

Statutory Instrument No. 25 of 1976

UNIFIED TEACHING SERVICE ACT, 1975
(26 of 1975)

UNIFIED TEACHING SERVICE REGULATIONS, 1976

(Published on the 19th March, 1976)

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IN EXERCISE of the powers conferred by section 35 of the Unified Teaching Service Act, 1975, the Minister of Education hereby makes the following Regulations —

PART I Preliminary

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| Citation | 1. These Regulations may be cited as the Unified Teaching Service Regulations, 1976. |
| Inter-pretation | 2. In these Regulations, unless the context otherwise requires, —
“Code of Regulations” means the Code of Regulations governing the Unified Teaching Service;
“Secretary, Bursaries Committee”, means the Secretary, Bursaries Committee in the Ministry of Education;
“supervisory officer” means any public officer in the Ministry of Education of the rank of Assistant Education Officer or above having responsibility for supervising schools. |

PART II Constitution and Abolition of Unified Teaching Service Posts

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| Notification of Unified Teaching Service posts | 3. The Director shall publish once in every year a list of all Unified Teaching Service posts. |
| Constitution of a Unified Teaching Service post in a local authority or private school | 4. Application for the constitution of any Unified Teaching Service post in any local authority or private school shall be made to the Director by a manager, and every such application shall state —
(a) the title of the post;
(b) the grade of teacher to be appointed to such post;
(c) the salary or salary scale to be attached to such post;
(d) the subjects and classes the teacher will be required to teach, and other duties of the post;
(e) whether the proposed post is to be permanent;
(f) whether or not funds are available; |

(g) the reason why the constitution of such post is considered desirable; and

(h) such other matters as the Director may require.

5. The Permanent Secretary, Ministry of Education, shall advise the Director of the number and grade of Unified Teaching Service posts which are to be constituted in Government schools or for other Government purposes, and shall advise him similarly if any post is to be abolished.

Constitution or abolition of a Unified Teaching Service post in Government

6. Application for the abolition of any Unified Teaching Service post in a local government or a private school shall be made to the Director by a manager and every such application shall state —

Abolition of a Unified Teaching Service post in a local authority or private school

(a) the reason why it is considered desirable that the post should be abolished; and

(b) any other matters as the Director may require.

PART III *Appointment and Termination of Appointments*

7. Where a vacancy occurs or it is expected that a vacancy will occur, the Director shall decide whether —

Vacancies

(a) the vacancy should be filled by the appointment of a serving teacher; or

(b) it is likely that a suitable candidate will be found by advertisement in Botswana or elsewhere.

8. (1) Subject to the provisions of subregulation (2) and to any directions of the Minister, applications for appointment to posts which are or may become vacant shall be invited by public advertisement in Botswana or elsewhere in such manner and at such time as the Director may determine.

Advertisement

(2) A vacant post shall not be advertised —

(a) where the Director is satisfied that the post should be filled by the appointment, transfer or re-engagement of a serving teacher or the continued employment of a teacher on temporary terms, or by the appointment of a teacher on temporary terms;

(b) where the Director is satisfied that there is no reasonable likelihood of any application being received in response to advertisements in Botswana from a candidate who is qualified and suitable.

9. As between teachers having the same degree of preference qualifications and experience, proven merit and suitability for the post in question will be given greater weight than seniority.

Selection of candidates

10. If it appears to the Director that there is reason why a teacher who may be called upon to retire under the provisions of section 16 (3) of the Act should be called upon to retire, the Director shall advise the teacher that his compulsory retirement is under consideration and ask him if he wishes to make any representation of a personal nature on the matter. After considering any such representations, the Director shall decide whether such teacher should be called upon to retire.

Termination of appointment other than on disciplinary grounds

11. Any case not covered by this Part shall be dealt with in accordance with such directions as may, from time to time, be given by the Minister.

Cases not covered by this Part

PART IV *Discipline*

Disciplinary control to be prompt
Criminal proceedings against a teacher

12. Where disciplinary proceedings are to be or may be taken against a teacher the appropriate procedure shall be commenced as soon as possible.

13. If a preliminary investigation indicates that an offence against any law may have been committed by a teacher, the Director shall, unless it is clear that police action has been or is about to be taken, consult the Attorney-General and obtain his opinion as to whether a prosecution should be instituted against the teacher. In consulting the Attorney-General the Director shall provide a detailed statement of the case, as it is known to him.

Salary of teacher during interdiction

14. (1) When reporting to the Director under section 23 of the Act, a supervisory officer shall supply the Director with particulars of the teacher's salary, his financial commitments (including current deductions from salary) and the size of his family.

(2) If the Director decides that a teacher shall be interdicted, he shall inform the teacher in writing of his interdiction and the amount of salary which will be paid to him during the period of interdiction.

Salary following conviction

15. Where a teacher's emoluments have ceased by virtue of the provisions of section 24 of the Act, the Director shall, having ascertained the date of cessation of emoluments, as soon as may be, decide whether any emoluments shall be paid to such teacher during the period of his imprisonment and pending the taking of disciplinary proceedings against him.

Criminal proceedings, action required by police and judicial officers

16. (1) The police officer commanding a district shall inform the Director immediately he knows that a teacher is to be prosecuted, copying the communication to the appropriate supervisory officer; such police officer shall provide the teacher's full name, the name of the school at which the teacher is employed and the nature of the alleged offence.

(2) A judicial officer who tries any criminal proceedings against a teacher shall, immediately the proceedings are completed, inform the Director of the outcome and as soon as possible thereafter send three certified copies of the case record to the Director.

Preliminary investigation

17. (1) Where the Director becomes aware of allegations of misconduct against a teacher he shall, if he is of the opinion that disciplinary proceedings may be necessary, instruct a supervisory officer to hold a preliminary investigation into such allegations.

(2) Where a supervisory officer himself becomes aware of allegations of misconduct against a teacher he shall, if he is of the opinion that disciplinary proceedings may be necessary, hold a preliminary investigation into such allegations.

(3) If, following a preliminary investigation, the supervisory officer is of the opinion that there is a *prima facie* case against the teacher concerned he shall prepare a list of charges against the teacher. The list of charges shall be sent to the teacher against whom they are made and he shall be informed that he has such period, being not less than 21 days, as appears reasonable in all the circumstances to the supervisory officer, to reply in explanation of the charges against him.

Reporting cases to the Director

18. (1) If the teacher does not reply to the charges made against him under regulation 17 within the time specified or if he fails to exculpate

himself from the charges to the satisfaction of the supervisory officer, the latter shall then prepare and report the case to the Director.

(2) In reporting the case to the Director the supervisory officer shall forward —

- (a) a copy of the preliminary investigation made under regulation 17;
- (b) a copy of the charges preferred against the teacher; and
- (c) a copy of the teacher's statement, if any, made in reply to the charges.

19. (1) When the Director has received the report of a preliminary investigation he may —

Action on receiving report by Director

- (a) call for additional statements or other information relative to the charges preferred against the teacher as he deems necessary;
- (b) decide to take no further action in the matter and inform the teacher concerned accordingly;
- (c) refer the matter to a Committee of Enquiry which he shall appoint; or
- (d) consider the charges himself.

(2) A Committee of Enquiry shall consist of three persons who shall be of a rank not less senior than that of the teacher in respect of whom the enquiry is being held and may be public officers.

(3) A Committee of Enquiry, appointed by the Director, shall enquire into the charges which have been laid and shall at the conclusion of the enquiry advise the Director whether or not in its opinion all or any of the charges of misconduct have been proved.

20. Having considered the charges which have been laid against the teacher, the Director shall inform him which, if any, of the charges of misconduct have been proved and of the penalties, if any, which he has awarded.

Finding of Director

21. Upon the conclusion of a Committee of Enquiry the Director shall inform the teacher in respect of whom the enquiry was as to which, if any, of the charges of misconduct have been proved and of the penalties, if any, which he has awarded.

Finding of enquiry

22. If criminal proceedings have been instituted against a teacher in any court, no disciplinary proceedings shall be instituted against such teacher on any grounds involved in the criminal charges pending the result of the criminal proceedings.

Disciplinary action while criminal proceedings are pending

23. (1) If a teacher has been convicted of a criminal offence, the Director may accept without further proof that the teacher committed the offence of which he was convicted upon production before him of a certified copy of the record of the criminal proceedings.

Disciplinary action following criminal conviction

(2) If a teacher has been convicted of a criminal offence for which he has been sentenced to a term of imprisonment without the option of a fine, the Director may, upon production of a certified copy of the criminal proceedings, dismiss the teacher without instituting disciplinary proceedings against him.

(3) No teacher shall be dismissed where an appeal against the conviction has been entered pending the outcome of such appeal.

