



**The Bermuda Educators Council**

**The Hon. Dame Jennifer Smith, DBE, JP, DHumL, MP**

**Minister of Education**

**22 August 2012**

Good morning,

For some time members of the media have been questioning the situation concerning the Bermuda Educators Council. In the past, while efforts were being made by teachers to form an executive, I have been reluctant to comment. However, in light of the fact that we are now on count-down to 7 September 2012, I want to assure parents and the public that I have taken steps to ensure that there is no risk to the wellbeing of our students while efforts continue to have the Council re-instated.

As you know, The Bermuda Educators Council is a self-governing professional body; run for, and by, the members of the teaching profession. The Minister is empowered to appoint four persons to the 15-member Executive.

The Council's main function is to ensure that those responsible for directly teaching, or for overseeing the education of students, have the appropriate education, training and ongoing professional development so as to exemplify good teaching methodologies and to demonstrate a strong grounding in their area of specialisation.

Let me address the natural concern of the community: "Will the ongoing lack of the Council's oversight of teachers place any risk on students? The answer is "No."

The Ministry of Education has taken steps to ensure that there is no risk of uncertified teachers being put in our classrooms.

All teachers presently employed within the system have already been licensed. There is no question that they are qualified to teach. The issue is that their license has expired. Had the Council been in place, these teachers would submit their professional development hours, pay their fee and have their license renewed. Therefore, returning teachers pose no risk to our students.

Second, the credentials of all new potential hires have been reviewed by the Ministry's Human Resources Section. New hires have been required to complete the Bermuda Educators Council Application form and submit all of the required documentation normally required by the Council. That information has been vetted and if the applicants meet the criteria, they are hired provisionally, pending subsequent licensing by the Council.

In addition, there are individuals who have been allowed to teach on condition, as allowed by the Act. In other words, these educators have been exempted from some element of the credentialing process.

**Section 5(1)** of the Bermuda Educators Council Act 2002 provides that, *“the Minister acting on the advice of the Exemption Committee, on being satisfied that there is a need in schools in Bermuda for persons who possess knowledge of, and skills in, particular subjects taught at schools to exempt a specified person; or persons falling within specified classes who possess knowledge and skills.”*

My Ministerial appointments to the Exemption Committee continue to carry out their mandate as members of the Exemption Committee, to review the application of any educator who does not meet the criteria for licensing, but who wishes to teach in Bermuda.

In addition, they have reviewed the status of those persons who have been allowed, under certain stipulated conditions, to work in our schools. They have ensured that these exemption conditions have been met, so that these individuals may continue in employment.

I trust that this demonstrates that the present status of the Council will not impact the quality of instruction provided to students in our schools.

Various educators have been discussing the situation and, in June, following meetings amongst themselves, a Committee was formed with a mandate to resurrect the Council. They reported this to the Ministry and we agreed to await their resolution of the issue.

I am thankful to those educators who have taken on the task of working with their colleagues to get things back on track.

However, since school ended in June, there has been little opportunity for them to make headway over the summer. I am hopeful that educators will bring this situation to a close themselves. It is certainly preferable if educators are able to rectify this situation on their own; therefore, I am giving them one more month (September) to see if they can make significant progress towards the resurrection of the Council.

However, if they are unable to do so, I intend to use the powers available to me to ensure that a functioning Council is in place and carrying out its mandate to ensure that qualified teachers are within our schools. Therefore, if there has been no significant movement by the end of the month, I will have no choice, but to legislatively replace the Council.

Thank you

## Background Information for the Media



---

### **Ministerial Statement The Bermuda Educators Council**

**The Honourable Dame Jennifer Smith, DBE, JP, DHumL, MP  
Minister of Education**

**Friday 02 December 2011**

**Mr. Speaker,**

I rise to provide insight into a story circulating in the electronic media concerning the Bermuda Educators Council.

Let me begin by saying that I have, as yet, received no official correspondence indicating that the elected members of the Bermuda Educators Council have resigned.

For Members' and the public's information, the Council consists of eleven elected members and four members appointed by the Minister. I have received one letter of resignation from an appointed member and I have since met with the remaining appointed members, who remain committed to their role on the Council.

**Mr. Speaker,** upon assuming responsibility for Education a year ago, I made myself aware of all Acts governing educational responsibilities and I read all the files pertaining to same.

The Bermuda Educators Council Act 2002 provides that **"The Council shall establish and maintain a register of educators ("the register")."** It provides that **"The Council shall develop, establish and maintain qualifications for the continued registration of educators, and shall issue certificates of qualification therefor."** In addition, the Act provides that **"The Council shall issue and from time to time revise a Code of Practice laying down standards of professional conduct and practice expected of registered educators."**

Further, **"It is the duty of the Council –**

- a) To keep proper accounts and proper records in relation to accounts;**
- b) To prepare in respect of each financial year of the Council a statement of accounts; and**
- c) To send copies of the statements to the Minister and to the Auditor General before the end of the month of June next following the financial year to which the statement relates."**

The Council also has to “**make an annual report to the Minister....**”

There are other provisions concerning Standing Committees.

