

Ministry of Education

Registration of Private Schools

Guidance for Proprietors and Prospective  
Proprietors of Private Schools in Trinidad  
and Tobago

October 2021

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## **Introduction**

### **Purpose**

Section 31 (1) of the Education Act provides that;

*“The Minister shall cause to be kept in such manner as may be prescribed, a Register of Private Schools, to be known as the Private Schools Register in this Part referred to as “the Register”.*

Having regard to the requirement imposed by section 31 (1) of the Education Act, the Ministry of Education undertook a review of the registration procedures and guidelines of Private Schools. The Ministry discovered that whilst a number of Private Schools are registered with the Ministry of Education, there were Private Schools which were operating without registration or outside of the standards of the Ministry. Further, it was discovered that there were instances of relocation of schools without adherence to registration guidelines.

The purpose of this policy is to provide a succinct compilation of the information and requirements for the registration of Private Schools and to ensure that Proprietors, principals and teachers are equipped with the relevant guidance as it relates to the policies, procedures, and legislative requirements of the Ministry of Education with respect to the operation of Private Schools in Trinidad and Tobago. This guidance manual seeks to update information from a number of sources to ensure that Ministry policy is clear and consistent. It is intended to act as a resource that will be useful in the daily operation of all private institutions whether already established or just preparing to open. Each of the legislative and policy requirements currently in place for Private Schools is described and explained, along with the procedures that have been established over time by the Ministry to support them.

To increase transparency in the relationship between Private School operators and the Ministry, and to establish a common understanding of our respective roles and responsibilities, this document also details the consequences for Private Schools that fail to comply with their legislative and policy requirements. The policies and procedures outlined in this document represent the current state of the Ministry's role with respect to the private education system. These policies and procedures will continue to evolve as the Ministry responds to new challenges, issues and opportunities, and this document will be updated over time as necessary.

### **Scope**

This policy was created to help Proprietors and prospective Proprietors understand the physical requirements of the registration of Private Schools in Trinidad and Tobago. Consequently, the conditions set out within this policy must be satisfied as a condition of registration. All Private Schools operating in Trinidad and Tobago must be registered with the Ministry of Education in accordance with the Education Act, Chapter 39:01 which stipulates that:

*“no person shall keep or continue to keep a private school unless the school and the proprietor are registered in the Register of Schools required to be kept under this Act.”*

### **Definitions**

**“Act”** refers to the Education Act Chapter 39:01

**“Minister”** means Minister of Education

**“Private School”** A Private School is a school provided and maintained by some person or authority other than the Government. A school that provides full time education in a formal setting

for children who are within the compulsory age for attending school. These can include special schools that facilitate special needs children including those who are visually or hearing impaired.

**“Register of Private Schools”** means the register required to be kept pursuant section 31 for the registration of Private Schools.

**“Proprietor”** means the person or authority who provided the Private School, whether the legal estate or interest is vested in that or in some other person or authority;

**“Full time Education”** refers to any institution that is operating during the day for more than 18 hours per week and is considered to be providing full-time education as the main provision of education for a child.

## **1. Legislative Requirements**

- a) Pursuant to Section 30 of the Act no person shall keep or continue to keep a Private School unless the school and the Proprietor are registered in the Register of Private Schools required to be kept under the Act.
- b) The Minister pursuant to Section 31(1) of the Act shall cause to be kept in such manner as may be prescribed, a Register of Private Schools, to be known as the Register of Private Schools. Every Private School which has satisfied the requirement for registration and regulation should be entered on the Register of Private Schools.
- c) The Minister pursuant to Section 85 of the Act is empowered to regulate the operation of Private Schools within Trinidad and Tobago. In this regard, pursuant to Section 85(6) of the Act, the Minister may make Regulations for the control and management of Private Schools, more specifically as it refers to the following:
  - i. The size of the classrooms and their equipment;

- ii. The number of children that may occupy each classroom;
- iii. The necessary toilet facilities to be provided;
- iv. The safety, preservation of health and the prevention of the spread of disease among students;
- v. The registers and other records to be kept by Proprietors of Private Schools, said particulars to be provided to the Minister;
- vi. The suitability of the premises; and
- vii. Generally, for more effectively carrying out the provisions of this Act respecting Private Schools.

d) Further to which, the following shall also be required:

- i. Written policy on the curriculum;
- ii. Appropriate plans and schemes of work;
- iii. Full-time supervised education giving pupils experience in linguistic mathematical scientific technological human social physical aesthetic and creative education;
- iv. Education such that pupils acquire speaking listening and numeracy skills;
- v. Lessons in written and spoken English;
- vi. Personal social health and economic education which encourages respect for other people;
- vii. Effective preparation of pupils for the opportunities, responsibilities and experiences of life in society;
- viii. A framework to assess pupils' work regularly and thoroughly;

- ix. Arrangements to safeguard and promote the welfare of pupils at the school which have regard to any guidance issued by the Ministry of Education;
- x. A written behaviour policy;
- xi. An effective anti-bullying strategy;
- xii. A written health and safety policy;
- xiii. An admission and attendance register;
- xiv. A written risk assessment policy;
- xv. That no-one is employed who is barred from working with children;
- xvi. That no-one is employed who is not allowed to work in Trinidad and Tobago;
- xvii. Suitable toilet and washing facilities for the sole use of pupils;
- xviii. Separate toilet facilities for boys and girls aged 8 years or over except where the toilet facility is provided in a room that can be secured from the inside and that is intended for use by one pupil at a time;
- xix. Suitable changing accommodation and showers for pupils aged 11 years or over who receive physical education;
- xx. Suitable accommodation for the medical and therapy needs of pupils;
- xxi. Suitable drinking water facilities; and
- xxii. Suitable outdoor space in order to enable physical education in accordance with the school curriculum and pupils to be able to play outside.

## 2. **Registration**

**Points to Note:**

- a. All Private Schools operating in Trinidad and Tobago must be registered with the Ministry of Education in accordance with the Education Act Chapter 39:01.
- b. The necessary approvals must be obtained from the following agencies confirming the suitability of the proposed building to be used:
  - i. Water and Sewage Authority (WASA)
  - ii. Electrical Inspectorate (T&TEC)
  - iii. Fire Service (TTFS)
  - iv. Town and Country Planning/Regional Corporation
  - v. Ministry of Health (MOH) Regional Health Authority (RHA)
- c. Further requirements apply for schools that are equipped with a swimming pool on their premises as stated in **Appendix 1**.
- d. All teachers employed by a Private School must be registered with the Ministry of Education in accordance with the Act, as stipulated in **Appendix I**.
- e. All Private Schools must register their business with the Ministry of Legal Affairs and attach the receipt to their completed application form.

**3. Procedure for Registration:**

- a. The procedure for registration of a Private School is as follows:



- i. The prescribed registration form **at Appendix 1** must be completed and submitted online to the Office of the Chief Education Officer via the Ministry of Education Website at [www.moe.gov.tt](http://www.moe.gov.tt).
- ii. Filenames used for documents should reflect the contents of same.
- iii. The Statutory Declaration must be completed and attached to the application form.
- iv. Copies of the written approvals from relevant agencies mentioned at 1(b) above must be attached to the application forms.
- v. Where the Proprietor is a company registered under the Companies Act Chapter 81:01-----, a copy of the original certificate of incorporation certified by a Ministry of Education official must also be submitted.
- vi. Police certificates of good character for the Proprietor as well as members of staff must be attached to the application form.
- vii. The course outline, stating the contents of the courses offered and the relevant timetable must be appended to the application.
- viii. A list of tutors and their relevant qualifications, in accordance with the current assessment criteria applicable at the relevant time must be attached to the application.
- ix. All teachers to be registered in accordance with the requirements of the Act.
- x. Registration at one location does not give a Proprietor the right to operate at other locations.
- xi. Annual Return of School Data must be submitted promptly to the District Office at the end of each academic year.

- xii. A plan showing the layout of the school premises and any accommodation provided;
  - xiii. A written policy on the curriculum as well as curriculum plans and schemes of work. These need to take into account the ages and aptitudes and therefore should cover all year groups at the school;
  - xiv. A written framework for the evaluation of pupil performance;
  - xv. A written policy on behaviour setting out, amongst other matters, the sanctions to be adopted in the event of pupil misbehaviour;
  - xvi. Particulars of the school's arrangements to safeguard and promote the welfare of pupils at the school;
  - xvii. Particulars of the school's arrangements to ensure that relevant health and safety laws are complied with;
  - xviii. The school's anti-bullying strategy;
  - xix. The school's procedure for the handling of complaints from parents of pupils.
- b. In addition to the information above, you must also provide the following information:
- If the Proprietor is an individual:
- i. Their full name and any previous names, usual residential address, telephone number, email address, date of birth and national insurance number.
- c. If the Proprietor is a body of persons corporate or unincorporate:
- i. Its name and the address, telephone number and email address of its registered or principal office; and
  - ii. The full names and any previous names, usual residential addresses, dates of birth and national insurance numbers of each member of the body of

persons, including the chair of the body. In relation to the Proprietor or, if the Proprietor is a body of persons corporate or incorporate, the Chairman of the Board:

