

**PANHELLENIC FEDERATION OF ASSOCIATIONS**  
**under MINISTRY OF EDUCATION**  
**(Π.Ο.Σ.Υ.Π./ POSYP)**

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Ref. no.: 35

To: European Commission

Att.: 1. Minister of Education

2. Member Associations

**MEMORANDUM OF LAW4547/2018**

**“REORGANIZATION OF PRIMARY AND SECONDARY EDUCATION SUPPORT  
STRUCTURES AND OTHER PROVISIONS”**

**ON EDUCATION DIRECTORATES STAFF SELECTION**

Dear Sirs/ Madams,

Following the approval and adoption of Law 4547/2018 by the Greek Parliament (Official Government Gazette, Issue A, 102/12-06-2018) on “REORGANIZATION OF PRIMARY AND SECONDARY EDUCATION SUPPORT STRUCTURES AND OTHER PROVISIONS”, POSYP communicates with you to denounce the continuing exclusion of administrators staffing the Ministry of Education – and specifically the Regional Education Directorates of the Ministry – from being selected as Directors of Education, and inform you of the following:

- Our Federation represents the Ministry of Education administrators before the Head Office, the 13 Regional Directorates of Primary and Secondary Education, the 116 Education Directorates as well as before the numerous entities they supervise.

- Law 4547/2018 by virtue of Article 22(2) excludes once again the above mentioned administrators from being selected as Regional Directors of Education and Directors of Education:

*“Regional Directors of Education as well as Directors of Primary and Secondary Education are selected among teachers with minimum 12 years of previous educational service with primary or secondary Education, who have been teaching at schools for at least ten (10) years. Directors of Primary and Secondary Education are selected among teachers of the relevant level.”*

In the explanatory memorandum to the bill and in particular in Chapter III, pp. 15 & 16, the legislator establishes for educational staff as follows:

*“An educational staff selection system is entered into force in compliance with the principles of equality and meritocracy and, more specifically, the free access and professional career of all Greek nationals to public office, based on each one’s personal merit and ability as well as transparency”.*

Apparently, only teachers are acknowledged as Greek nationals, thus excluding administrators from the principles of equality, meritocracy, free access and professional career in public office – which is not only unlawful but irrational as well: an employee to be excluded from posts of responsibility with the Body he/she is currently serving.

- In addition, inclusion of only teachers in the Law and simultaneous exclusion of Administrators was based on random or unclear criteria, since neither of the above is justified; thus, teachers can claim the disputed office while we are excluded, contrary to the constitutionally guaranteed principles (to quote the authors in the explanatory memorandum) of equality and meritocracy, and in particular of free access and professional career of all Greek nationals to public office, based on each one’s personal merit and ability [Article 4(1) and Articles 4, 5(1)] as well as transparency [Article 103(7)] which, as defined in the law, covers not only the procedure of entering the ranks of civil servants, but also the general procedures for the career development of civil servants and the social rule of law [Article 25(1)].

- The government – just like its predecessors – yields to the power and pressure of figures as well as to the mindset of partisan-political cost (teachers amount to 150,000 thousand in contrast with only 4,000 thousand administrators) and thus remains indifferent to equality, transparency, meritocracy, not least the modern organizational theory in several administrative structures.
- Our continuing exclusion has also been deplored by the very Conclusion on the Ministry of Education Structures Assessment, which was drafted by the Special Working Group set up to implement the dated 5.8.2016 Memorandum of Cooperation between the National Centre for Public Administration & Local Government (EKDDA) and the Ministry of Education, in view of the drafting of the new Agency under the Ministry of Education (P.D. 18/2018), according to which:

*“Teachers’ sole eligibility for posts of responsibility is a distortion based on the erroneous assumption that the administration of education (as of any other organizational unit) should be exercised exclusively by teachers regardless of their administration skills. However all current data, such as Ombudsman Annual Communications – Reports and above all the assessment of the effective work performed by several schools in terms of Organizational Theory show that this is not the case, and administration – as almost in any other case – should be performed by applicably prepared and trained employees integrated in the respective role, i.e. by administration professionals, administrators of Tertiary or Technical Education in each industry. ....*

*Contrary to the following considerations, some teachers maintain that they are more suitable due to their open-mindedness to anticipate educational issues that require such an approach, as opposed to the administrators’ narrow bureaucratic logic.*

*However, all output measurements of regional services establish that this by far concerns purely administrative functions and only a minor part has a pedagogical-educational dimension, which can be performed by the Heads of*

*Education Departments and School Counselors, who are held responsible mainly for the scientific and pedagogical support of teaching”*

- Administrators with the Regional Education Services are excluded again and again from the posts of Directors and Quasi Directors (Regional Education Directors) and the only posts of responsibility they can participate are those of the 13 Heads of Independent Directorates under the Regional Directorates of Education and Heads of Education Departments.

