SAINT CHRISTOPHER AND NEVIS

STATUTORY RULES AND ORDERS

No. of 2011

Education (Teachers) Regulations.

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Education (Teachers) Regulations.

In exercise of the powers conferred by section 172 of the Education Act No. 9 of 2005, the Minister responsible for Education makes the following Regulations:

PART I
Preliminary

1. **Citation.** These Regulations may be cited as the Education (Teachers) Regulations, 2011.

2. **Interpretation.** In these Regulations,

"Act" means the Education Act No. 9 of 2005;

"Permanent Secretary" means the Permanent Secretary in the Ministry of Education unless otherwise specified.

PART II
Terms of Employment of Teachers

3. **Responsibility to observe Regulations and rules.** (1) A teacher shall

(a) conform to the rules of the school;
(b) support the principal in enforcing these Regulations and rules of the school; and
(c) obey the lawful instructions and directions of the principal and such other person who may be placed in authority over the teacher including the deputy principal and the head of department.

(2) Where a teacher or other staff member has reasonable grounds to believe that misconduct, abuse or impropriety regarding the provisions of the Act, these Regulations or school rules has occurred, the teacher or staff member shall as soon as practicable communicate that belief to the principal.

(3) The principal may investigate or cause an investigation to be conducted in respect of any communication received pursuant to sub-regulation (2).

(4) The principal of a public school may, in writing, bring a case of misconduct, abuse or impropriety that has been investigated to the notice of the Chief Education Officer within such time as the urgency of the case requires.

(5) The Chief Education Officer shall cause such inquiry to be made into any allegation of misconduct, abuse or impropriety notified to him in accordance with this regulation.

4. **Professional duties of teachers.** In addition to the duties set out in section 138 (1), of the Act, it shall be the duty of a teacher to

(a) report to the principal, or in the absence of the principal, the vice-principal, any unauthorized activity such as the unauthorized presence of persons on the premises of the school;

(b) attend instructional planning sessions or other school related activities as may be determined by the principal, the Chief Education Officer or any such persons authorized by the Chief Education Officer;

(c) seek, in the prescribed form and through the principal, the permission of the Chief Education Officer to travel overseas;

(d) make adequate preparation for each school day including the preparation of the work to be done in the class and teaching of such subjects as may be assigned to the teacher;

(e) participate in extra-curricular activities of the school.

5. **Policy guidelines.** (1) The principal of a school shall prepare and adhere to a written statement of the policies and procedures to be used by the principal and staff in relation to disciplining of students enrolled at the school, promotion, graduation, school safety and fund raising.

(2) A teacher may participate in preparing a written statement respecting the system of instruction and techniques concerning assessment and evaluation of students at the school.

(3) A written statement of the policies and procedures referred to in this regulation and the school rules shall not come into effect unless approved in writing by the Chief Education Officer.

6. **Learning outcomes.** (1) A teacher shall inform a student enrolled in and admitted to a school of the expected learning outcomes to be met at the end of a grade, class or division in the school.

(2) A principal shall develop special assistance programmes for students who do not, or whom the school has reason to believe, would not meet some of the expected learning outcomes at the end of a grade, class or division in the school.

(3) Where it is determined that a student has not or would not be able to meet the expected learning outcomes of his grade, class or division, the principal shall recommend to the parent that the student undergo the relevant remedial work in a special assistance programme referred to in sub-regulation (2).

7. **Teaching and class plans.** (1) A teacher shall develop and prepare such teaching and class plans for each subject and class as may be assigned to him or her to teach in any school year.

(2) Except as otherwise provided, a teacher shall present the teaching and class plans developed and prepared pursuant to these Regulation to the principal at such times as the principal may consider necessary.

8. **Annual reports.** (1) A teacher shall prepare and submit to the principal of the school an annual report in respect of each student in his class during the school year as regards the promotion and entitlement of the student to awards and receipts of rewards.

(2) The teacher shall in the preparation of the annual report consult with such members of the staff as he or she considers necessary, and information received during such consultations shall be confidential.

