



THE REPUBLIC OF UGANDA

Guideline No. I of 2003

GUIDELINES FOR TAKING DISCIPLINARY ACTION ON
EDUCATION SERVICE PERSONNEL

ISSUED BY:
EDUCATION SERVICE COMMISSION

December 2003

Mission Statement:

To provide an efficient, professional transparent, accountable
and motivated education service.

I. BACKGROUND

In fulfillment of the provisions of Article 168(3) of the Constitution of the Republic of Uganda, 1995, the requirements of Section 56(3) of the Local Governments Act, 1997 and the Education Service Act, 2002 Section 24(3), the Education Service Commission (ESC) is issuing these specific guidelines to assist District Service Commissions (DSC), the Chief Administrative Officers (CAO), Town Clerks, Education Officers, Inspectors of Schools, Head teachers and School Management Committee Members to take disciplinary actions on education service personnel.

It is important that the supervisors of the personnel in the service are acquainted with the relevant provisions of:

The Constitution of the Republic of Uganda, 1995,

The Local Governments Act, 1997,

The Public Service (Teachers) Act, 1969,

The Education Act, 1970,

The Teaching Service Commission Regulations, 1994,

The Teaching Service Commission Regulations,

Amendments, 1996 (Teachers Code of Professional Conduct);

The Government Standing Orders;

The School Management Committee Regulations, 1994;

Any other instructions issued by relevant authorities from time to time.

It is the responsibility of the supervisors to ensure that these documents are available at the places of work. All cases of discipline must be handled within the law and disciplinary actions decided upon in the context of natural justice.

II OBSERVANCE OF FUNDAMENTAL AND HUMAN RIGHTS

The following aspects of fundamental and human rights should be adhered to:

a) avoidance of discrimination against any person on grounds of sex, race, colour, ethnic origin, tribe, birth, creed or religion, social or economic standing, political opinion, disability as spelt out under Article 21(2) of the 1995

Constitution;

- b) avoidance of discrimination against persons suffering from HIV/AIDS and any other disease;
- c) avoidance of discrimination against women as spelt out in Articles 32 and 33 of the 1995 Constitution;
- d) observance of children's fundamental rights in accordance with the Teaching Service

Commission Regulations, Amendments, 1996 (Teachers Code of professional Conduct), Article 2(2.1), The Children's Statute, 1996; and the Penal Code.

The Penal Code prescribes laws against teachers inflicting bodily harm on children while the Children's Statute, 1996 provides laws against Child offenders.

III PROVISIONS UNDER TEACHING SERVICE REGULATIONS, 1994

A. OFFENCES

The TSC Regulations, 1994, Section 11 provides as follows:

A teacher commits a disciplinary offence if he/she:

- a) *conducts himself/herself in any manner prejudicial to the good image and reputation of the State, the Government or the Unified Teaching Service;*
- b) *practices favouritism, nepotism or any other form of corruption whether for personal advantage or gain or that of his relatives or friends;*
- c) *does not observe punctuality or is absent from duty without permission;*
- d) *is insubordinate, rude or unco-operative;*
- e) *is lazy or produces work of a poor standard;*
- f) *is untrustworthy or lacks integrity in public or private financial transactions; such may include fraud, forgery, and embezzlement.*
- g) *seeks political favour or lobbies in any way;*
- h) *practices political partiality;*
- i) *engages in private interests at the expense of his/her official duties;*

j) *divulges official information to an unauthorized person;*
k) *is convicted of a criminal offence by a Court of law. Such criminal offences may include rape, defilement and murder; or*
l) *contravenes in any way any provisions of the laws, regulations, Standing Orders or any other instructions relating to the discipline of public officers.*

B. DISCIPLINARY ACTIONS

Section 22 of the Teaching Service Commission Regulations, 1994 provides the disciplinary actions that may be taken against personnel who commit any of the above offences.

These are:

- a) *Dismissal;*
- b) *Reduction in rank;*
- c) *Reduction in salary;*
- d) *Stoppage of increment;*
- e) *Withholding of increment;*
- f) *Deferment of increment;*
- g) *Severe reprimand;*
- h) *Reprimand;*
- l) *Payment of damages for any loss or damage caused by default or negligence.*

IV DUE PROCESS

It will be noted from the list of offences above that they vary in gravity and they may be criminal or civil in nature. In all cases of disciplinary action, proper procedures must be followed to ensure that fair hearing, impartiality and the laws of natural justice are observed. When an offence is believed or alleged to have been committed, the following procedures must be followed:

- 1 The immediate supervisor must have reasonable grounds or actual proof that an offence has been committed and evidence gathered and compiled;
2. He/she should inform the teacher in writing what offence has been committed or is alleged to have been committed and ask the

officer to respond within a specified time;

3. After receiving the teacher's response, the head of the school should decide on what disciplinary action to take. This could be:

(a) Counseling and advice;

(b) Verbal warning;

(c) Written warning;

(d) Referring the matter to higher authority

(School Management Committee (SMC) and for Education Officer).

In case of serious or criminal offence like rape, defilement, murder etc, the Police, SMC and District/ Municipal Education Officer must be informed immediately.

4. When reporting to higher authority, the Head of school must attach all documents pertaining to the case and any other useful information;

5. After receiving the submission by the Head of the school, the SMC should study the case thoroughly and make necessary recommendations to the District/ Municipal Education Officer;

6. After receiving the report from the Head of the school or SMC, the District/Municipal Education Officer, will decide on what disciplinary action to take;

7. If the District/Municipal Education Officer considers the case to be of a serious nature leading to, for example, retirement or dismissal, he/she will report the matter to the CAO/Town Clerk;

8. If the CAO/Town Clerk considers that an officer should cease to perform the functions of his/her office, he/she may interdict the officer on half pay and notify the DSC. He/she should also ask the officer to defend him/herself in writing within at least twenty-one (21) days from the date of the letter subject to the severity of the offence;

9. If the defence of the officer is satisfactory, the interdiction is lifted, the officer reinstated and arrears of salary paid;

10. If the defence of the officer is not satisfactory, the responsible officer (the CAO/Town Clerk) will make a formal

submission to the DSC recommending the specific disciplinary action to be taken;

11. The Secretary to the DSC will table the case to the Full DSC meeting for deliberation and conclusion;

12. The Full DSC may accept the recommendation of the CAO/Town Clerk or vary it as they deem fit;

13. The Secretary to the DSC will communicate the decision of the Full Commission meeting to the Responsible Officer (the CAO/Town Clerk) in an Instrument; The CAO/Town Clerk will communicate the decision of the DSC to the officer through his/her supervisor in a letter quoting the specific DSC Minute;

15. The decision of the Full DSC is binding unless it has been revisited by the same body (DSC) or the Public Service Commission (vide Article 166(e) of the Constitution) or the Education Service Commission, (vide Section 8 (i) of the Education Service Act, 2002) following the officer's appeal.