Disciplinary action after acquittal of criminal charges	<p>24. Where a teacher has been acquitted of a criminal charge, such acquittal shall not operate as a bar to disciplinary proceedings being instituted against such teacher arising out of the same facts if such facts also disclose a different offence under the laws or administrative orders governing the conduct of teachers.</p>
Penalties	<p>25. The following penalties may be imposed upon a teacher —</p> <ul style="list-style-type: none"> (a) dismissal, that is, termination of appointment with forfeiture of all retirement benefits and all other benefits accruing as a result of unified teaching service in accordance with the provisions of any law for the time being in force; (b) compulsory retirement or termination of appointment; (c) reduction in rank including removal from a post of responsibility; (d) reduction in salary; (e) stoppage of increment for a specified period; (f) withholding of increment until certain conditions are fulfilled; (g) stoppage of a responsibility allowance for a specified period; (h) reprimand or warning; or (i) in the case of a teacher who is employed on temporary terms, suspension from duty with consequent loss of pay and allowances for a period not exceeding 14 days, and any such period of suspension from duty may be imposed within a school vacation.
Reprimands or warnings	<p>26. Nothing in this Part shall prevent the Director, supervisory officer or a headteacher from issuing a reprimand or a warning to any teacher directly subordinate to him or under his supervision.</p>
Absence without leave	<p>27. Without prejudice to the taking of disciplinary proceedings in respect of any absence from duty without leave or reasonable cause, where a teacher is absent from duty without leave the Director may order that the salary of such teacher shall be withheld in respect of any period during which such teacher was absent without leave.</p>
Documentary evidence	<p>28. A teacher in respect of whom disciplinary proceedings have been taken shall be entitled to receive a copy of any documentary evidence which will be relied on for the purpose of the disciplinary proceedings or be allowed access to it.</p>
Witnesses	<p>29. If witnesses are examined by the Director or by a Committee of Enquiry the teacher shall be given an opportunity of being present throughout and of putting questions to the witnesses on his own behalf.</p>
<p>PART V <i>Unified Teaching Service Consultative Committee</i></p>	
Consultative Committee	<p>30. (1) There shall be established a Unified Teaching Service Consultative Committee which shall consist of —</p> <ul style="list-style-type: none"> (a) the Permanent Secretary, Ministry of Education, who shall be the chairman; (b) the Director; (c) two public officers in the Ministry of Education who shall be nominated by the Minister; and (d) four teachers employed by the Unified Teaching Service who shall be nominated by a registered teachers' association.

(2) In nominating members to the Committee, a registered teachers' association shall bear in mind the need to represent, as far as possible, the interests of teachers employed in various categories of schools.

(3) There shall be a deputy chairman elected from themselves by the teachers nominated under subregulation (1) (d).

(4) Every meeting of the Committee shall be presided over by the chairman or, in his absence, the deputy chairman.

(5) The decisions of the Committee shall be by majority vote, and in the case of equality of votes the chairman, or in his absence the deputy chairman, shall have a casting vote.

(6) The quorum of a meeting of the Committee shall be the chairman or deputy chairman and not less than two public officers and two teachers nominated under subregulation (1) (d).

(7) Meetings of the Committee shall be held at such times as the chairman may decide and in any event not more than four months shall elapse between meetings of the Committee.

(8) There shall be a secretary of the Committee who shall be appointed by the chairman from among the public officer members of the Committee.

(9) Any teacher employed by the Unified Teaching Service, and any member of the Committee, may submit matters in the form of a written memorandum for the consideration of the Committee. Every memorandum shall reach the secretary at least 14 days before the date of the meeting of the Committee at which it is to be considered. Any memorandum reaching the secretary less than 14 days before a meeting of the Committee shall, unless the chairman directs that it be considered at that meeting, be considered at the next meeting thereafter.

(10) The secretary shall prepare the agenda, with the approval of the chairman, for each meeting of the Committee and shall circulate such agenda together with supporting memoranda to all members not less than seven days before the date of the meeting.

(11) Persons with special knowledge or to represent special interests may, with the consent of the chairman, be co-opted to attend any meeting of the Committee and may take part in the discussions of the Committee but shall not be entitled to vote on any matter.

(12) Minutes shall be kept of the members present and a record of the decisions reached at every meeting of the Committee.

(13) Subject to the provisions of this regulation, the Committee may decide its own procedure.

(14) If a teacher who is a member of the Committee dies, resigns or absents himself from two consecutive meetings of the Committee and such absence is not condoned by the chairman, his office as member shall forthwith become vacant and shall be filled by a further nomination.

31. The functions of the Committee shall be —

- (a) to consider terms and conditions of service and advise on methods of ensuring improvements in general working conditions, productivity, and staff relations within the Unified Teaching Service;
- (b) the investigation of circumstances tending to reduce efficiency or

Functions of
Committee

in any way interfering with the satisfactory working of the Unified Teaching Service;

(c) the maintenance of professional standards, conduct and discipline within the Unified Teaching Service;

(d) to consider and advise on health and welfare matters affecting teachers in the Unified Teaching Service;

(e) generally to assist in the furtherance of good relations between Government and teachers in the Unified Teaching Service;

(f) to consider any matters which the Minister has referred to the Committee for advice.