(3) The principal of a public school shall

(a) in such form as the Chief Education Officer may prescribe, prepare an annual report in respect of the management and operations of the school for each school year; and
(b) not later than the last day of the first term of the following school year, forward a copy of the annual report to the Chief Education Officer.

9. **Conflict of interests.** (1) A teacher shall arrange his or her private interests in a manner that will not result in a conflict of interest in the discharge of his or her duties.

(2)Without prejudice to the generality of sub-regulation (1), a teacher in the discharge of his or her duties:

(a) shall perform his duties and functions impartially, responsibly, diligently, efficiently and with integrity;
(b) shall not for his personal use solicit or accept directly or indirectly a fee,

gift or benefit from a person or organization that has dealings with the school;

(c) shall benefit from his school and school-based programmes, services and initiatives only to the extent that a member of the public benefits from such programmes, services or initiatives;

(d) may benefit from information that is obtained in the course of employment only to the extent that a member of the public may benefit from such information; and

(e) shall not use or benefit from the use of the property or services of the school except in the course of performance of duties and functions and otherwise only to the extent that a member of the public may use or benefit from such property or services.

10. **Dress code for teachers and principals.** (1) A teacher or principal shall, in relation to dress

(a)

(4)The service of a teacher while on secondment counts for superannuation purposes.

(5) A teacher who has been on secondment is eligible for the leave applicable to the officer which he or she has seconded and while on such leave he or she shall be paid the pay of that officer.

21. **Testimonials and references**. (1) No teacher shall give a personal testimonial to another teacher.

(2) Teachers shall not give recommendations and testimonials to candidates for posts in the Teaching Service, but may, however, act as referees for candidates for other posts, including posts in the Public Service.

22. **Computation of pay on first appointment.** (1) On first appointment, a teacher's pay shall be computed from the date of his assumption of duty.

(2) A teacher selected for first appointment from outside Saint Christopher and Nevis may be allowed to receive half pay from the date of his embarkation for Saint Christopher and Nevis and full pay from the date of his or her assumption of duty, which shall be the date of arrival in Saint Christopher and Nevis.

(3) On promotion, a teacher shall normally receive the pay attached to the post to which he or she is promoted to from the date of his or her promotion.

23. **Commencing pay.** (1) Subject to sub-regulation (2), upon first appointment, the commencing pay shall be the minimum of the scale applicable to the officer, whether the appointment is temporary, acting or permanent.

(2) Where the Commission is of the opinion that the qualifications or experience of a teacher warrants a higher pay than the minimum of the scale applicable to the office to which he or she is first appointed, the Commission may authorize payment at such point in such scale as it may consider appropriate to the particular case.

24. **Pay on secondment.** (1) The salary of a teacher on secondment shall conform with the rate and conditions for payment of pay applicable to the office to which the teacher is seconded.

(2) A teacher who completed a period of secondment shall normally revert to the point in the pay scale he would have reached if he or she had not been seconded.

25. **Date of pay.** (1) Salaries shall be paid on the day before the last full business day of the month.

(2) When the last business day of the month falls on a Saturday or a Monday, payment of salaries shall be made on the preceding Thursday or Friday respectively.

(3) The Minister of Finance may vary the date of pay specified in sub-regulation (1) to an earlier date, whenever it appears to him or her expedient to do so.

26. **Acting appointments to higher grades.** (1) Subject to the conditions set out in sub-regulation (2), a teacher appointed to act in a grade higher than his or her substantive grade shall receive pay if at the time he or she is appointed to act his or her substantive pay is

(a) less than the minimum pay of the higher grade, he or she shall receive the minimum of the higher grade;
(b) equal to or greater than the minimum pay of the higher grade, he or she shall continue to receive the pay of his or her substantive grade.

(2) The conditions referred to above are

(a) there shall be a qualifying period of twenty-eight consecutive days of acting in a higher grade before an officer becomes eligible for an acting allowance;
(b) the qualifying period may be part of a continuous period of acting or may precede any period of continuous acting which the teacher may subsequently be called upon to perform;
(c) no teacher who has completed a qualifying period shall be required to undergo a second qualifying period while in the same grade.

