

EIGHTY-SEVENTH REPORT

OF THE

SALARIES REVIEW COMMISSION

OF THE

REPUBLIC OF TRINIDAD AND TOBAGO

April 9, 2008

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Determination of the salary and other conditions of service of the offices of Chairman and Member of the Police Service Commission

By letter dated May 25, 2007, His Excellency, the President of the Republic of Trinidad and Tobago conveyed his approval for the Salaries Review Commission to determine the salary and other conditions of service of the offices of Chairman and Member of the Police Service Commission (PSC).

2. In deliberating on this matter, we noted that by the Constitution (Amendment) Act, 2006 (hereinafter called 'the Act'), the Constitution of the Republic of Trinidad and Tobago was amended to provide, among other things, for the reform of the PSC. We also observed that the Act gives the Commissioner of Police the complete power to manage the Police Service and certain powers which were previously vested in the PSC now reside with the Commissioner.

3. To facilitate our understanding of the new arrangements, we held discussions with the Director of Personnel Administration who provided us with clarification on the role and operations of the PSC prior and subsequent to the enactment of the Act. We observed that the new functions of the PSC are strategic in nature and involve monitoring and evaluating the performance of the Commissioner of Police and Deputy Commissioner of Police as well as the hearing of appeals by police officers. We were advised that the structure of the Service Commissions Department has been amended to provide the PSC with the necessary support to perform its new functions. We understand that that structure includes a legal unit to advise the PSC on matters, including those involving judicial review proceedings, as well as an appellate body established specifically to hear appeals made to the PSC.

4. We are informed that following the proclamation of the Act, new appointments were made to the PSC under the provisions of the Act for a period of three years, with effect from July 1, 2007. We note that while there has been no change in the number of members who comprise the PSC, that is, a Chairman and four other members, section 4 of the Act stipulates that persons nominated to hold such offices must be qualified and experienced in specific disciplines. The manner of appointing persons to the PSC has also changed. Previously, members were appointed by the President of the Republic, after consultation with the Prime Minister and the Leader of the Opposition. Under the new provisions, the President may only make appointments to the PSC after the House of Representatives has approved the Notification issued by the President in respect of each person so nominated. Additionally, the President may, in his own discretion, appoint a Chairman of the PSC from among its members.

Previously, the Chairman was either the Chairman or Deputy Chairman of the Public Service Commission.

Changed Role and Function of the Police Service Commission

5. Prior to the proclamation of the Act, section 123 (1) of the Constitution vested authority in the PSC to appoint persons to hold or act in all offices in the Police Service, including making appointments on promotion and transfer and confirming appointments. That section also gave the PSC the authority to remove and exercise disciplinary control over all persons holding or acting in such offices and to enforce standards of conduct on such officers.

6. Under the Act, the jurisdiction of the PSC has been altered, with the PSC now having the power to:

- (a) appoint persons to hold or act in the offices of Commissioner and Deputy Commissioner of Police;
- (b) make appointments on promotion and to confirm appointments (to the offices at (a));
- (c) remove from office and exercise disciplinary control over persons holding or acting in the offices specified at (a);
- (d) monitor the efficiency and effectiveness of the discharge of their functions;
- (e) prepare an annual performance appraisal report in such form as may be prescribed by the Commission in respect of and for the information of the Commissioner or Deputy Commissioner of Police; and
- (f) hear and determine appeals from decisions of the Commissioner of Police, or of any person to whom the powers of the Commissioner have been delegated, as a result of disciplinary proceedings brought against a police officer appointed by the Commissioner.

We also note that in exercising its power to appoint the Commissioner and Deputy Commissioner of Police, the PSC may only do so after the House of Representatives approves a Notification issued by the President of the Republic in respect of persons nominated to the positions.

7. The PSC is therefore no longer responsible for a number of functions which it previously performed, namely, appointing, promoting, transferring, exercising disciplinary control over and removing officers from the Police Service below the level of Deputy Commissioner of Police.