Decisions of Committee **32.** All decisions of the Committee shall be referred to the Minister as soon as may be after the meeting of the Committee at which such decision was taken together with a copy of the minutes of the Committee. The Minister may accept, modify or reject any decision taken by the Committee.

Personal cases to be excluded **33.** Notwithstanding any other provision of these Regulations, the Committee shall not consider individual cases in respect of appointments, transfers, promotions and discipline but may consider the principles governing such cases.

PART VI Courses

Selection criteria and procedures **34.** The Minister may issue directions regarding the criteria and procedures to be used in selecting teachers and students for admission to teacher training courses in Botswana or elsewhere.

Person admitted to college to enter into agreement **35.** Any person who is admitted to a Government teacher training college in Botswana to follow a course of studies leading to a recognized teaching qualification shall be required to enter into a training agreement with the Government of Botswana represented by the Director and such agreement shall, *inter alia*, specify the conditions under which such person may, on completion of the course of studies, be required to accept employment with the Unified Teaching Service and such period of time as may be specified in the agreement.

Teacher selected for a course to enter into agreement **36.** Any teacher who is selected to attend a teacher training course or other course of studies in Botswana or elsewhere shall be required to enter into an agreement with the Government of Botswana represented by the Secretary, Bursaries Committee, or the Director, as the circumstances require, and such agreement shall, *inter alia*, specify the conditions under which the teacher may, on completion of the course, be required to remain in the employment of the Unified Teaching Service for such period of time as may be specified in the agreement. The Minister may in his discretion exclude from the provisions of this regulation a teacher who attends any course which may be regarded as being a normal adjunct to his professional work.

Cases not covered by this Part **37.** Any case not covered by this Part shall be dealt with in accordance with such directions as may, from time to time, be given by the Minister.

PART VII Contract Terms

Engagement or re-engagement on contract **38.** (1) The Director may engage or re-engage a teacher on contract on such terms and conditions as are provided for in the Code of Regulations:

Provided that any form of agreement and any schedule attached thereto shall have received the prior approval of the Attorney-General.

(2) Before any teacher who is not a citizen of Botswana is engaged or re-engaged on contract, the Director shall satisfy himself, in accordance with section 8 of the Act, that no citizen of Botswana is qualified and suitable for appointment.

PART VIII *Qualifications for Appointment*

39. (1) The qualifications recognized for purposes of appointment to posts in the Unified Teaching Service are —

Qualifications
for appoint-
ment

(a) for appointment as a qualified teacher —

- (i) Degree and teaching certificate;
- (ii) Degree;
- (iii) Advanced Teachers' Certificate;
- (iv) Primary Teachers' Certificate;
- (v) Primary Higher Teachers' Certificate;
- (vi) Primary Lower Teachers' Certificate; or
- (vii) Elementary Teachers' Certificate;

(b) for appointment as an unqualified teacher —

- (i) Cambridge School Certificate;
- (ii) Junior Certificate; or
- (iii) Primary School Leaving Examination Certificate.

(2) The further definition of any qualification, the salary scale applicable to any qualification, the point at which a teacher shall enter a salary scale, and the increments which may be awarded for any previous service or additional qualifications shall be specified in the Code of Regulations.

40. Where a person possesses any other qualification, whether obtained in Botswana or elsewhere, the Minister shall decide whether any such qualification shall be recognized for the purposes of appointment, for determining the entry point to a salary scale or for the award of incremental credit, and shall instruct the Director accordingly:

Other
qualifications

Provided that in making any such decision the Minister shall take cognizance of any directions issued by the President regarding the recognition of qualifications obtained outside Botswana.

PART IX *Miscellaneous*

41. Any teacher who submits any matter for the consideration of the Director or any other appointing authority shall ensure that all relevant documents and papers are made available to such officer who may require the production of any further documents or information relevant to the matter under consideration.

Production
of relevant
documents,
etc.

42. All correspondence for the Director shall be addressed to the Director.

Correspond-
ence

43. The Director may authorize such reviews or investigations into the Unified Teaching Service staff complements and gradings and manpower utilization as he deems necessary for the better administration of the Unified Teaching Service. The Director may accept, reject or modify the

Power to
review staff
complements
and gradings

recommendations contained in staff inspection reports and determine the extent to which such reports are available for consideration outside his department.

Examinations **44.** The Teaching Service Commission shall, if so requested by the Director, conduct written examinations as provided for in approved Schemes of Service, if any, and for other purposes of the Unified Teaching Service.

Cases not otherwise provided for **45.** Any case not covered by these Regulations shall be reported to the Director who shall determine the procedure to be adopted and shall be guided by the Code of Regulations.

MADE this 12th day of March, 1976.

B. MOOKODI,
Permanent Secretary,
Ministry of Education.

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