27. **Advances.** (1) An advance not exceeding one month's pay may, subject to the approval of the Minister of Finance, be made to a teacher proceeding on vacation of not less than fourteen days, to be spent out of Saint Christopher and Nevis.

(2) Provision shall be made for the advance to be paid to the teacher either in St Christopher and Nevis before he proceeds on vacation or at his or her request while he or she is abroad.

(3) Interest is payable on any advance of pay made under this regulation, and at such rate as the Minister of Finance may from time to time determine.

(4) Subject to sub-regulation (6), an advance made under this regulation shall be repaid by twelve monthly installments, the first installment falling due at the end of the month following that in which the teacher resumes duties.

(5) The advance referred to in sub-regulation (1), may be made to a teacher through a St Christopher and Nevis Overseas Mission in cases of emergency, each case being dealt with on its merit.

(6) An advance granted under this regulation is repayable in accordance with sub-regulation (4) or in such longer period as the Minister of Finance may determine.

(7) A teacher may be granted an advance from public funds to enable him or her or a member of his or her family to go abroad for medical attention which cannot adequately be provided in St Christopher and Nevis.

(8) The advance referred to in subregulation (7) may be made on the following conditions:

(a) a medical certificate from a panel of not less than two Government Medical Officers, stating what advantages are to be derived from medical treatment abroad, must be submitted;
(b) except in special circumstances, the amount of the advance will be limited to thirty percent of the teacher's annual pay and restricted to the expenditure actually necessary in connection with the proposed journey and the cost of the treatment;
(c) the teacher must furnish adequate security to the satisfaction of the Minister of Finance, and the sum advanced will be subject to interest at such rate as the Minister of Finance may from time to time determine;
(d) the advance will be repayable within one year by monthly installments.
(e) In the case where the advance is made to a teacher on his or her own behalf the installments shall commence at the end of the month following that in which the teacher resumes duty.
(f) Where the advance is made to the teacher on behalf of a member of his family, the installment shall commence at such time as the Minister of Finance may think fit, taking into consideration the circumstances of the particular case.

28. **Minister of Finance may authorize special advances.** (1) The Minister of Finance may authorize an advance for other purposes not specified in these Regulations.

(2) Security to the satisfaction of the Permanent Secretary in the Ministry of Finance must be furnished when an advance exceeds one month's pay.

(3) Applications for advances should be made to the Permanent Secretary, Ministry of Finance, and shall be forwarded by the Permanent Secretary in the Ministry of Education through the Accountant General.

(4) Advances, if approved, shall be recovered by deductions from the teacher's pay in not less than twelve monthly installments as shall be fixed by the Permanent Secretary, Ministry of Finance.

(5) In determining the number of monthly installments, the indebtedness of the teacher shall be taken into account.

29. **Deductions for advances.** Money shall not be deducted from a teacher's salary without prior notice in writing of not less the one month.

30. **Payment of increments.** (1) When a teacher holds an office carrying a pay scale, increments shall be paid to the teacher, subject to a report on the completion of each year of satisfactory service, until he or she has reached a maximum of the scale.

(2) A teacher shall be paid his increments whether he or she holds a permanent or temporary appointment or is on secondment, subject to the provisions of these Regulations.

(3) The increments paid shall be in the amounts prescribed for the particular office.

31. **Incremental date.** (1) A teacher's incremental date shall be the anniversary date of his first appointment or promotion to his or her grade.

(2) Where an officer's appointment or promotion is effective from the date of his or her assumption of duties, his or her incremental date shall be the anniversary date of his assumption of duty.

(3) A teacher who is transferred from one office to another office carrying the same pay scale will retain his previous incremental date.

(4) The Permanent Secretary shall sign incremental certificates on the prescribed form, effective from the dates when the teacher's increments become due, and shall attach the certificates to the pay sheets for the months in which the increments accrue.

