

The Tanzania Teachers' Professional Board Bill | Analysis

Twaweza

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The idea of a Teachers' Professional Board is an important step in terms of the further professionalization of teaching, bringing this sector in line with others. An independent, impartial and professional board could help to transform the profession and ensure continually high standards.

1. The objects and reasons for the bill:

In the document presented, the objects and reasons for the bill are at the end of the document.

- (i) We recommend that these should be placed at the front of the document bringing it in line with the format of other bills and leading with the reasons for the proposal of this bill and the purpose it seeks to achieve.
- (ii) We further recommend that a rationale for the creation of the proposed board be included in the introductory section.
- (iii) Questions we asked ourselves that need to be clarified are:
 - Is the proposed board taking on functions that were previously managed elsewhere or are they new?
 - What will be its relationship with existing institutions of teacher professional management, particularly the Teachers' Service Commission and the teacher registration function which are currently performed by the Inspectorate or School Quality Assurance Department?

2. In the interest of gender sensitivity, we propose that the word *he* throughout this document be replaced with *he/she* or *s/he* and the term *his* be replaced with *his/her*.

3. Definitions: Tertiary education needs to be defined further. We propose, in particular, that lecturers and professors are not covered by this bill. They are not, and have not been trained as, teachers and there is already a rigorous system to ensure quality and standards in place within universities and colleges.

4. Composition of the Board

In order to fulfil its mission and retain independence and integrity, the board should be selected with professionalism and diversity in mind. Rather than every member being selected by the Minister, we propose that the different institutions select their own representatives to the board, in line with other professions in the country, including among engineers and pharmacists. We also propose that the full spectrum of the teaching profession, covering both governmental and non-governmental providers of education, is represented.

In addition the Board is silent on term limits or even duration of service for board members, on any disciplinary action for any misconduct and under what circumstances representatives must cease to be board members.

Proposed changes

- (5)(1)(b) eight qualified members to be selected by and to come from the following institutions
- (5)(1)(b)(iii) Education professional associations needs to be defined. We interpreted this to mean the Tanzania Teachers' Union. If this is not the case, we propose the inclusion of a representative from the union.
- (5)(1)(b)(viii) We recommend that a representative from non-governmental/private education providers be included.
- (5)(1)(b)(ix ->) We propose the inclusion of more representatives from independent institutions and from among teachers themselves on the board.
- The addition of sub-articles under Article 5 to cover term limits, disciplinary procedures and the causes and process for removal of board members.

6. Functions of Board

Teacher professional development is coordinated by a number of different government institutions. The proposed board cannot be expected to exert a management function over all of these.

Proposed changes

- (6)(1)(d) promote and regulate continuing professional development for teachers (*we have removed the word control*)

7. Powers of Board

The deregistration of teachers, and any other disciplinary actions, need to be managed carefully, and done based on open and fair criteria. Teachers themselves need to have a clear idea of what they can and cannot be de-registered or otherwise sanctioned for. Criminal activities, failure to comply with the conditions of registration and breaches of professional conduct cover a wide spectrum of improper teacher conduct while being specific and clear enough to provide guidelines for teachers and minimize subjectivity from the proposed board.

Proposed changes

Article 7 (c) should be removed because it is unclear and all important reasons for deregistration have been covered by other articles.

8. Appointment of Registrar of Board

The Registrar presents the administrative and executive face of the proposed board. His/her integrity and independence are critical to the successful functioning of the proposed board and to co-operation from teachers. The Act proposes that the Registrar be appointed by the Minister.

Proposed changes

- (10)(1) A competitive application process shall be put in place among senior professional teachers to select the Registrar of the Board. The Board, in consultation with the Minister, shall have final endorsement rights over the selected candidate.

- *If this proposal is accepted, some work is required to define the parameters of this process. We would be willing to provide inputs and ideas for the management of that process.*
- *However, if this is not possible we propose the following change.
(10)(1) The Board, in consultation with the Minister, shall appoint from the public service a senior professional teacher to be a Registrar of the Board.*

9. Appointment of supervisory officers

The investigation of charges or complaints on teachers is a sensitive matter. It would be difficult for colleagues to investigate their peers for misconduct and these officers would be open to manipulation if they were teachers.

Proposed changes

- (14)(1)(a) The Minister may, in consultation with the Board and by notice published in the *Gazette*, appoint senior professional teachers to be supervisors;
- (14)(1)(b) A senior professional teacher appointed as a supervisor will cease to be a practicing teacher for the duration of their appointment.

10. Register

The teachers' register should be fit for purpose for the information technology age and should reflect teacher merits as well. This will help to motivate existing teachers to co-operate fully with the registration process.

Proposed changes

- (17)(2)(f) teaching experience at time of application, and any awards or special recognitions received
- Additional articles:
(17)(2)(j) email (if available)
(17)(2)(k) mobile phone number

11. Qualification for registration

Every person who has studied teaching should have the right to apply for registration. The work of the proposed board is exactly to determine whether that candidate should then actually be registered. Given the constant and growing need for teachers in the country, the barrier for qualifying to apply for registration should be low.

Proposed Changes

- Remove: Articles (18)(1)(b); (18)(1)(c); (18)(2).

12. Procedure for registration

Article 50 of the Bill offers those aggrieved by the decision of the proposed board around any form of censure to teachers, the chance to appeal. This is a basic principle of justice: the right to fair hearing. Registration decisions need to have the same recourse option under the same chain of accountability.

