



“interdiction” means removal from duty whilst an alleged offence of misconduct is being investigated or an appeal against a decision of the Director in terms of section 26 is pending;

“legal practitioner” means an Advocate or Attorney admitted and entitled to practise as such in terms of the Legal Practitioners Proclamation (Cap. 146);

“medical practitioner” means a medical practitioner registered in terms of the Medical, Dental and Pharmacy Proclamation (Cap. 147);

“misconduct” means misconduct as defined in section 19;

“oath” includes an affirmation;

“Service” means the Botswana Teaching Service established in terms of section 4;

“teacher” means a member of the Service.

3. .... (3)

## PART II

### THE SERVICE

#### **Establishment of Teaching Service.**

4. There is hereby established a body to be known as the Botswana Teaching Service. (4)

#### **Membership.**

5. (1) The Director may admit to membership of the Service any qualified person who, in his opinion, is suitable for admission thereto. (5)

(2) In this section, “qualified person” means any person (not being a public officer) who possesses such qualifications as may be prescribed or, until qualifications are so prescribed, such qualifications as the Director may deem sufficient.

6. .... (6)

(3) Repealed by Law 12 of 1966

(5) As amended by Law 12 of 1966

(4) As amended by L.N. 84 of 1966

(6) Repealed by Law 12 of 1966

### PART III

#### THE TEACHING SERVICE COMMITTEE

##### **¶ Establishment and Procedure of the Teaching Service Committee.**

7. (1) The Minister shall, by notice in the *Gazette*, appoint (7) a Committee, to be known as the Botswana Teaching Service Committee, which shall consist of —

- (a) the Director or his duly authorised representative, who shall be the Chairman ;
- (b) the officer of the public service for the time being holding the office of Secretary of the Botswana Teaching Service ;
- (c) two members selected by the Minister from among persons who appear to him to possess, by reason of their experience of and capacity in matters relating to education, qualities likely to benefit the work of the committee ;
- (d) two members of the Service, one of whom shall be a woman who shall be nominated by the Botswana Teachers' Association.

(2) At its first meeting and whenever necessary thereafter the Committee shall recommend to the Minister two further persons, one of whom shall be a member of the Service, for membership of the Committee and on the approval of such recommendation by the Minister such further persons shall become members of the Committee.

(3) The members referred to in paragraphs (c) and (d) of sub-section (1) shall hold office for three years, but shall be eligible for re-nomination.

(4) The members referred to in sub-section (2) shall hold office for one year, but shall be eligible for re-nomination

(5) If a member of the Committee referred to in paragraphs (c) and (d) of sub-section (1) or a member referred to in sub-section (2) —

- (a) dies or resigns ; or
- (b) absents himself from two consecutive meetings of the Committee which absence is not condoned by the Chairman of the Committee ;

his office as member shall forthwith become vacant and shall be

(7) As amended by L.N. 28 of 1965.

Law 12 of 1966, and L.N. 84 of 1966.

filled by a further nomination by the Minister or the Botswana Teachers' Association or in the manner set out in sub-section (2), as the case may be.

(6) The Committee shall meet at such times and places as may be necessary for the performance of its duties.

(7) A quorum for a meeting of the Committee shall consist of the Chairman and three other members.

(8) The Committee may from time to time appoint such sub-committees as it deems necessary to examine such matters as may be referred to them by the Committee and to report thereon to the Committee

(9) The Committee may through its Chairman continue to function although not meeting and every act so performed during such time shall be approved in writing by the majority of its members.

(10) The decision of the majority of the members present at any meeting of the Committee shall constitute the decision of the Committee :

Provided that in the event of an equality of votes the Chairman shall have a casting vote in addition to a deliberative vote.

(11) Notice of the appointment of a member of the Committee shall be published in the *Gazette* ;

(12) The members of the Committee shall be paid out of the general revenues of Botswana such remuneration, if any, and expenses as the President may direct.

#### **Functions of the Teaching Service Committee.**

8. The functions of the Committee shall be to advise the (8) Minister upon —

- (a) terms and conditions of service and employment of teachers ;
- (b) professional teaching qualifications ;
- (c) the maintenance of professional standards, conduct and discipline ;
- (d) the further procedures of the Committee ;
- (e) the furtherance of the aims and objects of the Service ;
- (f) any matter which the Minister has referred to the Committee for advice.