32. **Increments on appointment or promotion on probation.** (1) A teacher appointed or promoted to an office on probation shall not be granted an increment until he or she has been confirmed in his appointment.

(2) Upon confirmation, however, his incremental date shall be the anniversary of the date of appointment provided that his probationary period has not been extended.

(3) A teacher who is appointed on probation for a period longer than one year is eligible for an increment after on year's service provided that the Permanent Secretary signs the necessary increment certificate.

(4) A teacher referred to in sub-regulation (3), shall not receive any other increment until he or she has been confirmed in his appointment.

(5) Upon confirmation in his or her appointment his or her incremental date shall be the anniversary of the date of appointment provided that his or her probationary period has not been extended.

(6) Where a teacher's probationary period has been extended and he or she has been confirmed in his or her appointment, his or her new incremental date shall be the date after which his or her probationary period expired.

33. **Increments where lower scale overlaps higher scale.** In cases of promotion where the lower scale of pay overlaps the higher scale, or where the lower scale of pay touches the higher scale, a promoted teacher shall receive an immediate increment in the new scale.

34. **Increments in acting appointment.** (1) A teacher who is appointed to act shall not be paid increments in the higher office but shall continue to draw increments in his substantive office, subject, however to the following

(a) he or she was not earning increments in his substantive office, and the post in which he is acting is a higher pay scale, the teacher shall receive an increment in the higher scale on the anniversary date of his acting appointment;
(b) where he or she has reached the maximum pay of his or her substantive office which maximum pay is equal to or greater than the minimum, but less than the maximum of the higher office, he shall receive an increment in the higher scale as in paragraph (a).

(2) The grant of the increments under sub-regulation (1) shall be subject

(a) to the teacher acting continuously for a period of twelve months in the higher office;
(b) to the issue of an increment certificate certifying satisfactory service on the prescribed form by the Permanent Secretary.

(3) The period of continuous acting shall not be considered to have been broken if during such period the teacher is on sick leave or occasional leave.

35. **Acting for period in excess of twelve months.** In cases where a teacher has been acting in a higher grade for more than twelve months and is in receipt of the minimum pay of the higher office, or in addition to the minimum pay of the higher office has earned one or more increments, he shall continue to draw the minimum pay of the higher grade together with any increments he may have earned for entry in the office after a break in the acting appointment for any reason other than study leave, provided that

(a) the break was caused by his or her proceeding on annual or sick leave;
(b) the teacher resumed duty in the higher office in which he was acting before the break.

PART IV
TEACHER TRAVEL.

36. **Teacher traveling abroad.** A teacher who is required to travel abroad on official business is entitled to receive

(a) transport approved by the Minister of Finance to and from the place of business;
(b) appropriate hotel accommodation and meals;
(c) transport within the country, including reasonable taxi hire;
(d) official telephone and telegram charges, and such other expenses which may be incurred in connection with the transaction of the official business; and
(e) a subsistence allowance at approved rates to cover out-of-pocket expenses.

37. **Class of travel.** The Permanent Secretary Ministry of Finance shall issue appropriate instructions which will determine by what class an officer shall travel.

38. **Clothing allowance.** (1) Teachers who are required to travel to cold or temperate climate countries on official business shall be paid such warm clothing allowance as the Minister of Finance may from time to time determine.

(2) An officer who has received such an allowance is not eligible for a further allowance within a period of two years from the date of receipt of the first allowance.

39. **Subsistence.** (1) A teacher who is required to proceed outside St Christopher and Nevis on official business shall be paid a subsistence allowance for the period beginning with the day he leaves St Christopher and Nevis and ending with the day he returns inclusive, in accordance with rates approved by the Minister of Finance.

(2) In determining the currency in which the allowance mentioned above shall be paid, the Ministry of Finance shall draw up a schedule of hard and soft currency areas and the officer shall receive payment as follows:

(a) in hard currency areas – US currency;
(b) in soft currency areas – Eastern Caribbean currency or sterling.

