



THE REPUBLIC OF UGANDA

Ministry of Education and Sports

# **GUIDELINES FOR STAFF EMPLOYMENT IN PRIVATE SCHOOLS AND INSTITUTIONS**

March 2016

## Arrangement of Guidelines

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## ***Introduction***

**Guidelines for Employment of Staff in Private Schools and Institutions** are made under Section 57 (j) of the Education (Pre-primary, Primary and Post-primary) Act 2008 by which the Minister is mandated to make regulations to give full effect to the provisions of the Act, and specifically Section 44 (3), that empowers the Minister to, from time to time, issue instructions to private school owners on aspects of school management in order to safeguard the interests of learners.

The guidelines take into consideration other relevant provisions of this Act, as well as provisions of the following related Acts, policy statements, statutory instruments and regulations among others:

- National Social Security Fund Act 1985
- The Early Childhood Development (ECD) Policy 2007
- The Education (BTVET) Act 2008
- The Education Service Commission Regulations, 2012
- The Education Service Teachers Code of Conduct: Legal Notice 2012
- The Employment Act 2006
- The Labour Disputes (Arbitration and Settlements) Act 2006
- The Labour Unions Act 2006
- The National Policy on HIV/AIDS and the World of Work (2007)
- The Occupational Safety and Health Act 2006
- The Public Health Act
- The Workers Compensation Act 2000
- The Uganda Public Service Standing Orders (2010)

## ***Scope of the Guidelines***

These guidelines are meant for employment of the teaching and non-teaching staff in private schools and institutions. The schools and institutions include: all ECD centres,

private primary schools, private secondary schools, private post-primary institutions, including Private PTCs and private BTVET institutions.

The main focus of the guidelines is stipulating minimum qualifications for staff, especially teaching staff, ensuring equitable terms and conditions of work, promoting professional and ethical conduct, encouraging professional growth and establishing clear responsibility centres in staff employment in these schools and institutions.

### ***Objectives of the Guidelines***

It is expected that if adopted and implemented, the proposed guidelines will:

1. promote recruitment and employment of qualified staff in private schools and institutions;
2. promote staff morale in the delivery of education service in private schools and institutions by ensuring job security and reasonable working conditions;
3. ensure professionalism and ethical conduct of staff, especially teachers, in private schools and institutions;
4. encourage participation of private schools/institutions in continued professional development of staff especially teachers;
5. minimize the high staff turnover and attrition in private schools and institutions for better education service delivery;
6. create conducive teaching and learning environments in private schools/institutions;
7. improve the quality of education delivery in private school and institutions.

## ***Interpretation***

“**Board**” means Board of Governors of a school

“**Chairperson**” means Chairperson of Board of Governors or School Management Committee

“**Commission**” means Education Service Commission

“**Committee**” means the School Management Committee of a primary school

“**Director of Education**” means the Head of the relevant Directorate of Education in the Ministry responsible for education

“**Education Act**” means The Education (Pre-Primary, Primary and Post-Primary) Act 2008

“**Employment**” means the process and terms of recruitment, engagement, retention and termination of workers in a school/institution’s service

“**Government**” means the Government of Uganda

“**Head teacher**” means the head of a school or institution

“**Institution**” means an educational, certificate-awarding institution that is not a tertiary institution or university, and that enrolls PLE or UCE certificate holders

“**Minister**” means the Minister responsible for education

“**Ministry**” means the Ministry responsible for education

“**Permanent Secretary**” means the Permanent Secretary of the Ministry responsible for education

“**Private School/institution**” means a school or institution not founded or run by Government

“**Representative of the School Owner**” means a person appointed by the school owner or **Minister** to hold a position of authority in the management and administration of the school and may include: Director, Chairman of Board, member of Board and the Head teacher

**“School”** means an education institution classified as a private primary or private secondary school

**“School Administration”** means the persons in charge of the supervision of the day-to-day operations of the school and these include the Head teacher, Deputy Head teacher(s) and delegated staff

**“School Management”** means persons responsible for the overall management of a school/institution, including school owner, directors and the Board/Committee

**“School Owner/Proprietor”** means a foundation body or person(s) which or who wholly or partially own(s) and operate(s) a school/institution

**“Non-teaching staff”** means members of the school staff who are employed in any capacity other than as teaching staff

**“Teaching”** means planning, preparing and conducting lessons and supervising pupils/students learning activities and assessing learning progress