- A statement of the Proprietor's, or Chairman's employment history for the period of five years prior to the date on which the application was made containing the name of the institution(s) at which any post was held, and the title of any post held;
- A photograph, which is a current likeness of the Proprietor or, as the case, may be, the Chairman.

#### 4. **Failure to meet the required standards or Incomplete Applications**

- a) Schools will not be registered unless they meet the standards prescribed by the Ministry of Education. If, after registration standards have not been met, the Ministry of Education will require shortcomings to be put right. The Ministry of Education may remove a school from the register if it is satisfied that one or more of the standards is not being met or that pupils are at risk of serious harm. **It is illegal to operate an unregistered school, so any school for which registration has been cancelled, notification of which will be given in writing by the Ministry of Education, must cease to operate from the date of cancellation.**
- b) Applications, which do not include all of the information required, will not constitute a valid application, and the schools to which they relate will not be considered for registration. Further time may be given to provide such information, but the application will not be processed without all of the required documents or information.

#### 5. **Other legislation**

It should be noted that Private Schools are bound by the relevant provisions of the Occupational Safety and Health Act Chapter 88:08.

6. **Inspectorate**

a) Head Inspector, Private Schools

The Minister may appoint a suitably qualified person as the Head Inspector. It shall be the duty of the Head Inspector to report to the Minister on such matters concerning the administration, enforcement and furtherance of the purposes of the Act and any relevant Regulations. The Minister may request that the Head Inspector carry out any directions given to them by the Minister.

b) Inspectors

- i. The Minister may, on the advice of the Head Inspector designate and appoint a suitably qualified person to act as an Inspector;
- ii. Inspectors shall have the power to:
  - a. To enter, inspect, take photographs of and examine, at all reasonable times, any Private School;
  - b. To request to view any original documents and to request copies of same; to request the production of any licence, drawing, specifications, permit, register, certificate, notice, report or other relevant document and to inspect, examine and copy them;

- c. to request the presence and assistance of a police officer if he has reasonable cause to apprehend any serious obstruction in the execution of his duty;
- d. to be accompanied by either the Proprietor, the principal, or a representative of the management of the Private School; or
- e. to require any person employed by a Private School to answer questions and to sign a declaration to the truth of any such answers.
- f. to exercise such other powers as may be necessary for the purposes of the Act.

## 7. **Inspection**

- a. Upon receipt of a completed application form requesting that a school be registered, the Ministry shall appoint an Inspector to visit the school to decide whether the relevant standards are likely to be met before a school can be registered. Once a completed application for registration has been received, the Ministry of Education must notify an Inspector who must then inspect the institution and make a report to the Ministry of Education on the extent to which the school is likely to meet the relevant standards upon registration. The Inspector will have copies of the documents, which accompanied the application and will examine these as well as looking at the proposed premises and discussing with the school's proposers their plans for operating the school.
- b. The Ministry of Education will consider the report from the Inspector and any other relevant evidence, which is available in coming to a decision. The decision on whether to register the school lies with the Ministry of Education. If the Ministry of Education

decides that the standards are likely to be met once the institution becomes registered as a Private School, then it must be registered as such.

- c. Upon receipt of an application, the Inspectors will carry out a number of checks on individuals who are named on the application form. These checks will include due diligence checks along with any other checks that the Ministry of Education considers appropriate in order to enable it to decide whether all of standards are likely to be met.
- d. The Proprietor shall ensure that a competent person is on the premises to provide the necessary assistance.
- e. All original certificates which accompanied the application for Registration shall be presented to the Inspectors to complete verification.
- f. Both existing and potential Private Schools should be cognizant of the following points prior to engaging in the registration process to ensure that no unnecessary delays are experienced:
  - i. Make the application well in advance of the proposed time of the admission of pupils.
  - ii. When the application is made, be prepared to facilitate an inspection.
  - iii. Ensure that the premises are ready for said inspection.
  - iv. If building works are incomplete, then the school is not ready.
  - v. Ensure that the person running the facility is present to facilitate the inspection
  - vi. Ensure that the original certificates submitted for registration are available for viewing should it be deemed necessary by the inspector. i.e. Electrical, Fire, OSH etc.