**PART IV**

**APPOINTMENT OF TEACHERS, SALARIES AND INCREMENTS**

9. ....(9)

**Grade and Salary of Teachers.**

10. (1) The appointment of a teacher shall be at such grade and salary appropriate to the qualifications held by such teacher as shall be prescribed.

(2) Such previous teaching experience as shall be prescribed shall be taken into account in assessing the salary of such teacher.

**Increments.**

11. Subject to the further provisions of this Law, the salary (10) of a teacher shall be increased after the completion of each year of service by such increment as shall be prescribed :

Provided that the maximum salary specified for any grade shall not be exceeded and provided further that where there is an efficiency bar no increment shall be paid without the prior approval of the Director.

**Alteration of Grade.**

12. The Minister may at any time for good cause alter the (11) grade of a teacher and where the grade of a teacher is altered by the Minister the employer of such teacher shall appoint him to such appropriate salary scale as shall be prescribed.

(8) As amended by L.N. 28 of 1965

(9) Repealed by Law 12 of 1966

(10) As amended by Law 12 of 1966

(11) As amended by L.N. 28 of 1965

## **PART V**

### **RESIGNATION, RETIREMENT AND TERMINATION OF APPOINTMENT**

#### **Resignation, Retirement and Termination of Appointment.**

13. No teacher shall resign or retire nor, subject to the provisions of Part VI, shall the appointment of any teacher be terminated unless the provisions of section 14 have been complied with.

#### **Termination of Appointment.**

14. The appointment of any teacher may be terminated by (12) either —

- (a) the teacher or the employer giving at least three month's notice in writing to the other party and to the Director, which notice shall terminate on the last day of the month in which any term ends ; or
- (b) the employer giving the teacher or the teacher giving the employer one month's salary in lieu of notice and at the same time informing the Director of such action.

#### **Retirement.**

15. The Director may require an employer to terminate the (13) appointment of a teacher —

- (a) at any time after the teacher has reached the age of 55 ; or
- (b) if in the opinion of the Director the teacher has become incapable of discharging his duties adequately by reason of any infirmity of mind or body which a medical practitioner has certified is likely to be permanent or to continue for more than six months.

#### **Medical Examination.**

16. The Director may at any time require a teacher to undergo a medical examination by one or more medical practitioners.

#### **Provisions of this Part not to Apply to Temporary Teachers.**

17. The provisions of this Part shall not apply to any teacher in whose letter of appointment it is specified that such appointment is for a temporary period only.

(12) As amended by Law 12 of 1966

(13) As amended by Law 12 of 1966

**PART VI**  
**DISCIPLINE**

**Absence Without Leave.**

18. (1) Without prejudice to the other provisions of this Part, (14) if any teacher is absent from duty without leave or other sufficient cause, he shall forfeit his salary for the period of such absence.

(2) For the purposes of this section, ill-health shall not be accepted as sufficient cause for absence from duty unless the employer is satisfied that that absence was in fact due to and was necessary by reason of such ill-health.

**Misconduct Defined.**

19. A teacher who — (15)
- (a) conduct himself so as to impair materially the efficient conduct of the school ;
  - (b) renders himself inefficient by use of drugs or intoxicants ;
  - (c) is guilty of immoral conduct ;
  - (d) absents himself from duty without just cause ;
  - (e) is disobedient or insolent in the course of his duties ;
  - (f) is negligent or lazy ;
  - (g) uses his position as a teacher to further the ends of any political party or organisation ;
  - (h) in his position as a teacher encourages or condones disobedience to, or dis-respect of, lawfully constituted authority and the laws in force in Botswana ;
  - (i) being a female teacher, fails to give the notice required by section 30 ; or
  - (j) does anything by word or deed which is likely to bring the Service into disrepute ;

shall be deemed guilty of misconduct.

**Misconduct.**

20. (1) If in the opinion of his employer a teacher is guilty of misconduct the employer, without derogation of his rights under section 21, shall —

(14) As amended by Law 12 of 1966

(15) As amended by L.N. 84 of 1966

- (a) inform the teacher in writing in what respect he is considered to have misconducted himself; and
- (b) afford the teacher an opportunity to exculpate himself.

(2) If the employer is not satisfied with the teacher's exculpatory statement he shall forward a copy of his written complaint together with any reply of the teacher to the Director.

(3) On receipt of such report the Director shall consider the case and decide whether the teacher shall be penalised in terms of section 23 :

Provided that before any penalty is imposed the teacher shall be afforded an opportunity by the Director to make any further representations he may wish.