Members will also be aware that I have made public statements as well as statements on this floor pertaining to our plan to amend the Bermuda Educators Council Act.

**Mr. Speaker**, on 19 October, I met with the Council, at their request, and shared with them my intent to amend the Bermuda Educators Council Act and welcomed their input on same. Members subsequently shared their input.

In fact, the amendments were promised in the recent Throne Speech and, on Friday 18 November, I made a statement in this House informing Members that we intended to amend the Bermuda Educators Council Act. In fact, in a press conference the preceding day, I had reported that we had consulted widely with all stakeholders including the Bermuda Educators Council.

**Mr. Speaker**, in reviewing the correspondence and legislation regarding the Bermuda Educators Council, it became clear that the original intent had been to pay the fees for the first year as a means of funding the operations of the Council. There was also evidence to show that *(because the Council did not get off the ground as quickly as anticipated)*; the funding was extended to a second year.

However, Government was still paying these licensing fees in 2010. **Mr. Speaker**, there was never any intent for this to be an on-going financial responsibility of the Ministry.

In January 2011, I verbally communicated this position to the Council; and in May of this year, I communicated in writing that the Ministry would no longer be paying the licensing fee for educators.

As a result, the Council expressed their concern regarding their financial viability.

The Council was advised that there were matters which needed to be addressed before we could consider the type of financial commitment the Ministry could make to support the Council. These included:

1. Moving out of rental accommodation into Government accommodation; and
2. Adopting the recommendations made in the Internal Audit Reports concerning staffing and budgeting

The Council has produced a Budget which was received on Wednesday 30 November, and this is very helpful as I have a responsibility to this House and the people of Bermuda to account for all expenditure made by the Ministry of Education.

Finally **Mr. Speaker**, the Bermuda Educators Council Act 2002 provides that a series of steps must be taken in the event of a resignation from the Council. Once official notification of such steps has been received, we will determine the best way forward in keeping with the Act.

Thank you.



---

**Ministerial Statement  
The Bermuda Educators Council**

**The Honourable Dame Jennifer Smith, DBE, JP, DHumL, MP  
Minister of Education**

**Friday 27 April 2012**

**Mr. Speaker,**

While it should not bear repeating, I would like to begin my statement by reciting the Assemblyman's Oath –

***“I being a Member of this present Assembly, do swear by Almighty God to use and employ my best endeavour therein for the general good, without any respect to private interest, gain or advantage, striving to discharge a good conscience in all equity and integrity during my continuance therein.”***

**Mr. Speaker,** I wish to provide some clarity and factual information to the latest story circulating in the media regarding the Bermuda Educators Council.

The local daily captioned a story, “Educators’ Council members declare it was ‘set up to fail’ – and promptly resign.”

In that regard, I think it necessary to remind my Honourable Colleagues and the public of the intent of the legislation under which the Bermuda Educators Council was established – ***The Bermuda Educators Council Act 2002.***

**Mr. Speaker,** Section 3 (3) of the Act establishes that the principal aims of the Council are–

***(a) to improve standards of teaching so as to enhance the quality of learning; and***

***(b) to maintain and improve standards of professional conduct of educators; in the public interest.***

Further, Schedule 1 (1) notes that ***the Council shall not be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and the property of the Council shall not be regarded as property of, or property held on behalf of, the Crown.***

Schedule 1 (8) notes that, the elected members shall comprise –

- (a) one principal of a private school;***
- (b) one principal of a public school;***
- (c) three teachers at a private school;***
- (d) four teachers at public schools;***
- (e) one para-professional; and***
- (f) one teacher with specialist qualification in the teaching of persons with special educational needs.***

These members serve in addition to four members who are appointed by the Minister.

Schedule 1 (13) establishes that –

- (1) A member may resign at any time by giving notice in writing addressed to the Secretary to the Council.***

They do not present a resignation letter to the Minister.

Schedule 14 (1) notes that –

***Where a vacancy occurs among members otherwise than by the expiry of a member's term of office –***

- (a) if the vacancy is among elected members, the vacancy shall be filled by the person receiving the next highest number of votes in the election of the member who has vacated office, and if no such person is available the Council shall fill the vacancy by co-opting a person of like electoral qualifications as the member who has vacated office; and***
- (b) if the vacancy is among appointed members, the Minister shall appoint another person to fill it.***

**Mr. Speaker,** it is clear from the Bermuda Educators Council Act that the Minister and Ministry have no role in the affairs of the Council. There is a means by which educators can place members on the Council and most importantly, its structure is not unlike the various Boards that we have throughout Government.