**“Teaching Staff”** means members of the school staff who are qualified to teach and are employed to teach

## *Acronyms*

|                 |  |
|-----------------|--|
| <b>AIDS</b>     | Acquired Immunodeficiency Syndrome   |
| <b>BRMS</b>     | Basic Requirements and Minimum Standards Indicators for Educational Institutions   |
| <b>BTVET</b>    | Business, Technical, Vocational Education and Training                             |
| <b>COUPSTA</b>  | Coalition of Uganda Private Schools Association                                    |
| <b>DEO</b>      | District Education Officer   |
| <b>ECD</b>      | Early Childhood Development  |
| <b>HIV</b>      | Human Immunodeficiency Syndrome  |
| <b>NAPUSES</b>  | National Association of Private Universal Secondary Education Schools Headteachers |
| <b>NASSHU</b>   | National Association of Secondary School Headteachers of Uganda                    |
| <b>NSSF</b>     | National Social Security Fund  |
| <b>PLE</b>      | Primary Leaving Examinations   |
| <b>PPP</b>      | Public Private Partnership   |
| <b>PTC</b>      | Primary Teacher Education  |
| <b>PTE</b>      | Primary Teacher Education  |
| <b>UACE</b>     | Uganda Advanced Certificate of Education   |
| <b>UCE</b>      | Uganda Certificate of Education  |
| <b>UGAPRIVI</b> | Uganda Association of Private Vocational Institutions                              |
| <b>UJCC</b>     | Uganda Joint Christian Council   |
| <b>UMEA</b>     | Uganda Muslim Education Association  |
| <b>UNPEIA</b>   | Uganda National Private Education Institutions Associations                        |
| <b>UPTU</b>     | Uganda Private Teachers Union  |

## ***1. Guidelines on School/Institution Staffing Structure***

The school/institution's staffing shall adhere to the ministry's BRMS indicators 3(a-p) and 13(c)

1. A school/institution shall have two categories of employees, the Teaching Staff and the Non-teaching Staff.
  - i. The Teaching staff shall include classroom teachers/instructors, director of studies, Deputy Head teacher/instructor and the Head teacher/instructor.
  - ii. A member of the teaching staff shall be a "teacher" / "Instructor" as defined in the Education Act and the Education Service Act, 2002 and as set out in Guideline 2 of these guidelines.
  - iii. Non-teaching staff shall include;
    - a. school bursar or equivalent,
    - b. school nurses
    - c. laboratory technicians/ Assistants
    - d. librarians
    - e. a matron for a girls boarding facility
    - f. a warden for a boys boarding facility
    - g. cooks
    - h. security guard(s)/Askari(s)
    - i. secretary/stenographer
    - j. Office Attendants
    - k. Drivers
    - l. Store keepers
    - m. Cleaners
2. Teaching in the school shall be done only by the teaching staff.



3. The Head teacher/instructor shall be the academic and administrative head of the school/institution and shall supervise and appraise both the teaching and non-teaching staff in the school/institution.
4. The Head teacher/instructor shall have charge and custody of and be responsible for all books, documents and all other property of the school, both movable and immovable.
5. The Head teacher/instructor shall be the accounting officer of the schools finances.
6. The Head teacher/instructor shall be responsible to the Board/Committee and be supervised and appraised by chairman of the Board/Committee.

## ***2. Guidelines on Persons to be Employed as Caregivers/Teachers/Instructors***

1. The School Owner or the Representative of the School Owner shall recruit and employ as a member of the teaching staff of the school/institution only a person who is a “teacher” as defined in Section 1 and stipulated in Section 57 (j) of the Education Act. Such a person shall:
  - ii. have successfully trained and qualified as a caregiver/teacher/instructor from a recognized caregiver/teacher/instructor training institution, or have been licensed by the Director of Education to teach at the respective level;
  - iii. be registered and currently on the Register of Teachers or currently on the Roll of Licensed teachers of the Ministry;
  - iv. be of sound mind and integrity;
  - v. be of a character that meets the standards stipulated in the teachers Professional Code of Conduct;
  - vi. not be under “interdiction” or a pending case by Education Service Commission.
2. A Caregiver / Nursery school teacher shall at least be a holder of a Certificate in Nursery Education or Early Childhood Development (ECD).
3. A teacher in a Primary School shall at least be a holder of a Certificate in Primary Education.