## 8. **Complaints**

- a. A Proprietor that is aggrieved by the decision of an Inspector may apply to the Head Inspector to review the decision of the Inspector.
- b. A Proprietor who is aggrieved by a decision of the Head Inspector may apply to have an independent party be appointed to adjudicate upon the matter pursuant to the Arbitration Act Chapter 5:01.

#### **9. Certificate of Registration**

- a. Upon successful registration, the establishment will be recorded on the Register of Private Schools, a certified copy of the Register shall be from time to time be published in the Gazette, the Minister shall also from time to time publish any amendments or additions to the Register on the Gazette. The Ministry shall cause to have the complete list of Registered Private Schools published on their website.
- b. Upon successful registration, an electronic Certificate of Registration shall be issued which shall bear an identifying number, a seal, a barcode and shall show the date from which the registration is effective.
- c. The Certificate of registration having been issued electronically, may be electronically revoked.
- d. A registered Private School shall ensure that the certificate of registration, is displayed in public view within the institution.

#### **10. Information to be Provided**

- a. In the month of September in each year every Proprietor of a Private School shall furnish the Minister with documentation as it relates to the previous school year.

The information contained within these documents should contain containing the following particulars:

- i. The number of meetings during which the school was opened;
- ii. The number of pupils on roll at the end of the school year;
- iii. The average attendance for the school year;
- iv. The percentage of attendance of the total possible attendances for the pupils on roll.

#### **11. Change of Information**

- a) The Ministry of Education may request an inspection to inform its decision as it relates to any material change. A material change will not normally be approved if a school is at the time subject to regulatory action because it was not meeting the standards relevant to the material change in question. A material change is:

- i. a change of Proprietor (this does not include a change of chairman of a Proprietor body when the body itself is not changing);
- ii. a change of school address;
- iii. a change in the age range of pupils;
- iv. a change to the maximum number of pupils; and
- v. a change to admit boys only, or girls only, or become co-educational.



- b) An application for approval for any material change must be made by the Proprietor or in the case of a change of proprietor, by the proposed new Proprietor. Applications may be made online.
- c) Where a material change is made without seeking approval, the Ministry of Education may remove the school from the Register of Schools.
- d) Relocation voids the registration, and the Proprietor will be required to reapply for a certificate after the proposed location is re-assessed by the relevant authorities.
- e) Should a school remain closed for longer than Thirty (30) consecutive days, save and except for holidays not exceeding Twelve (12) weeks, in one year, the Proprietor shall furnish the Minister with a supplemental return giving the reasons for the closing of the school and the period the school is likely to remain closed, and if subsequently the Proprietor desires to reopen the school, a new return containing the particulars referred to in subsection (1) shall be furnished to the Minister before the school is reopened.
- f) The registration of a Private School that remains closed for longer than a period of one year shall be deemed to have been cancelled.

## **12. Register of Private Schools**

- a) A Register of Private Schools shall be established and available to the public on the Ministry's official website. Once a person or Proprietor successfully completes the requirement for registration and is issued a certificate of registration complete with a

bar code, a seal and an identifying number, the Private School would then be entered on the Register.

- b) This register shall include the following;
  - i. The name and address of the school;
  - ii. The identifying number assigned to the school; and
  - iii. The original date of registration.
- c) A certified copy of the Register of Private Schools shall be from time to time be published in the Gazette, the Minister shall also from time to time publish any amendments or additions to the Register on the Gazette.

### **13. Unsuccessful applications**

If an application is unsuccessful, the Ministry will issue electronic correspondence setting out the reasons for rejecting the application. An application may be re-submitted but should only be done once the institution is in a position to show that the school is likely to meet the standards. It is possible to appeal to the Head Inspector against a decision by the Ministry of Education that the standards are not likely to be met upon registration. However, the Head Inspector cannot grant registration. If it does not confirm the Ministry's decision, it can only refer an application back to the Ministry for reconsideration.