40. **Traveling expenses.** Claims in respect of expenses incurred when traveling on official business shall be submitted on the appropriate form prepared by the Permanent Secretary in the Ministry of Finance.

PART V
TEACHER LEAVE, PASSAGE, GRANTS, RESIGNATION AND ABSENCE

41. **Definition for Part V.** In this Part
"school vacation" means any period prescribed as a vacation for public schools under the Act;
"leave" means occasional leave, special leave, sick leave or maternity leave.

42. **Teacher may be recalled to duty during school vacation.** (1) A teacher may, during school vacation, be required to perform such duties of his office as the exigencies of the Teaching Service may require.

(2) Where a teacher is required to perform duties during the school vacation, he may be granted compensatory leave in compensation for the time during which he performed such duties.

43. **Occasional leave from duty.** (1) A teacher is entitled to fourteen days occasional leave per year on full pay for the purpose of attending to urgent private affairs.

(2) Notwithstanding subregulation (1) not more than seven days may be taken on any one occasion.

(3) The principal may grant occasional leave for not more than two days, which shall be entered in the Leave Book kept for that purpose.

(4) Application for more than two days occasional leave shall be made in writing to the Minister through the Principal who may attach his or her comments to the application.

44. **Special leave.** (1) A teacher selected to participate in a sporting, educational or cultural event approved by Government may for this purpose, subject to the exigencies of the service, be granted special leave with full pay.

(2) Leave granted under this regulation shall not affect a teacher's entitlement to any other leave.

45. **Sick leave.** (1) Subject to sub-regulations (2) and (3), sick leave may be granted by the Minister to a teacher for a period not exceeding fourteen days annually and an application for sick leave shall be supported by a medical certificate signed by a registered medical practitioner.

(2) Where the period of absence from duty on account of illness does not exceed two days, a teacher shall not normally be required to tender a medical certificate.

(3) Where a teacher habitually avails himself or herself of the concession provided for in sub-regulation (2), the Permanent Secretary may require that teacher to submit to a medical examination by a government medical officer.

(4) The Minister may grant extended sick leave after the expiration of sick leave granted under sub-regulation (1) on full or half pay, as he may think fit, to teachers for such period as the Minister may approve if

(a) the application for sick leave is supported by the certificate of the Chief Medical Officer; or

(b) where the application is outside St Christopher and Nevis, the application is supported by the certificate of a medical practitioner approved by the Government of St Christopher and Nevis.

(5) Notwithstanding anything contained in this regulation, a teacher who in the opinion of a Government Medical Officer is suffering form or exposed to a communicable disease shall not be permitted to resume duty until the medical officer certifies to the Minister that the teacher is free from the disease and is not likely to communicate the disease to any person with whom he may come into contact.

(6) Any period in excess of twenty-eight days during which a teacher is absent from duty for the reasons set out in sub-regulation (5) shall be treated as special sick leave.

46. **Maternity leave.** A pregnant teacher shall be granted and must take three months maternity leave, the first month on full-pay and the succeeding two months on half-pay commencing approximately one month before the expected date of confinement.

47. **Leave without pay in exceptional circumstances.** (1) In exceptional circumstances leave without pay for a period not exceeding one year may be granted to teachers by the Minister who may revoke the leave on discovery that it is being used for some purpose other than that for which it was granted.

(2) Leave granted under this regulation does not constitute a break in service nor in any way prejudice pension entitlement.

48. **Permission to leave the country.** Any teacher who desires to leave the country during such leave as he may be granted during a school vacation shall obtain the prior approval of the Minister.

49. **Passage grants.** (1) A teacher who is required to undertake a course of study or attachment abroad shall be granted the cost of passage of his dependants if the Minister of Finance so determines on the merits of each case.

50. **Notice of Resignation.** Subject to sub-regulation (2), a teacher may resign his office in the Teaching Service by giving to the Minister three months notice in writing.

51. **Notice of absence or lateness.** A teacher shall give reasonable notice and explanation, to the principal that he or she will be late or absent.

Made the day of , 2011.

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Nigel Carty
Minister for Education