4. A teacher in a secondary school, O-level, shall at least be a holder of a Diploma in Education or a diploma in the relevant subject and a license to teach.
5. A teacher in a secondary school A-level shall at least be a holder of a Bachelors degree in education or holder of a Bachelors degree in the relevant subjects and a license to teach.
6. An instructor in a Nursery Teacher Development Centre shall at least have a diploma in Nursery Teacher Education.
7. An instructor in a PTC shall at least be a holder of a diploma in Primary Teacher Education.
8. An instructor in a technical institute (P.7) shall at least be a holder of an Advanced Crafts Certificate
9. An instructor in a technical institute (S.4) shall at least be a holder of a Higher Diploma in Engineering

### ***3. Guidelines on Persons to be Employed as Head Teachers, Head Instructors and Principals***

The school/institution management shall recruit and employ as a Head teacher, Head instructor or principal of a school/institution a person who qualifies to be a Head teacher/principal as stipulated in the Education Act, Section 33 (1) g and as set out here in Guideline 3 (1-6).

1. A head teacher of an ECD centre shall at least be a holder of a Certificate in Nursery Education or Early Childhood Development (ECD), with three years' experience as a caregiver/nursery teacher.
2. A Head teacher/instructor shall be a trained and qualified teacher/instructor.
3. A Head teacher of a secondary school shall at least be graduate teacher and registered and currently on the Register of Teachers as a graduate teacher.
4. A Head teacher of a primary school shall at least be holder of a diploma in Teacher Education and registered and currently on the Register of Teachers as a Grade V teacher.
5. A Principal of a technical institute shall at least be a holder of A Bsc. Engineering degree.

6. A Head Teacher/instructor of a vocational institute shall at least be a holder of a Higher Degree in Engineering or Bachelors Degree in Business or any other vocational subject.
7. A Head teacher/instructor of a school/institution shall have been in active teaching service for at least five years.
8. A Head teacher/instructor shall not be a director or one of the directors or owners of the school/institution.
9. A head teacher/instructor shall not be a person who may have a conflict of interest in the administration of the school/institution as result of being an owner or one of the owners of the school/institution.
10. The Head teacher shall be a fulltime employee of the school/institution.
11. The Head teacher/instructor shall not hold another fulltime job/position in another school/institution or firm.

#### ***4. Guidelines on Persons to be Employed as Non-teaching Staff***

1. The school/institution management shall employ as a member of the non-teaching staff a person who is qualified or fit to work in the particular school/institution support service.
2. A non-teaching staff employee shall be a person of sound mind and moral integrity.
3. No person who has been convicted of child abuse, molestation, defilement shall be employed in any capacity in a school/institution.
4. In accordance with The Public Health Act Part VIII Section 50, no person with a contagious disease shall be employed or continue to be employed in a school/institution, especially in preparation and/or handling of food.

#### ***5. Guidelines on Responsibilities and Obligations of the School/Institution Management in Staff Employment***

It shall be the responsibility of the School/institution Management to ensure that only qualified and suitable staff are recruited and employed to work/teach in the school/institution, in accordance with Sections 11 and 33 (1) g of the Education Act and PART II (5, 6 and 7) of the Employment Act 2006. The school/institution management shall:

1. recruit and employ at least one qualified and fulltime teacher/instructor for every subject taught and the teacher shall not hold another fulltime teaching position in another school/institution;
2. only recruit a teacher/instructor to teach subjects in which he or she is trained to teach and for the level at which he or she is qualified to teach;
3. formulate, document and administer a staff recruitment policy that meets the principles of fairness and non-discrimination stipulated in Section 6 (3) of the Employment Act, 2006. In any case, the school/institution management shall:
  - i. avoid exclusion or preference in recruitment and employment made on basis of race, colour, sex, ethnicity, religion, political affiliation, physical disability (except where it affects the inherent requirements for the particular position) and HIV status;
  - ii. employ both male and female teaching staff
  - iii. pay all staff, regardless of their sex, religion and ethnicity equal remuneration for work of equal value.
4. ensure that employees involved in food preparation and handling undergo annual health checks;
5. abide by and promote the principles of the Education Sector HIV and AIDS workplace Policy and the National Policy on HIV/AIDS and the World of Work (2007);
6. abide by all other policies, laws and regulations related to employment in Uganda ;
7. ensure that the recruited staff are given appointment letters duly signed by the Head teacher and Chairperson;
8. ensure that the recruited staff sign contracts in accordance with Section 59 of the Employment Act 2006 and the contracts shall clearly indicate the following terms and conditions of service:
  - i. Duration of the contract with specific dates
  - ii. Title of the employment/job