#### **Interdiction of Teacher.**

21. (1) A teacher who is arrested or detained on a criminal charge or who, in the opinion of the employer, has been guilty of a serious act of misconduct or continued acts of misconduct may be interdicted by such employer, and such teacher shall not, during the period of interdiction, receive any salary or other perquisites and in addition may be debarred the use of any quarters allocated to him. (16)

(2) Where an employer interdicts a teacher he shall, within three days of the date of interdiction, forward a written report to the Director and also give a copy of such report to the teacher. The teacher may submit to the Director a written reply to the report.

(3) Where any teacher has been interdicted, proceedings in respect of his misconduct shall be commenced under section 20 without delay. If in pursuance of sub-section (3) of section 20 the Director thereafter decides —

- (a) to impose the penalty of dismissal, the teacher's appointment shall be deemed to have been terminated;
- (b) to impose any other penalty or no penalty, the teacher shall be reinstated in his appointment;

with effect from the day on which he was so interdicted.

#### **Inefficiency.**

22. (1) If in the opinion of an employer a teacher is carrying out his duties inefficiently, the employer shall —

- (a) inform the teacher in writing in what respect he is regarded as being inefficient ; and
- (b) inform the teacher in writing of a specific period within which to improve his standard of efficiency.

(2) If after the expiry of the period specified in terms of paragraph (b) of sub-section (1) the teacher is still regarded by his employer as being inefficient, the employer shall inform the teacher in writing accordingly and shall afford the teacher an opportunity to make such representations in writing as he may wish. The employer shall forward a copy of his written complaint together with any reply of the teacher to the Director.

(3) On receipt of such report the Director shall cause the teacher's work to be inspected by an officer of the Education Department.

(4) On receipt of the report of such officer the Director shall consider the case and decide whether the teacher shall be penalised in terms of section 23 :

Provided that before any penalty is imposed the teacher shall be afforded an opportunity by the Director to make any further representations he may wish.

#### **Penalty for Inefficiency or Misconduct.**

23. (1) The following penalties may be imposed by the Director upon a teacher found guilty of inefficiency or misconduct in pursuance of section 20 or 22 — (17)

- (a) dismissal ;
- (b) stoppage of increment ;
- (c) withholding of increment ;
- (d) reprimand.

(2) An increment stopped in terms of paragraph (b) of sub-section (1) means that the teacher cannot be considered for the award of an increment for a period of twelve months from the date on which the increment was stopped.

(3) An increment withheld in terms of paragraph (c) of sub-section (1) means that a teacher cannot be considered for the award of an increment until such time as the teacher's work or conduct justifies the award of an increment.

(4) Where an increment is so withheld the Director shall review the case at three-monthly intervals to ensure that the increment is not withheld longer than is justified and if such increment is thereafter granted the teacher shall retain his normal incremental date for the award of further increments

**Dismissed Teacher Not to be Re-Employed Without Permission.**

24. No teacher who has been dismissed in terms of this Law or who has terminated his appointment contrary to the provisions of section 14 may be re-employed in a school without the written (18) permission of the Director.

**PART VII**

**THE TEACHERS' BOARD OF APPEAL**

**Board of Appeal**

25. (1) There is hereby established a Teachers' Board of (19) Appeal consisting of —

- (a) a Chairman, who shall be a person who holds or has held judicial office or who is a legal practitioner;
- (b) two other members who shall be neither employers nor teachers;

appointed by the President by notice in the *Gazette*.

(2) The functions of the Board shall be to hear and determine appeals which may be made to the Board in terms of this Law and the Board shall have power to confirm, vary or reverse any order or decision appealed against.

(3) The decision of the majority of the members of the Board shall constitute a decision of the Board and a decision of the Board shall be final.

(4) The members of the Board shall hold office at and during the President's pleasure.

(5) If any member of the Board is prevented by illness, absence from Botswana or any such like cause from exercising his functions as such member, the President may appoint any other person qualified for membership of the Board to act as deputy for such member during his absence from the Board.

(18) As amended by Law 12 of 1966

(19) As amended by L.N. 84 of 1966

(6) The Board shall meet at such times and places as may be necessary for the performance of its duties and may regulate its proceedings as it thinks fit.

(7) The Board may make such investigations as it may deem fit and take evidence on oath and may act on such evidence or on statements of character and shall not be bound to receive and consider only evidence admissible in a court of law.

(8) Meetings of the Board shall be held in private but any party to an appeal before the Board may be represented by a legal practitioner.

