

Unit 11: Statutory Regulations and Procedures

INTRODUCTION

Statutory regulations and procedures are developed by governments to guide development within their country and set parameters within which such development should be conducted. They also provide a framework within which public servants or officers should operate and articulate the performance requirement of such officers.

The word statutory means legal and, therefore, refers to the fact that these are legal documents which are binding on public servants. Such documents may include the Education Act, personnel regulations, financial regulations, teaching service regulations etc.

These are Acts of Parliament and it is a requirement that they be observed at all times during the implementation of government policies. All public servants are therefore required to study and understand their application, and be able to supervise their implementation.

In this unit the discussion will revolve around those statutory regulations and procedures that have a direct bearing on education.

LEARNING OUTCOMES

By the end of this unit, inspectors will be able to:

- State the importance of the Education Act.
- List the rules and regulations governing personnel matters and how they should be applied.
- Describe the financial regulations and procedures: how to observe and apply them.
- Explain the rules, regulations and procedures governing the teaching service and how they should be applied.
- Explain the significance of the Code of Conduct for inspectors and how this relates to the overall public regulation.

EDUCATION ACT

One of the documents of the Ministry of Education is the Education Act. It provides for the legal framework and foundation of the proper development of education. It is, therefore, a statutory instrument which sets the philosophy, mission and objectives of the education system in a country. It addresses in a broad framework the rationale of the system, the principles embodied in the development of education as well as the goals of the education system as a whole.

Activity 11a

Identify some of the main components of an Education Act?

How often have you used the Education Act in your capacity as an inspector? In what aspects of your job have you referred to this document?

COMMENT

Now that you have completed the exercise above, note the following:

- The Education Act is a fundamental document which outlines the rights, duties and responsibilities of government in providing education.
- It establishes the legal framework within which education provisions should be financed, managed and administered.

Generally, most public servants pay lip service to the content of the Education Act. It is essential that inspectors are aware and understand the content of the document and communicate such content to those they supervise.

PERSONNEL REGULATIONS

Personnel regulations provide the administrative foundations of government. They set out the basic principles of public service to guide public servants in both their relations with each other and their dealings with the public.

Personnel regulations, therefore, seek to establish order and procedures as a way of providing continuity that is essential for stability and public confidence.

There are a number of principles which form the core of personnel regulations.

Among these are:

- regard for the public interest
- neutrality
- accountability
- transparency
- freedom from corruption
- continuity
- right to be informed

Activity 11b

In your own situation, reflect and list other principles that as a public officer, you are required to observe or be informed about.

COMMENT

Some of the above mentioned terms have special meanings e.g. “transparency” which refers to openness to scrutiny. Continuity in personnel regulations refers to the uniform and continuous application of the regulations among all target officers.

It is important for inspectors to understand and properly interpret personnel regulations. The schools that inspectors are responsible for, operate within these limits. Whenever an inspection is carried out, the recommendations or key issues for action should be in line with the requirement of personnel regulations. It is, therefore, the duty of every inspector to be informed about these and be in a position to guide the schools accordingly.

Let us now look at some of the principles previously referred to. Remember that these are just a few examples and therefore can be expanded upon, using your own knowledge and experience of your system.

- **Regard for Public Interest**

This principle stresses the issue of a public officer as a public servant and the fact that the conduct of such an officer should be characterised by courtesy, humility, respect for every person, regardless of their status and regard for public interest. It is a requirement that public officers operate or conduct themselves within the demand and respect of the law.

- **Neutrality**

As public servants, inspectors are required not only to be politically neutral, but also to be fair to fellow officers and provide equal treatment to both fellow officers and the public. Public or civil servants are required to understand, explain and implement government policies, without involving themselves in the politics of such policies or programmes.

- **Accountability**

Inspectors, like other public officers, are responsible and accountable for the due performance of their duties and for the general success and failure of those supervised.

Activity 11c

How would you explain the following principles to your teachers?

- Transparency
- Freedom from corruption
- Continuity

How do they apply in the everyday life of a teacher?

COMMENT

The principles governing public and civil servants are guiding principles. Your attention is drawn to the fact that in interpreting and abiding by them, inspectors should have due regard to them at all times. Inspectors are reminded that regulations should not be mis-used or mis-interpreted to justify anything which sound common sense dictates as being unfair, improper or contrary to public interest.

- **FINANCIAL REGULATIONS**

Generally, in the SADC region, inspectors are required to handle financial issues either within the service itself or by offering advice to schools on how finances should be handled. It is therefore, not only imperative for the inspectors to know the general financial regulations but also how they relate to budgeting, since schools may need advice in this area.