- iii. The salary and related benefits the member of staff is entitled to receive and the means by which they are calculated
  - iv. Leave entitlements as specified in *Guideline 5 (11)* below
  - v. The interval at which the staff shall be paid
  - vi. The deductions and other conditions to which the wages may be lawfully subject (e.g. PAYE and NSSF Contribution)
  - vii. Terms and conditions for termination of the contract in accordance with Sections 58 and 59 of the Employment Act 2006.
9. pay the fulltime staff during both school term and school holidays;
10. pay NSSF contribution for qualifying employees in accordance with provisions of National Social Security Fund Act 1985 and meet all tax statutory obligations;
11. provide sick leave, maternity leave, paternity leave and special leave of absence when applicable and in accordance with sections 55, 56 and 57 of the Employment Act 2006 and in respect to (C-f) 1 of Uganda Public Service Standing Orders as follows:
- i. sick leave**

In accordance with Section 55 of The Employment Act 2006,

- a. An employee who has completed at least one month of service shall be entitled to up to one month sick leave on full pay upon notifying school administration and presenting medical proof of sickness.
- b. If at the end of two months the employee's sickness continues, the school management shall have the right to terminate the contract in compliance with terms of the signed employment contract.

- ii. maternity leave:**

In accordance with Section 56 of The Employment Act 2006,

- a. A female employee shall be entitled to sixty working days of maternity leave on full pay and benefits.
- b. At least four weeks of the maternity leave shall follow childbirth or miscarriage.

### **iii. paternity leave:**

In accordance with Section 57 of The Employment Act 2006, a male employee shall be entitled to a paternity leave of four working days on full pay and benefits immediately after delivery or miscarriage of a wife.

### **iv. special leave of absence**

In respect to section (C-f) 1 of The Uganda Public Service Standing Orders, The management of a school/institution shall grant an employee special leave of absence on full pay under the following circumstances:

- a. where the employee is to participate in an activity through which public or national interest will be directly served;
- b. where the employee is to collect for holidays or return to school after holidays his or her children;
- c. where the employee suffers personal catastrophe or loss;
- d. when an employee is attending to a sick member of his or her family;

### **v. public holidays**

a. In accordance with the Public Holidays Act 1965, the school/institution management shall observe and grant school/institution employees enjoyment on full pay of the following public holidays as well as others government may declare from time to time.

- |                        |                          |
|------------------------|--------------------------|
| - New Year's Day       | 1 <sup>st</sup> January  |
| - Liberation Day (NRM) | 26 <sup>th</sup> January |
| - Idd el Fitr          |                          |
| - Idd Adhuha           |                          |
| - Good Friday          |                          |
| - Easter Monday        |                          |
| - Womens' Day          | 8 <sup>th</sup> March    |

|                    |                           |
|--------------------|---------------------------|
| - Labour Day       | 1 <sup>st</sup> May       |
| - Martyrs Day      | 3 <sup>rd</sup> June      |
| - Heroes Day       | 9 <sup>th</sup> June      |
| - Independence Day | 9 <sup>th</sup> October   |
| - Christmas        | 25 <sup>th</sup> December |
| - Boxing Day       | 26 <sup>th</sup> December |

b. Where the school/institution administration requires an employee to be on duty during a public holiday, arrangements shall be made for the employee to take another day off on full pay or for the employee to be paid double the normal rate for that day.

12. through the Representative of the School/institution Owner, in this case the Head teacher, provide the employee with work in accordance with the signed employment contract;

13. failure to provide the employee with work, except where such provision is prevented by circumstances beyond reasonable control, the employee shall be paid full wages for the period work was supposed to be provided;

14. ensure that employees are paid their salaries/wages and allowances as agreed in the contract;

15. provide the staff with necessary facilities to ensure they work effectively and professionally;

16. ensure continuous sensitization of teachers about the school objectives, values, vision and mission, as well as national education objectives;

17. establish clear channels for communication, reporting and conflict resolution;

18. in accordance with Section 61 of The Employment Act 2006, at the end of the employee's contract, provide the employee with a Certificate of Service indicating names and addresses of employer and employee, the length of period of employment, the position held by the employee at the time of termination of the contract and, if requested by the employee, reason(s) for termination of contract.

