

ACT

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THE SIERRA LEONE TEACHING SERVICE COMMISSIONACT, 2011

ARRANGEMENT OF SECTIONS

PART I-PRELIMINARY

Section

1. Interpretation

PART II-ESTABLISHMENT OF COMMISSION

2. Establishment of Commission.
3. Composition of Commission.
4. Filling of vacancies.
5. Remuneration of members of Commission.
6. Meetings of Commission.
7. Disclosure of Interest.
8. Committees of Commission.
9. Functions of Commission.
10. Independence of Commission.

PART III-SECRETARIAT OF COMMISSION

11. Secretariat of Commission.

PART IV-FINANCIAL PROVISIONS

12. Funds of Commission.
13. Accounts and audit.
14. Financial year of Commission.
15. Annual report of Commission.

PART V-MISCELLANEOUS

16. Amendment of Act No. 2 of 2004.
17. Regulations.

SIGNED this 3rd day of March, 2011.

DR. ERNEST BAI KOROMA,
President.



No. 1



Sierra Leone

2011

THE SIERRA LEONE TEACHING SERVICE COMMISSION Short title.
ACT, 2011.

Being an Act to provide for the establishment of the Sierra Leone Teaching Service Commission to manage the affairs of teachers in order to improve their professional status and economic wellbeing and for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation. 1. In this Act, unless the context otherwise requires—

“Commission” means the Sierra Leone Teaching Service Commission established by section 2;

“community education centre” means a non-formal centre for the promotion and acquisition of literacy and vocational skills;

“co-ordinator” means the head of a community education centre;

“Minister” means the Minister responsible for education;

“private school” means a school which receives no assistance from public funds;

“proprietor” means the person or body of persons including Board of Governors, responsible for the management of a school;

“pupil” means a learner attending a pre-tertiary educational institution designed as a school;

“school” means a place reserved for the education of pupils.

PART II—ESTABLISHMENT OF COMMISSION

Establishment of Commission. 2. (1) There is hereby established a body to be known as the Sierra Leone Teaching Service Commission.

(2) The Commission shall be a body corporate having perpetual succession, a common seal, and capable of acquiring, holding and disposing of any property, whether movable or immovable, and of suing and being sued in its corporate name and subject to this Act, of performing all such acts as bodies corporate may by law perform.

(3) The Commission shall have a common seal the use of which shall be authenticated by the signatures of—

(a) the Chairman or other member of the Commission generally or specifically authorised by the Commission for that purpose; and

(b) the Secretary.

(4) Every document purporting to be an instrument executed or issued by or on behalf of the Commission and to be sealed with the common seal authenticated in the manner stated in subsection (3) shall be deemed to be so executed or issued without other proof unless the contrary is proved.

(5) In appropriate cases the common seal may be affixed to documents outside Sierra Leone.

3. (1) The Commission shall consist of—

(i) a full-time Chairman, who shall be a person having qualification, knowledge and experience in education, management or administration;

(ii) the Chief Education Officer in the Ministry responsible for education;

(iii) the Head of Education Division, University of Sierra Leone;

(iv) the Dean, School of Education, Njala University;

(v) a representative of the Council of Polytechnics;

(vi) the Chairman, National Council for Technical, Vocational and Other Academic Awards;

Composition of Commission.

- (vii) the National President, Conference of Principals of Secondary Schools;
- (viii) the Chairman, National Council of Head-teachers;
- (ix) the President, Inter-Religious Council;
- (x) the Chairman, Local Council Association of Sierra Leone;
- (xi) the Chairman, Tertiary Education Commission;
- (xii) the Chairman, Non-Formal Education Council;
- (xiii) a representative of the Sierra Leone Teacher's Union;
- (xiv) a legal practitioner;
- (xv) a female educationist; and
- (xvi) a person with qualification and experience in special needs education.

(2) The Chairman and the other members of the Commission referred to in paragraphs (xiv) (xv) and (xvi) shall be appointed by the President on the recommendation of the Minister and subject to the approval of Parliament.

(3) The Chairman and other members of the Commission except the members referred to in paragraphs (ii) to (xii) shall hold office for a term of three years and shall be eligible for re-appointment for another term only.