Proposed changes

- Additional articles:

(19)(4)(c) Any person who is aggrieved by the decision of the Board may, within forty-five days from the receipt of the decision, appeal to the Minister.

(19)(4)(d) A person who is aggrieved by the decision of the Minister may, within thirty days from the date of the decision, seek redress to the High Court.

13. Publication of registered teachers

The teachers' register should be fit for purpose for the information technology. The Ministry of Constitutional and Legal Affairs have recently published a database so the public can identify registered and qualified lawyers. This register needs to be similarly open and accessible including online.

Proposed changes

- (20)(1) The Registrar shall, by notice published in the *Gazette* and via a publicly accessible online database, and as soon as may be practicable following registration, publish the –

14. Criteria for registration

Since teachers are the custodians of the country's children, ethical behaviour should be a core value of the profession. There have been too many instances of teacher misconduct towards students. The proposed board should emphasize efforts to address this problem through its work. An important signal can be sent to teachers who engage in unlawful practices that this is taken seriously at the highest levels. In addition, some studies have shown that only one in five teachers in primary schools have the requisite knowledge and skills to teach their subject areas. In order to raise the standard of education that young Tanzanians receive, the question of teacher competence and capacity is of central concern.

Proposed changes

- (21)(1)(2)(c) If the Board has any reasonable grounds for concern about the conduct of a teacher in relation to pupils and/or students, they must design and ensure implementation of a process to seek feedback from a diverse group of students and other education actors that have been part of that teacher's career.
- (21)(2)(4) The Minister, in consultation with the Board, shall prescribe guidelines for a compulsory assessment to be undertaken by all candidates for teacher registration based on their subject area.

15. Renewal of registration

The requirement to annually renew registration or at least pay professional membership fees is in line with other sectors. However, teachers are required to demonstrate evidence of professional development activities in order to qualify for re-registration. But, in public schools, these opportunities are generated by the government, not the teacher themselves. So the teacher cannot be held accountable if they were unable to access any opportunities for professional development.

We have no specific changes to propose. The question we have is: what happens to a public school teacher for whom professional development opportunities have not been made available and who is applying for their registration to be renewed?

16. Criteria for provisional registration

The cancellation of provisional registration of teachers, and any other disciplinary actions, need to be managed carefully, and done based on open and fair criteria. Teachers themselves need to have a clear idea of what they can and cannot have their provisional registration cancelled for or be otherwise sanctioned for. Criminal activities, failure to comply with the conditions of registration and breaches of professional conduct cover a wide spectrum of improper teacher conduct while being specific and clear enough to provide guidelines for teachers and minimize subjectivity from the proposed board.

Proposed changes

- (27)(4) The Board may cancel the provisional registration of a person if the person -
 - (a) has been convicted of a criminal offence and sentenced for a period of not less than six months;
 - (b) fails to observe conditions for provisional registration; or
 - (c) has breached the professional Code of Conduct.

17. Practicing license for teacher

Introducing, maintaining and enforcing professional standards for teachers is an important area of work. However, to ensure the full co-operation of existing teachers and to avoid system blockages, the process should not be excessively bureaucratic. The Bill provides a detailed overview of the process of registration yet only two clauses in the Bill make reference to the process of licensing. No further details or qualifications are required for the license when compared to registration. In addition, the duplication of processes, leads to increased costs for government.

Proposed changes

- Remove: Articles (30)(1); (30)(2); (30)(2)(a); (30)(2)(b); (30)(2)(c); (31)(1); (31)(2).

18. Receipt of complaints

Since teachers are the custodians of the country's children, ethical behaviour should be a core value of the profession. There have been too many instances of teacher misconduct towards students. The proposed board should emphasize efforts to address this problem through its work. An important signal can be sent to teachers who engage in unlawful practices that this is taken seriously at the highest levels.

Proposed changes

- (41)(4) The Minister, in consultation with the Board, shall enact Regulations to institute a process to encourage students and pupils to come forward with complaints about violence of sexual violence.

19. Audit

The Controller and Auditor General is an important piece of the government accountability framework. However, his/her work is not enforceable or binding and allows government institutions to fail to implement recommendation from audits without sanction. This can be addressed for new institutions.

Proposed changes

- Additional clause:
(55)(4) The Registrar, with support from the Board, shall implement the recommendations of the Controller and Auditor General provided after the audit.

20. Offence for illegal practice

It is important that the final law is internally consistent.

Proposed changes

- (59) A person who practices as a teacher without being registered, subject to Article 29, commits an offence and shall be liable on conviction to a fine of not less than five hundred thousand shillings and not exceeding one million shillings or to imprisonment for a term of not more than one year or to both.

21. General offence and penalty

Most offences described in this bill are of an administrative nature and as such do no warrant criminal treatment, particular imprisonment. The most severe violations are those that endanger children or deny them their right to quality education and these are specifically covered. There is no need for a provision for general offences with harsh punishments in this type of law.

Proposed changes

- Remove: Article (64).

22. Codes of ethics

Given the proposal to create a new institution to manage teacher ethics and performance, professional codes are required to be well known, clear and relevant.

Proposed changes

- Additional clauses:
(68)(3) Within in one year of its constitution, the Board, in collaboration with the Ministry, will review the existing professional Code of Conduct for teachers.
(68)(4) The professional Code of Conduct and any new ethical codes instituted under this Act shall be proactively disseminated and easily accessible to the public and teachers themselves.