## ***6. Guidelines on Responsibilities and Obligations of School Administration in Employment of staff***

The administrative head of the school/institution shall be the Head teacher/instructor who shall operate under the provisions of Section 15 of PART VII of the Second Schedule or Section 21 of PART VI of Third Schedule of The Education Act (2008) and Paragraph 13 of the Education Service Act, 2002 Legal Notice 2012. The Head teacher/instructor shall, among others:

1. ensure that teachers/instructors work within provisions of the Teacher's Professional Code of Conduct as stipulated in the Education Service Act, 2002 Legal Notice 2012;
2. ensure that every teacher/instructor has easy access to copies of Teacher's Professional Code of Conduct, Education Service Commission Regulations and other relevant documents, preferably by providing at least a copy of each to the staffroom;
3. carry out induction for new teachers/instructors in Teacher's Professional Code of Conduct and other education service regulations;
4. sensitize teaching staff about any amendments and updates of Teacher's Professional Code of Conduct and other education service regulations;
5. open and manage a personal file for every employee in the school;
6. monitor and supervise the staff to ensure that effective teaching and learning take place;
7. ensure that employees are objectively appraised annually and given necessary guidance to facilitate professional growth;
8. keep a copy of each filled and signed appraisal form in the personal file of each employee
9. advise the school/institution management on the needs and requirements of the staff to ensure a conducive learning environment;
10. advise the school/institution management to ensure that staff complaints and disciplinary matters are dealt with fairly and in accordance with relevant provisions



of PART IV of Education Service Commission Regulations 2012 Statutory Instruments 2012 No. 51.

11. ensure that all conflicts among the staff are amicably resolved and that there is harmony.

### ***7. Guidelines on Staff Development and Retention***

The management of the school/institution shall ensure that the staff work under terms and conditions that promote professional growth as well as continued service and to minimize staff turnover and attrition.

1. The school/institution management shall formulate, document and implement a staff development policy to ensure recruitment and retention of quality staff, especially teaching staff. The policy shall include, among others:

- i. induction and orientation of new members of staff on relevant laws, regulations and policies related to education service and the school/institution;
- ii. mentorship programme for newly qualified teachers/instructors entering the teaching service;
- iii. planning for and facilitating professional development talks, seminars, workshops, refresher courses, at least one every school term;
- iv. encouraging and facilitating staff membership to professional associations;
- v. enabling employees who wish to join labour unions
- vi. continuous sensitization of teachers/instructors about the school objectives, values, vision and mission;
- vii. development of an objective and transparent policy for promoting and rewarding teachers;
- viii. provision of and conditions for study leave

2. ensure that members of staff are allowed and facilitated to attend relevant professional training programmes, workshops and seminars whenever organized by Government or relevant organizations and associations.

3. To ensure teaching-staff retention, the school/institution management shall be guided by the following:

- i. recruiting and developing own teachers/instructors;
- ii. mentoring and grooming teachers/instructors towards the objectives of the school/institution;
- iii. providing for job security by offering appointment letters/contracts to staff;
- iv. paying employees promptly and regularly;
- v. showing professional courtesy to all staff;
- vi. involving staff in school programs to develop a sense of belonging;
- vii. respecting the freedoms and rights of the staff, for example: maternity leave, sick leave, belonging to a trade union, freedom of worship;
- viii. Involving Board/Committee in disciplinary proceedings regarding staff;

### ***8. Obligations, Professional Responsibility and Conduct of a Caregiver, Teacher, instructor***

1. A person shall seek or accept to be recruited and employed as a member of the teaching staff in a school/institution only if he or she qualifies as a teacher/instructor as stipulated in Guideline 3 above.
2. A teacher/instructor employed in a school/institution as a member of the teaching staff shall adhere to the professional code of conduct and the professional responsibilities as set out in the Education Act and The Education Service Act (Teachers' Professional Code of Conduct) Legal Notice 2012.
3. A caregiver/teacher in ECD centre shall play a combination of basic care and teaching roles as stipulated in Guidelines for Early Childhood Development Centres.
4. A teacher/instructor shall only teach a subject in which he or she is trained or licensed to teach and shall only teach at the level he or she is qualified or licensed to teach.
5. A teacher/instructor shall ensure that he/she receives an appointment letter and signs an employment contract with the school management, spelling out the terms and conditions of service, before assumption of duty.