(4) The Chairman and any other member of the Commission may resign his office by notice to the President and may be removed by the President by letter addressed to that member.

(5) A person shall cease to be a member of the Commission on any of the following grounds:-

- (a) if the person is absent from three consecutive meetings of the Commission without reasonable cause;
- (b) if the person becomes bankrupt;
- (c) if the person is convicted of an offence involving fraud or dishonesty;
- (d) for proven misconduct;
- (e) for inability to perform the functions of the office as a result of infirmity of mind or body.

4. (1) Where the Chairman or other member of the Commission dies, resigns, is removed from office or is absent from Sierra Leone for a continuous period exceeding three months or by reason of illness is unable to perform the functions of his office, the members of the Commission shall elect one of their number to act as Chairman until such time as the Chairman resumes his office or another person is appointed in his stead; and in the case of the other member, the Chairman shall arrange, subject to this Act, to have another person appointed to the Commission. Filling of vacancies.

(2) Where a person is elected as Chairman or appointed as a member to fill a vacancy, he shall hold office for the remainder of the term of the previous Chairman or other member, and shall, subject to this Act, be eligible for re-appointment or re-election, as the case may be.

5. The Chairman and other members of the Commission except the Chief Education Officer shall be paid fees or allowances as may be fixed by the Commission with approval of the Minister after consultation with the Minister responsible for finance. Remuneration of members of Commission.

6. (1) The Commission shall hold its first meeting on a date and at a time to be determined by the Minister after consultation with the Commission; and after that the Commission shall meet for the dispatch of business at least once a month. Meeting of Commission.

(2) The Chairman shall preside at every meeting of the Commission and in his absence, the members present shall elect one of their number to preside.

(3) The quorum at a meeting of the Commission shall be eight.

(4) The Chairman shall, at the request of three other members of the Commission convene an extraordinary meeting of the Commission at a place and time determined by the Chairman.

(5) Decisions of the Commission shall be by a majority of votes of the members present and where the votes are equal, the Chairman or other member presiding shall have a casting vote.

(6) The Commission may at any time co-opt any person to attend and participate in the deliberations on any matter but the person shall not vote on any issue for decision by the Commission.

(7) Subject to this section, the Commission shall regulate the procedure at its meetings.

Disclosure of interest.

7. (1) A member of the Commission who has any interest whether direct or indirect in any matter being considered by the Commission, shall disclose the nature of that interest to the Commission and the disclosure shall be recorded in the minutes of the Commission.

(2) The member of the Commission referred to in subsection (1) shall not take part in the deliberation or decision of the Commission relating to the member.

(3) Any member who fails to comply with subsection (1) or (2) shall be guilty of misconduct and be liable to be removed from the Commission.

Committees of Commission.

8. (1) The Commission may, for the discharge of its functions appoint committees which shall consist of members of the Commissions or non-members or both.

(2) A committee shall submit a report of its proceedings to the Commission at a time to be determined by the Commission.

9. (1) The object for which the Commission is established is to consider all matters pertaining to teacher management and the improvement of the professional status and wellbeing of teachers. Functions of Commission.

(2) Without prejudice to the generality of subsection (1), it shall be the function of the Commission to—

- (a) serve as an advisory body to the Minister on all matters pertaining to teachers;
- (b) register and license all teachers;
- (c) maintain and upgrade annually a register of all licensed teachers and publish the register in the *Gazette*;
- (d) vet all teachers' qualifications and determine their equivalence based on a qualifications framework;
- (e) advise the Minister on the pre-service training of teachers;
- (f) recruit, promote, post, transfer and dismiss teachers in Government and Government assisted schools;
- (g) develop and review standards and codes of professional ethics for teachers;
- (h) define the rights and obligations of teachers in relation to their employers and the management of the institutions where they serve;
- (i) define the rights and obligations of school management in relation to their employees;
- (j) discipline teachers in Government and Government assisted schools in accordance with the provisions of the Code of Ethics for Teachers prescribed by it;

- (k) serve as an advocate body for the improvement of the conditions of service of teachers in Government and Government assisted schools including a reward scheme for teachers in service;
- (l) recommend to the Minister programmes for training of non-professional teachers in service;
- (m) organize regular induction and orientation programmes for newly licensed teachers;
- (n) organize continuing professional development programmes for serving teachers;
- (o) advise the Minister on measures for sanctioning schools which are in violation of laid-down standards for professional practice;
- (p) appraise the performance of headteachers and principals in accordance with subsection (3) of section 35 of the Education Act, 2004; and
- (q) perform such other functions as are incidental to the achievement of the object for which the Commission is established.

Act No. 2
of 2004.

Independence
of Com-
mission.

10. In the performance of its functions under this Act, the Commission shall not be subject to the control or direction from any person or authority except the Minister.

PART III—ESTABLISHMENT OF SECRETARIAT

- 11.** (1) The Commission shall be serviced by a Secretariat. Secretariat of Commission.
- (2) The Secretariat shall consist of—
- (a) the Secretary who shall be its head and shall be appointed by the Commission; and
 - (b) such other staff as may be required for the efficient performance of the functions of the Commission.
- (3) The Secretary shall be a person with qualification and considerable experience in management and administration and shall be responsible to the Commission for—
- (a) the day-to-day administration of the Commission;
 - (b) the recording and keeping of minutes of meetings of the Commission;
 - (c) overseeing the work and discipline of the other employees of the Commission; and
 - (d) carrying out such other duties as the Commission may determine.

PART IV—FINANCIAL PROVISIONS

- 12.** (1) The activities of the Commission shall be financed from funds consisting of— Funds of Commission.

- (i) monies appropriated by Parliament for the purposes of the Commission; and
- (ii) grants, gifts or donations from any person or organisation whether local or external.

Accounts and audit.

13. (1) The Commission shall keep proper books of accounts and proper records in relation to the accounts and shall prepare within the period of three months after the end of each financial year, a statement of its accounts in such form as the Auditor-General may direct.

(2) The books and accounts of the Commission shall each year be audited by the Auditor-General or an auditor appointed by him and a report of the audit, which shall include a copy of the audited accounts, shall be submitted to the Commission.

Financial year of Commission.

14. The financial year of the Commission shall be the same as the financial year of Government.

Annual report of Commission.

15. (1) The Secretary shall, within three months after the end of each financial year, submit for the approval of the Commission, an annual report of the activities, undertakings, property and finances of the Commission for that year.

(2) An annual report shall include a copy of the audited accounts of the Commission together with the report on the accounts.

(3) A copy of the report approved by the Commission shall be submitted to the Minister not later than three months after the year to which the report relates and the Minister shall, as soon as possible but not later than three months after receiving the report lay it before Parliament.

PART V—MISCELLANEOUS

Amendment of Act No. 2 of 2004.

16. Pursuant to this Act, the Education Act 2004 is amended as specified in the Schedule.

Regulations.

17. The Commission may by statutory instrument make rules and regulations to give effect to this Act.

SCHEDULE

Section	Extent of amendment or repeal
1. Section 35 (2)	by the repeal and replacement of the word “Minister” by the word “Commission”
2. Sections 36, 37 and 38	by the repeal and replacement of the words “Minister responsible for education” and “Ministry” by the word “Commission”.
3. Section 40.	by the repeal and replacement of subsection (2) thereof by this subsection— “(2) The report of any appraisal conducted under subsection (1) shall be kept confidentially by the head teacher or principal, as the case may be, for the attention of the Commission and shall be taken into account in determining the career development and promotion prospects of the teacher”
4. Sections 41, 42 and 43.	Repealed
5. Section 47.	by the repeal and replacement of subsection (4) thereof by the following:— “(4) If as a result of any inspection, dereliction of duty on the part of a teacher who is not a public officer is brought to the attention of the Minister, the Minister shall refer the matter to the Commission for necessary action subject to the teacher being given a hearing and to any rules governing the conditions of service of the teacher”.

Passed in Parliament this 7th day of *December*, in the year of our Lord two thousand and ten.

VICTOR A. KAMARA,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

VICTOR A. KAMARA,
Clerk of Parliament.