8. Nevertheless, it is anticipated that the PSC may now be expected to:

- ensure the transparency and propriety of personnel processes by routinely, monitoring and auditing key activities (e.g. promotions and discipline) to identify problems of non-compliance to rules and regulations;
- evaluate the effectiveness and efficiency of current practices, rules and regulations regarding human resource matters;
- file periodic reports to Parliament and the Police Service regarding the results of its audits; and
- submit annual reports as may be requested by the Ministry of National Security or Parliament and conduct other research and inquires as the need arises.

Educational Qualifications and Training

9. We note that in accordance with the provisions of section 4 of the Act, members of the PSC are to be qualified and experienced in the disciplines of law, finance, sociology or management.

10. In considering the terms and conditions of service for the offices of Chairman and Member of the PSC, we examined the role and function of the PSC in relation to the other Service Commissions with similar responsibilities for the appointing, promoting, transferring and disciplining of officers under their purview. In so doing, we recognise that the scope of the responsibilities of the PSC has changed and the PSC now has the power to hear and determine appeals by police officers against disciplinary action taken by or on behalf of the Commissioner of Police. We are advised that this responsibility could be time-consuming and onerous not only in view of the size of the Police Service but also because of the possibility of litigation.

11. We also took into consideration the PSC's responsibility for appraising the performance of the Commissioner and Deputy Commissioner of Police in relation to the management of the Police Service and we noted that no other Service Commission is charged with a similar responsibility in respect of the offices under its charge.

12. Additionally, we took account of the requirement for members of the PSC to possess specific qualifications, noting that this is not applicable in the case of

members of other Service Commissions (except certain members of the Judicial and Legal Service Commission).

Recommendations

13. Having regard to the matters set out above and taking into account the fact that:

- (i) the PSC is to be provided with considerable technical support to carry out its functions; and
- (ii) previously, the salary and other terms of the office of Chairman, PSC were determined in the context of the office holder having dual responsibility as Chairman, PSC and Chairman, Public Service Commission, with each position, nevertheless, being provided with separate remuneration;

we recommend the following remuneration arrangements:-

CHAIRMAN

Salary

\$12,500 per month.

Transport Facilities

A Transportation Allowance of \$800 per month. Where the office holder resides beyond a radius of twenty (20) kilometres from Port of Spain, \$1,100 to be paid instead.

Subsistence Allowance

- (i) \$100 per day when travelling on official business beyond a radius of sixteen (16) kilometres from official headquarters.
- (ii) For travel to and from Trinidad/Tobago on official business:-

Where an office holder who resides in Trinidad travels to Tobago or vice versa, the cost of airfare, ground transportation, accommodation and meals, as necessary, to be met by the Service Commissions Department.

- (iii) For travel abroad on official business, US\$70 per day, once not in receipt of other allowances for overseas travel, such as those payable under Minister of Finance Circular No. 2 dated April 7, 2006.

MEMBER

Salary

\$7,300 per month.

Transport Facilities

A Transportation Allowance of \$800 per month. Where the office holder resides beyond a radius of twenty (20) kilometres from Port of Spain, \$1,100 to be paid instead.

Subsistence Allowance

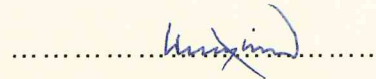
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- (ii) For travel to and from Trinidad/Tobago on official business:-

Where an office holder who resides in Trinidad and travels to Tobago or vice versa, the cost of airfare, ground transportation, accommodation and meals, as necessary, to be met by the Service Commissions Department.
- (iii) For travel abroad on official business, US\$70 per day, once not in receipt of other allowances for overseas travel, such as those payable under Minister of Finance Circular No. 2 dated April 7, 2006.

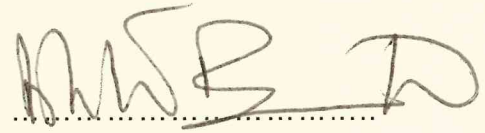
Effective Date

14. We further recommend that the effective date of implementation of the remuneration packages should be July 1, 2007, the date on which persons were appointed to the PSC under the provisions of the Act.

Dated this 9th day of April, 2008.



Edward Collier
(Chairman)



Ashton Brereton



Varun Maharaj



Haseena Ali



Marjorie Thorpe