6. A teacher/instructor shall submit to the Chairperson or Head teacher a letter of acceptance of appointment as a teacher in the school.
7. A teacher/instructor shall obey all reasonable instructions of the school administration and follow school regulations.
8. A teacher/instructor shall follow established guidelines for seeking any leave of absence
9. A teacher/instructor shall adhere to the terms and conditions of service as laid down in the employment contract.

### ***9. Responsibilities and Conduct of non-teaching Staff***

1. Non-teaching Staff shall serve as positive role models for students and engage only in conduct and behavior that will contribute to an appropriate school atmosphere.
2. Non-teaching Staff shall perform their jobs without violating either the public trust or applicable laws.
3. Non-teaching Staff shall avoid engaging in any conduct that creates conflict of interest with their job responsibilities within the school system.
4. Non-teaching Staff shall not:
  - i. Be under the influence of, possess, use or consume alcohol on school premises or at a school-sponsored activity where students are involved;
  - ii. Be under the influence of, possess, use or consume prohibited drugs or substances;
  - iii. Furnish alcohol, prohibited drugs or substances to any student.
5. No person who knows or has reasonable cause to suspect that he or she has a contagious disease shall seek to be employed or continue to be employed in the school/institution catering service or any other service in which he or she may transmit the disease to the students or other employees.
6. Non-teaching Staff shall not commit any sexual or abusive act with, to, or in the presence of a student as defined below:
  - i. any use of language that is considered profane, vulgar or sexual,
  - ii. any solicitation of a sexual act, whether written, verbal, or physical,
  - iii. any romantic or physical relationship with a student, or any sexual contact with a student,

7. No member of the non-teaching staff shall be engaged in teaching as defined in these guidelines.

### ***10. Guidelines on Staff Disciplinary Procedures***

To avoid arbitrary and unfair handling of staff discipline, the school management shall formulate, document and follow disciplinary mechanisms and procedures in accordance with provisions of PART VII and Schedule 1 of the Employment Act 2006, PART IV of Education Service Commission Regulations 2012 and PART VII (22) of the Third Schedule of the Education Act.

1. The school management shall formulate, document disciplinary rules and procedures, a copy of which shall be given to every member of staff before signing the employment contract.
2. The disciplinary rules shall be fair, objective and non-discriminative.
3. The staff disciplinary issues shall be handled through the discipline committee of Board/Committee.
4. A staff member shall be guilty of misconduct and liable to disciplinary action for acts done, without reasonable excuse, which amount to failure to perform a duty lawfully assigned, or which contravene ethical or professional conduct or which bring the school/institution into disrepute.
5. The Head teacher/instructor may reprimand a member of staff in accordance with Regulation 27 (2) of the Education Service Commission Regulations 2012.
6. In carrying out its duties, the discipline committee shall:
  - i. follow rules of natural justice and give a member of staff reasonable opportunity to respond to any charge;
  - ii. deal with a case within fifteen days of the case coming to its attention;
  - iii. keep a record of the nature of the offence and disciplinary action taken against any staff member;
  - iv. Where a case requires a staff member to be suspended pending completion of disciplinary proceedings which may lead to dismissal, the said member of staff shall be suspended for not more than fifteen days and shall receive half pay for this period.

- v. If at the conclusion of proceedings the staff member is found not guilty, he or she shall be reinstated and the withheld half of his or her pay, as in *Guideline 10 (6) iv.* above, shall be paid on the due date of the next payment.
  - vi. If the disciplinary committee, after due process, finds the staff member guilty of the offence, it shall recommend to the board any of the appropriate penalties as set out in Regulation 27 (1) of the Education Service Commission Regulations 2012 and may include:
    - a. a reprimand
    - b. a written warning
    - c. suspension on half pay
    - d. payment for damage or loss resulting from the teacher's default or negligence
    - e. dismissal or termination of contract
7. Dismissal of a staff member or termination of contract shall be reserved for extreme and grievous offences. The board/management committee may dismiss a member of staff or terminate his or her contract for persistent or serious misconduct such as:
- i. Gross negligence of duty
  - ii. theft
  - iii. examination malpractice
  - iv. willful damage to school property
  - v. willfully endangering the life of a school owner, manager, administrator, fellow employee, student or member of the public
  - vi. physical assault
  - vii. voluntary intoxication during working hours
  - viii. Furnish alcohol, prohibited drugs or substances to any student
  - ix. sexual molestation of a students, fellow employee or member of the public