Regardless of their formal qualifications and official/ professional skills – regardless of whether they have a Bachelor degree or technical education diploma, a Master degree (one or even more), a PhD, or whether they are graduates of the National School of Public Administration and Local Government, they know 2-3 foreign languages, or they are excellent employees (according to their assessment reports) – regardless of all the above, they are not “qualified” because they are not teachers, they lack a 12-year previous educational service and a 10-year teaching experience.

Yet, several colleagues fulfill even such prerequisites since 50% of the current administrators are relocated teachers with long teaching experience.

Thus, can anyone who lacks any experience in a post of responsibility on any level – not even for a single hour – become a Director or General Director of Education?

A perfect example of corporatism and provisions cut out for teachers in this bill is that no foreign language prerequisite is provided for the post of Director or Regional Director of Education!

At the same time, our colleagues at the Head Office of the Ministry of Education, as well as in all other Public Services, have free access and professional career even up to the post of General Director, depending on their merit and formal qualifications.

- Exclusive teacher candidacy was not decided by the Ministry of Education on the basis of meritocracy and public interest. The more candidates are eligible to participate in a competition or assessment, the higher the possibility the most

suitable ones for the posts to be found. In posts where administrative skills and experience are paramount, the Ministry preferred to completely exclude its administrators. This means that our very same employer does not really care to find the most suitable and worthy ones for the posts, but rather unjustifiably chooses a staff category and favours their selection. It accepts teachers of all levels, excluding, quite unnecessarily, administrators from purely administrative posts. Attachment to the principles of equality and meritocracy would mean that all ministry staff, irrespective of their specialty, should be able to participate in the assessment for only the best ones are selected.

- Article 24 (Evaluation of Selection Criteria) comprises the following “contradictory” provision: The roles of the Regional Director of Education, Director of Education and Head of Education with the Ministry of Education, Research and Religious Affairs are assessed only on the basis of the candidate’s administrative rather than teaching experience, as opposed to the Head of Education Department office, which is assessed on the basis of both administrative and teaching experience. That is, the very rule of law treats the posts of Regional Director of Education and Director of Education as purely administrative posts, yet excluding administrators of the Ministry of Education in violation not only of the above mentioned constitutional principles but also of all sense of reason, by comprising self-defeated and conflicting provisions.
  
- Even in Article 33 on substitution, disdain for the administrators within our own Service is more than evident as, apart from being excluded from the post of the Director of Education, we are provocatively excluded from the role of substitutes as well, conspicuously disregarding all 4 Head Administrators with respect to the post of Director of Education, which is assigned to the single Head of Department with each Education Directorate, the Head of Education Department.  
The same is the case with the substitution of the Regional Education Director, who is substituted by the Director of Education rather than the Administrative Director of the Independent Regional Directorate.

- Eventually, it should be underlined that the Administration of Education, and in particular its Regional Services, have long been the most prominent example of a party-patronage state.

Understaffing on administrative level, cronyism with thousands of teachers being relocated to administration posts, turnover of Regional Directors following the turnover of Governments, selection of Education Directors by means special laws changing every 2-3 years only to ensure “jobs for the boys”, partisan internal councils and executive selection councils, surplus teachers put at the disposal of each Directorate, teachers work hours, teacher training, etc, form an explosive mixture of transactions and partisanship.

Dear Sirs/ Madams,

- We request the depoliticisation of the Education Administration.
- We request Education Directorates be anticipated as regular Public Services rather than being exempted on all levels: from staffing to executive selection.
- We request the administrators’ equal access to participation in all relevant posts of Education Services.
- We request the administration executives’ selection and placement be based on the relevant law applicable to the whole Public Sector rather than on special provisions.
- We request the education administrators’ selection on all levels be performed by the Councils provided for by the relevant law applicable to the whole Public Sector rather than on special provisions, so as to be controlled by the State leadership.

- We request the Directors of Education be substituted in compliance with the provisions of the Civil Service Code.
- We request, to say the least, the amendment of the current Law with regard of the selection of Regional Directors and Directors of Education, as well as the administrators' equal participation in the selection and placement procedures.
- We request the selection criteria for Regional Directors and Directors of Education be amended so as to include the administrators' selection.
- We request a special intergovernmental committee to be set up so as to ensure all the above. In any case, the current Education Directors' term of office will be prolonged, since the latter expire on July 31<sup>st</sup> 2018, and their selection and placement procedure cannot be completed by September 1<sup>st</sup> 2018.

In any case, unless the current law is modified as mentioned above, POSYP shall lodge an action with the Council of the State for the annulment of the law as unconstitutional.

For the Board of Directors

THE CHAIR

THE SECRETARY GENERAL

Mr. SAVVAS FOTIADIS

Ms. ELENI MARINIDI