### **14. Failure by a Private School to meet the registration standards/ Removal from the Register of Private Schools**

- a) Pursuant to Section 33 of the Act, if the Minister is of the opinion that a registered Private School has ceased to be conducted in accordance with the requirements of the Act and/or Regulations, the Minister may allow action to be taken to remedy the deficiencies within such time as the Minister sees fit.
- b) If the Ministry of Education considers that a school is operating with a material change to a school that has not been approved, if a school fails to meet one or more of the standards or that there is a risk of serious harm to the welfare of the pupils, it may order that the school be removed from the register of Private Schools.
- c) Usually, if a school does not meet one or more of the standards, then the Ministry of Education will: notify the school; and require the Proprietor to submit an action plan within a specified period of time. This plan must set out the steps that the school will take to meet the standard(s), and the timescale within which each step will be completed.
- d) Following submission of the action plan, the Ministry of Education may reject the plan or approve the plan, with or without modifications.
- e) At the request of the Ministry of Education, the Inspectors will visit the school to check the progress of an approved action plan.
- f) Where an action plan is not submitted, or is submitted but rejected, the Ministry may: determine that the school is to be removed from the Register of Private Schools; or make an Order requiring the Proprietor to cease using any specified part of the school premises, close any part of the school's operation, or cease to admit any new pupils as specified by the Order. Where an action plan has been approved but the steps identified have not been taken by the required date, the Ministry of Education may:

substitute a later date; make an Order as above; or determine that the school is to be removed from the Register of Private Schools upon giving notice thereof to the Proprietor. Where no action has been taken to rectify the deficiencies, the Minister may cancel the registration of the Private School upon giving Three (3) months' notice to the Proprietor.

- g) Pursuant to Section 33 (2), upon receipt of a notice of cancellation, a Proprietor may appeal against the cancellation in the prescribed manner to a court of summary jurisdiction.
- h) The appellant and the Minister may appear personally or may be represented by some other person or by counsel or solicitor.
- i) Where an appeal is dismissed, cancellation of registration shall take effect from the date of order of upon the expiration of the notice referred to in Section 33(1) of the Act, whichever is later.

#### **15. Legislative Penalties**

- a) To assist the Ministry in enforcing the legislative requirements outlined above, Section 36 of the Act also creates offences for non-compliance, each of which results in the imposition of a fine upon conviction. Insofar as a Proprietor who
  - i. Fails to furnish the Ministry with the returns required by the Act and/or Regulations, in the manner required;
  - ii. Furnishes a return which he knows or ought to know is false or misleading;

- iii. Knowingly employs a disqualified teacher to act as a teacher or permits such a person to act as a teacher shall be liable on summary conviction to a fine of One Hundred and Fifty Dollars (\$150.00).
- b) In the case of a second or subsequent offence as it relates to knowingly employing a disqualified teacher to act as such, a Proprietor is liable to a fine of Three Hundred Dollars (\$300.00) and for any continuing offence further to Section 36(c) of the Act, to a further fine of Thirty Dollars (\$30.00) for each day on which the offence continues after conviction therefor.
- c) No person shall be employed in a Private School as a teacher or act as a teacher unless their name is registered on the Teachers' Register. A person who is disqualified pursuant to Section 35 of the Act and with knowledge of the disqualification acts as a teacher in a Private School is liable on summary conviction, to a fine of One Hundred and Fifty Dollars (\$150.00).
- d) Pursuant to Section 37(1) of the Act, the Minister, or any public officer so authorized in writing to act as a representative, may enter the premises upon which any Private School is being conducted, at any reasonable time during school hours for the purpose of making enquiries and discharging duties as imposed by the Act and/or Regulations.
- e) As established pursuant to Section 37(2) of the Act, any person who obstructs the Minister or their representative or willfully refuses to furnish them with information as required by the Act or Regulations is liable on summary conviction of a fine of One Hundred and Fifty (\$150.00).

- f) Any Private School found tampering with or falsifying a certificate of registration shall be guilty of an offence, where such an offence occurs, the Permanent Secretary may inform the Police directly where an offence against the law appears to have been committed.

*[These penalties may be increased to operate as a more effective deterrent]*

## 16. **Conclusion**

This Policy seeks to standardize and ensure that the requirements for registration and regulation of Private Schools are adhered to. This Policy also aims to establish and maintain a Register of Private Schools in accordance with the requirement under the Act. The establishment of a Register of Private Schools would allow the public to access a list of Private Schools which are registered with the Ministry as required under the Act.