(9) The Chairman of the Board shall administer any oath required to be administered.

(10) The Members of the Board shall be paid out of the general revenues of Botswana such remuneration, if any, and expenses as the President may direct.

#### **Appeal Against Certain Decisions of the Director.**

26. Any person aggrieved by a decision of the Director — (20)

(a) to retire a teacher in terms of paragraph (b) of section 15 ; or

(b) to dismiss a teacher in terms of section 21 ; or

(c) to refuse to admit any person to the Service under section 5, to impose a penalty, other than that of reprimand, under section 23 or to refuse to permit a teacher to be re-employed in pursuance of section 24.

may appeal to the Board in the manner set out in section 27.

#### **How Appeal to be Initiated.**

27. Any person appealing to the Board under this Law shall give notice in the prescribed manner to the Chairman of the Board and the Director within fourteen days of the notification to him of the order or decision appealed against and shall include with such notice a statement setting out the grounds of appeal.

## PART VIII

### LEAVE

#### Leave Which May be Granted.

28. (1) A teacher shall be entitled to a minimum of forty days leave with salary in every year of employment, which leave shall not be accumulated and shall be taken during school holidays. (21)

(2) In addition to the leave specified in sub-section (1), a teacher may be granted —

- (a) additional leave with salary at the discretion of his employer for such period as the employer may think fit, to be taken during the school holidays ;
- (b) leave with salary at the discretion of his headmaster on urgent and compassionate grounds for a period not exceeding five days ;

Provided that an employer may extend such leave to a maximum period of thirty days at his discretion ;

- (c) sick leave with salary for a maximum period of one-hundred and eighty consecutive days ;
- (d) in addition to and consecutive to sick leave granted under paragraph (c), a further period of sick leave with half salary for a maximum period of one-hundred and eighty days ;

Provided that leave under this paragraph shall not be taken until all leave due to the teacher under sub-section (1) has been taken.

- (e) leave without salary :

Provided that an employer shall not grant such leave, other than confinement leave as provided in section 29, exceeding ten days in any year without the written permission of the Director.

(3) A headmaster shall not grant himself leave without permission of his employer :

Provided that a headmaster may, after addressing an application in writing to his employer, proceed on leave with salary on urgent and compassionate grounds for a period not exceeding five days :

Further provided that an employer may extend such leave to a maximum period of thirty days at his discretion.

(4) The provisions of this section shall not apply to any teacher in whose letter of appointment it is specified that such appointment is for a temporary period only.

(5) Sick leave granted in terms of paragraphs (c) and (d) of sub-section (2) may not be granted unless such sick leave is recommended from time to time by a medical practitioner approved by the employer.

#### **Special Provisions Relating to Confinement Leave.**

29. (1) A female teacher approaching confinement shall proceed on confinement leave not less than six weeks before the expected date of confinement and shall only resume duty after the expiry of six weeks from the date of confinement and then, unless the Director otherwise directs, only on the first day of a new school term.

(2) Confinement leave shall be leave without salary.

(3) Salary shall be paid up to and including the last day of duty before confinement leave begins :

Provided that a teacher who has been granted confinement leave and is on duty on the last day of a school term shall receive salary to the end of the month in which the last day of the school term occurs.

(4) A teacher returning to duty after confinement leave on the first day of a new school term shall receive salary from the beginning of the month in which the first day of the school term occurs.

(5) Such portion of authorised confinement leave as shall be prescribed shall be increment earning.

#### **Notice of Expected Confinement.**

30. It shall be the duty of a teacher approaching confinement to give notice to her employer of the fact not less than three months before the expected date of confinement.

**PART IX**  
**REGULATIONS**

**Regulations.**

31. (1) The President may, by notice in the *Gazette*, make (22) regulations with regard to all or any of the following matters —

- (a) any of the matters upon which the Committee may advise the Minister in terms of section 8 ;
- (b) the keeping of registers of members of the Service and the circumstances and manner in which names may be entered in or removed from such registers ;
- (c) the rendering by employers of returns and other information required by the Director ;
- (d) anything in this Law which requires to be prescribed ;

(2) Any regulations made under sub-section (1) may provide for their application to any specified class or description of teachers, whether by reference to type of schools, or areas in which teachers are employed, their qualifications, length of service or status or any other matter.

Passed by the Bechuanaland Protectorate Legislative Council  
this day the 19th November, 1964.

G.T. MATENGE,  
for Clerk of Legislative Council.