- x. engaging in or aiding and abetting homosexuality
  - xi. other crimes involving moral turpitude
8. The board/management committee may also dismiss a member of staff who has been convicted and sentenced by a court of law for a criminal offence.
9. A staff member shall not face disciplinary action or penalty for any of the following:
- i. pregnancy and reasons related to pregnancy
  - ii. belonging to a labour union as a member or office bearer
  - iii. refusal to join a labour union
  - iv. political affiliation
  - v. religious affiliation
10. For grievous offences or criminal offences, whether handled by the discipline committee and /or the police, the Board/Committee shall make a report to Permanent Secretary, Chief Administrative officer or Town Clerk who may refer the case to Ministry disciplinary committee for further action.
11. The board shall keep a record of all disciplinary action taken against any member of staff and in cases where the disciplinary action involves dismissal of a member of staff, the chairperson shall submit a written report, accompanied by minutes of relevant Disciplinary Committee and Board meetings, to the Permanent Secretary, Chief Administrative Officer or Town Clerk.

### ***11. Penalties for Failure to Adhere to the Guidelines***

1. The management of a school/institution which fails to adhere to these guidelines shall be in breach of Section 44 (3) of the Education Act, and punitive measures under Section 36 of the Education Act may be preferred against such a school/institution, which may lead to the cancellation of registration and closure of the school/institution.

The following actions may be taken against the defaulting school/institution:

- i. The Permanent Secretary, Chief Administrative Officer or Town Clerk may, under Section 45 of the Education Act, notify the school/institution management about the unsatisfactory management of the school/institution

- and direct the management to give a written commitment to comply with the relevant regulation(s) in a specific time frame.
- ii. Where the school/institution management fails to comply with the requirement in (i) above, the Permanent Secretary, Chief Administrative Officer or Town Clerk may, after further inquiries and giving the school/institution management an opportunity to be heard, cancel the registration of the school/institution and order the school/institution to be closed.
  - iii. Copies of all such notices and communication shall be sent to the relevant private schools associations.
2. A teacher/instructor who fails to adhere to the relevant provisions of these guidelines shall be in breach of the Education Act 2008 and Education Service Commission Regulations 2012 and the following actions may be taken against him or her, the disciplinary action already taken by a Board/Committee notwithstanding.
- i. The Director responsible may write to the teacher notifying him or her of the charge against him or her and give the teacher an opportunity to answer the charge within twenty-one days.
  - ii. The Director responsible may, if after giving the teacher a reasonable opportunity to answer the charge is still convinced that the teacher is guilty of the charge, forward the case with all the relevant documents and recommendation to the [Ministry Disciplinary Committee](#).
  - iii. The [Ministry Disciplinary Committee](#), upon being satisfied that the teacher is guilty of the charge, shall determine the disciplinary action the concerned teacher is liable to.

## ***12. Guidelines on Appeals Process***

1. An employee who is dissatisfied with a headteacher's/instructor's disciplinary action may appeal to the Chairperson, who in turn may refer the case to the Discipline Committee.

2. An employee who is dissatisfied with the disciplinary action of the Discipline Committee may appeal to the District Labour Office/Officer for arbitration and resolution of the case.
3. An employee who is dissatisfied with the disciplinary action of the Discipline Committee may also appeal to the relevant private schools association for arbitration.
4. An employee who is still dissatisfied with the arbitration or resolution of the District Labour office/Officer may appeal to Permanent Secretary, Chief Administrative Officer or Town Clerk for further action.
5. An employee or management that is dissatisfied with the decision of Permanent Secretary, Chief Administrative Officer or Town Clerk may appeal to the Appeals Tribunal established by the Minister or DEO as stipulated under **Section 53** and **Section 54** of the education Act.
6. The decision of the Appeals Tribunal shall be final.