Every January we gazette the Statutory Boards that are established under similar pieces of legislation with similar responsibilities to the Bermuda Educators Council. They include –

The ARCHITECTS REGISTRATION COUNCIL  
ALLIED HEALTH PROFESSIONS COUNCIL  
BERMUDA DENTAL BOARD  
BERMUDA EDUCATORS COUNCIL  
BERMUDA MEDICAL COUNCIL  
BERMUDA NURSING COUNCIL  
BERMUDA PSYCHOLOGISTS REGISTRATION COUNCIL  
BOARD OF CHIROPODISTS  
BOARD OF DIAGNOSTIC IMAGING RADIOGRAPHERS TECHNOLOGISTS  
BOARD OF DIETITIANS  
BOARD OF MEDICAL LABORATORY TECHNOLOGISTS  
BOARD OF OCCUPATIONAL THERAPISTS  
BOARD OF PHYSIOTHERAPISTS  
BOARD OF SPEECH, LANGUAGE PATHOLOGY  
OPTOMETRISTS AND OPTICIANS COUNCIL  
PHARMACY COUNCIL  
PROFESSIONAL SURVEYORS REGISTRATION COUNCIL  
VETERINARY PRACTITIONERS COUNCIL

I provide these examples to demonstrate that Bermuda Educators Council is an entity set up to be run for and by the members of the profession.

I have no standing in the affairs of the Council. Whatever concerns the Council may have, are for the Council to address.

**Mr. Speaker,** Government announced its intention to amend the Bermuda Educators Council Act in the 2011 Speech from the Throne.

You will recall that the aim of the proposed amendments is to ensure that persons who instruct, support and guide students in Bermuda – whether public or private – are fully qualified to do so.

Those responsible for directly educating or for overseeing the education of students must have the appropriate education, training and ongoing professional development so as to exemplify good teaching methodologies and demonstrate a strong grounding in their area of specialisation.



In determining the way forward, the Ministry of Education consulted with educators, including the Bermuda Educators Council, and other persons employed in schools that will or may be affected by the proposed amendments, and the response was overwhelmingly supportive of the proposed amendments.

The submissions we received emphasised the need to continue to consult affected parties throughout the development of the legislation, regulations and throughout the implementation of the amendments.

As I stated then, it is my intention to do so, and affected parties will also be utilised to assist in the development of regulations, and through implementation of the amendments.

**Mr. Speaker,** there has also been an allegation that there has been “political interference.”

On Friday December 2<sup>nd</sup>, I rose on this floor to respond to a similar story in the local media.

I noted that on 19 October, I met with the Council, at their request, and shared with them my intent to amend the Bermuda Educators Council Act.

I also set out to them that in reviewing the correspondence and legislation regarding the Bermuda Educators Council, it became clear that the original intent had been to pay the fees of all educators for the **first** year of its existence as a means of funding the operations of the Council.

There was also evidence to show that *(because the Council did not get off the ground as quickly as anticipated)*; the funding was extended to a second year.

However, Government was still paying these licensing fees in 2010.

**Mr. Speaker,** I noted that there was never any intent for this to be an on-going financial responsibility of the Ministry.

I first communicated this position in January 2011; and again in May 2011, I communicated in writing that the Ministry would no longer be paying the licensing fee for educators.

As a result, the Council expressed their concern regarding their financial viability.

**Mr. Speaker,** the Council was advised that there were matters which needed to be addressed before we could agree the type of financial commitment the Ministry could make to support the Council. These included:

1. Moving out of rental accommodation into Government accommodation (no rent); and

2. Adopting the recommendations made in an Internal Audit Report concerning staffing and budgeting.

**Mr. Speaker,** the claim of political interference can only relate to our insistence that (a) teachers pay their own fees, (b) that they move office, and (c) that they change the job of administrator as set out in a report that the Bermuda Educators Council commissioned.

**Mr. Speaker,** requiring bodies who receive Government funds to be accountable and abide by Financial Instructions is not political interference.

**Mr. Speaker,** as recently as this week, Educators were approached to consider how they wish to take forward their Council.

I await their determination of a way forward. However, short of any commitment from them, it may be necessary for me to return to this House with amendments to ensure that the integrity of the profession is maintained.

Finally, you might be wondering why I began this statement by quoting the Assemblyman's Oath.

**Mr. Speaker,** every piece of information I have quoted this morning is known to every Member of this Honourable House. It has been either the subject of a previous Ministerial Statement or contained in legislation that was passed by this House.

Our Oath sets on us a responsibility to inform the public. While there is the normal cut and thrust of our roles as opposition in this place, I believe that each of us has an obligation to share what we know and provide accurate and factual information to those we are in contact with.

Thank you.