In government, as indicated earlier, financial regulations are a responsibility of all government officers. Though the Permanent Secretary may be the accounting officer, every officer has a role to ensure that public funds are being judiciously spent. Since these are public funds, their disbursement has to be clearly handled, monitored and accounted for. It is accountability that inspectors are supposed to ensure in schools.

It is against this background that inspectors are always directed to assist schools with budgeting as well as accounting procedures.

Activity 11d

In your day-to-day supervisory role, what financial responsibility do you handle?

What is a budget?

Why have a budget?

What goes into a budget?

Have you ever planned a budget?

In answering the above questions, remember to always refer to financial regulations that should be observed and the procedures to be followed.

COMMENT

It is important that as an inspector, you are conversant with the authorities, rules and regulations that should guide you in effective management of finances. This entails among other things, recognition and respect for authorities, rules, regulations and practices governing the receiving, keeping and spending of public funds.

A thorough knowledge of the school's financial environment, for example regulations, principles and practices, mechanisms of control and the school budget, will enhance the work of the inspector. See Module Two, Unit 5 for more information on financial management.

CODE OF CONDUCT FOR INSPECTORS

Inspectors are public and civil servants. Therefore, the personnel regulations or public service regulations issued by government are binding. However, since the inspectorate is to a certain extent a specialised service, the Ministry of Education has found it necessary to develop a Code of Conduct which articulates how inspectors should behave professionally, as well as the consequences of non-compliance with the code.

Inspectors supervise schools. Schools are run according to rules, regulations and procedures stipulated in broad terms by the ministry, but localised by individual schools. In schools there are teachers who belong to the teaching service authorities and who may also belong to unions. They too are governed by the Public Service Regulations which are further developed to make them more specific and relevant to the teaching profession. The learners too are guided by rules and regulations agreed upon between the student body and the school management.

The main link between the school and the education authority is the inspector. It is against this background that inspectors' Code of Conduct should reflect their professionalism and behaviour. It is expected that the inspector is courteous, and has integrity, respect, and regard for public interest. The code is fundamental to the high professional standards expected of inspectors.

Activity 11e

Do you have regulations that define a Code of Conduct, in addition to the general public service regulations?

What are the key areas that are contained in your Code of Conduct?

How does the code relate to the general public service regulations?

COMMENT

The following are some essential aspects to note regarding the Code of Conduct:

- honesty and fair reporting
- clear and frank communication
- objective evaluation of the school's work
- always acting in the best interest of the learners
- respect for confidentiality of personal information received during inspection.

TEACHING SERVICE REGULATIONS

Teaching service regulations are important to inspectors because they set out the duties, responsibilities and conduct of teachers. They also include rules and regulations governing disciplinary procedures, appointments, salaries and other conditions of service as required by law. In some countries, teaching service regulations are based on the Education Act.

Teaching Service Regulations provide guidance to members of the service in terms of the legislation governing the conditions of serving teachers, the application of the regulations, and the authority of the regulations. Any obligations that may be laid upon teachers in the execution of their official duties are derived from the enactments.

Inspection should therefore, play an important role in enforcing and interpreting the teaching service regulations. They must ensure that whatever decisions are taken in favour of or against the teachers, should be within the parameters of the code of regulations governing the conditions of service of teachers. For instance, an inspector assigned to investigate a case involving a teacher should make constant reference to the regulations. Similarly, recommendations for teacher promotion, salary increment or any other social benefits should be made within the framework of the code of regulations.

Activity 11f

As an inspector, have you ever enforced any teaching service regulations? Explain, giving examples.

In your district, teachers have not been paid for the past three months.

Explain the role you would play to rectify the situation and the procedures you would follow in the investigation.

COMMENT

Inspectors, who from time to time, have to investigate cases involving teachers, are reminded that one of their responsibilities is to enforce the teaching service regulations. Breach of any of the regulations would mean that the inspector should investigate, explain, educate and supervise application of regulations if there is a need to do so.

SUMMARY

Statutory regulations and procedures are critical to the proper functioning of government. They provide for legal framework and processes through which principles of government are embodied and streamlined. In this unit, issues that pertain to education were addressed through the examination of areas such as:

- The Education Act
- Personnel regulations
- Financial regulations
- Code of Conduct for inspectors, and
- Teaching service regulations.

It is necessary to once again point out that as inspectors and public officers, there is a need to study, understand and apply these regulations and procedures in the day-to-day activities of government. The responsibility to be educated or informed on these regulations is pertinent and therefore, should be taken seriously.

REFLECTION

Having gone through this unit, reflect on your experiences as an inspector and identify aspects of educational regulations and procedures which this unit has helped you to clarify.

REFERENCES

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