

**Private Secondary Schools Authority (Board of Discipline)
Regulations 1988**

GN No. 3 of 1988
30th January

**Regulations made by the Minister under section 22 of the Private Secondary
Schools Authority Act**

1. These regulations may be cited as the **Private Secondary Schools Authority** (Board of Discipline) Regulations 1988.
2. In these regulations--
 - "Act" means the **Private Secondary Schools Authority** Act;
 - '**Authority**' means the **Private Secondary Schools Authority**;
 - "complaints" means an act of discipline or any negligence or misconduct complained of against a member of staff;
 - "disciplinary proceedings" includes proceedings with a view to dismissal;
 - "Manager", in relation to a school, means any person who employs the members of staff of a school or exercises control over them;
 - "member of staff" has the meaning assigned to it by section 16 of the Act;
 - "person under report" means a member of staff against whom disciplinary proceedings are being taken;
 - "school" means a **private secondary** school.
3. (1) Subject to paragraph (2) and regulation 11(1), no member of staff shall be subjected to disciplinary measures or be dismissed except after having been afforded an opportunity of appearing before the Board and giving such explanations or defence as he may wish to give in relation to a complaint made against him.
 - (2) Paragraph (1) shall not apply to any complaint in respect of which the Manager of a school has chosen to administer a verbal or written warning or where the member of staff has broken his contract of service.
 - (3) Paragraph (2) shall not preclude the Board from taking into consideration previous complaints against a member of staff.
4. (1) The manager of a school who is desirous of submitting a complaint against a member of his staff shall forward to the Director a Memorandum of Facts and a copy of every document specified in paragraph (2)(c).
 - (2) The Memorandum of Facts shall-

- (a) give the full name and address of the person under report,
 - (b) state the facts on which the complaint is based;
 - (c) specify the documents, if any, on which it is proposed to rely for the purpose of substantiating the complaint;
 - (d) supply the names, addresses and occupations of all persons whom it is proposed to call as witnesses.
 - (3) A person under report may be suspended on full pay by his employer pending the determination of disciplinary proceedings against him.
5. (1) Upon receipt of a complaint under regulation 4, the Director shall diligently-
- (a) draw up the appropriate charge and forward a copy thereof to the person under report together with the memorandum of complaint;
 - (b) notify the person under report of the date on which and the time and place at which the Board shall hear the charge;
 - (c) convene all the witnesses including any witness proposed to be called by the person under report;
 - (d) convene a meeting of the Board for the purpose of hearing and determining the charge.
- (2) Where disciplinary proceedings are taken with a view to dismissal, the person under report shall be so notified.
 - (3) Every charge shall be based on the facts averred in the memorandum of complaint and the Board may amend a charge which departs from the facts averred in the memorandum.
 - (4) Notwithstanding paragraph (1)(c), the responsibility of ensuring that a witness attends a hearing of the Board shall lie on the party calling him.
6. The Board appointed under regulation 10 shall with all diligence enquire into the complaint and determine the sanction, if any, which should be taken against the person under report.
7. Any decision taken by the Board shall be communicated to the Minister, the Manager and the member of staff under report.
8. (1) Upon receipt of the decision of the Board, the Manager shall give effect to the sanction determined by the Board.
- (2) Paragraph (1) shall be without prejudice to the legal liability of the Manager as employer.
9. Any of the following sanctions may be taken against a member of staff against whom a complaint has been found to be proved-

- (a) dismissal;
- (b) stoppage of increment;
- (c) deferment of increment;
- (d) suspension from work without pay for a period of not less than one day and not more than 14 days;
- (e) payment of the cost or part of the cost of any loss or breakage or damage of any kind caused by default or negligence;
- (f) a severe reprimand;
- (g) a reprimand;
- (h) a warning.

10. (1) There shall be a Board of Discipline set up by the Minister.

(2) The Board shall be composed of-

- (a) a representative of the Ministry of Education, Arts and Culture;
- (b) a representative of the Ministry of Labour and Industrial Relations;
- (c) a representative of the **Authority**, who shall act as Chairman of the Board;
- (d) not more than three other members appointed by the

Minister.

(3) The members of the Board shall be designated or appointed on such terms and conditions as the Minister may determine.

(4) The quorum of the Board shall consist of three persons who shall as far as possible be-

- (a) a representative of the **Authority**;
- (b) a representative of the Ministry of Labour and Industrial Relations;
- (c) one other member.

11. (1) Where a person under report fails to appear before the Board after a second convocation has been addressed to him, the Board may-

- (a) presume that he does not wish to give any explanation or defence;
- (b) proceed to hear the complaint in his absence,

unless he has given prior satisfactory explanation in writing of his inability to attend.

(2) The contents of paragraph (1) shall be communicated to every person under report who is convened to attend a hearing of the Board.

12. Subject to regulation 5(2) and without prejudice to the Labour Act, no member of staff shall be dismissed except-

(a) if he is in breach of his contract of service, or

(b) having regard to the nature of the complaint, his employer cannot in good faith be expected to continue to employ him.

Made by the Minister on 22 January 1988.

Related documents: