and the Parliament would deal with the legislative part but in ways that you can improve within the organization as well.

Mr. Chairman: Thank you very much. On behalf of myself and the members, I would like to thank you all for your attendance this morning, your participation. I would like to thank the viewing public. I hope that you all have been edified by the exchanges that took place here today, and there being no further business, this hearing is declared adjourned. Thank you very much. Good afternoon.

Mr. Maharaj: Thank you very much.

12.53 p.m.: *Meeting adjourned.*

Appendix III

Statutory Commission's Misconduct Policy

When treating with misconduct the following procedure is applied:

- An allegation of misconduct is reported to the Commission, in accordance with Regulation 85 (1).
- Where an allegation of misconduct is reported the Head of the Authority shall also concurrently warn the officer in writing of such allegation or report and shall forthwith refer the matter to an Investigating Officer appointed by him/her, in accordance with Regulation 90(1). The Investigating Officer must be a grade higher than that of the officer against whom the allegation was made. In circumstances where there is an allegation of misconduct made against the Head of the Authority, the Commission can appoint an Investigating Officer in accordance with Regulation 87A (1). In other instances, the Head of the Authority can approach the Commission to appoint an Investigating officer citing the relevant justification for the request.
- The Commission can suspend the officer with full pay, in accordance with Regulations 88(1) and 88(2). The officer can also be interdicted, in accordance with Regulation 89 (1)-(3).
- Once the Investigating Officer is appointed, the Investigating Officer must write to the officer within three days of his/her appointment, informing the officer to give in writing an explanation, within seven (7) days concerning the allegation of misconduct as stated in Regulation 90(3). The Investigating Officer must also, in accordance with Regulation 90(4) inform all persons who are aware of the alleged indiscipline to make written statements within seven (7) days. In accordance with Regulation 90(5) the Investigating Officer has thirty (30) days from the date of his/her appointment to submit a report to the Commission.
- The Investigating Officer's report is submitted to the Commission and the Commission may prefer a disciplinary charge based on legal advice. If the officer is not to be charged, a warning letter is to be forwarded to the officer after which the matter will come to an end. However, if the officer is to be charged he/she is requested to state in writing within fourteen (14) days of receipt of notification whether he/she admits or denies the charge. If the officer denies the charge or does not respond, a Disciplinary Tribunal is appointed.

- The Disciplinary Tribunal is appointed by the Commission to hear the evidence, find the facts and make a report.
- The Commission appoints a Presenter to lead the evidence in the case against the officer who is charged. In accordance with Regulation 98(b) the Presenter is an officer belonging to the same Statutory Authority, in which the officer is employed and must be of a grade higher than that of the officer who is charged. If there is no such officer, the Commission may appoint a suitable person.
- The officer charged may be represented either in person or by an officer of his/her choice who is a member of the Statutory Authorities or by his/her Staff Association or by an Attorney-at-Law.
- The Disciplinary Tribunal uses a maximum of seven (7) sittings to hear each matter. At the end of the 7th sitting, the Chairperson submits a report stating whether the officer is guilty or not guilty.
- If the officer is found not guilty the officer is exonerated, in accordance with Regulation 107 (1) (a). If the officer is found guilty, the Commission imposes a penalty, in accordance with Regulation 110.
- The officer can appeal the Commission's decision, in accordance with Regulation 107 (2) (b) and (c). If the officer does not appeal the Commission's decision, the penalty would be imposed.

Appendix IV

Staff Training conducted between 2012 - 2016

i. The type of training staff of the SASC have been exposed to in the last five (5) years.

Year	Agency	Training
2012	Bordercom International	Microsoft Office Specialist
2012	School of Business & Computer Science Ltd	Peachtree Accounting
2013	Trinidad & Tobago Chamber of Industry & Commerce	Mastering Emotional Intelligence Skills
2013	Government Human Resource Services Company Ltd	
2013	Trinidad & Tobago Chamber of Industry & Commerce	Recovery from work place burnout
2014	Consultancy- Radisson	Note writing
2015	Trinidad & Tobago Chamber of Industry & Commerce	Awaken the leader in you
2015	Trinidad & Tobago Chamber of Industry & Commerce	Difficult People, Difficult conversations
2015	Government Human Resource Services Company Ltd	Awareness Workshop on psychometric Assessment and Competency Interviews
2015	In house training- consultant	Progressive discipline in a unionized environment
2015	Trinidad & Tobago Chamber of Industry & Commerce	Stress Management and Dealing with Difficult People
2015	The University of Trinidad and Tobago	Personal branding and image seminar
2015	Government Human Resource Services Company Ltd	Supervisory Skills for the Public sector
2015	Consultancy	Accountancy Procedures
2015	Consultancy	Disciplinary Procedures in the Public Service
2016	Public Administration & Communication	Conducting Effective Performance Appraisals
2016	Public Administration & Communication	Preparation of Pension and Leave Records

Year	Agency	Training
2016	Public Administration & Communication	Freedom of Information
2016	Public Administration & Communication	Inventory Management
2016	Public Administration & Communication	Registry Procedures
2016	One Man Tribunal- Discipline in the Public Sector	Ministry of Legal Affairs/ Service Commission Department
2016	Ministry of finance	Accounting Procedures for Sub-Accounting Units
2016	Ministry of finance	Fleet Card Management
2016	Integration Human Resource Information System (Ihris)	Workforce Administration
2016	Integration Human Resource Information System (Ihris)	Integrated Global Payroll