

## **SECTION 11**

### **Discipline and grievance**

#### **Introduction**

If matters of a disciplinary nature in schools are to be handled professionally and brought, from the viewpoint of both management and teacher, to a successful conclusion, there must be clear and unequivocal rules for handling such issues. All too often disciplinary problems are dealt with on an unofficial basis, with the result that when a major incident arises, no history of previous incidents is on the teacher's record. It is imperative that clear disciplinary rules and procedures exist and are applied whenever any incident is brought to the notice of the Headteacher.

Similarly, grievance procedures should exist which permit teachers to raise any matter of a professional nature which, from their point of view, has given rise to unfair treatment or to an unjust decision being recorded which could reflect upon them adversely at a later date.

#### **Checklist**

- (1) Does the Scheme of Delegation clearly specify the responsibilities of the Headteacher, the Regional and/or the District Education Officer when a disciplinary or grievance complaint is raised?
- (2) Are the procedures to be followed laid out in print?
- (3) Is this available to all teachers in every school?
- (4) Are all Headteachers fully aware of how to deal with an alleged disciplinary offence or grievance complaint?
- (5) Have they been adequately trained in handling disciplinary and grievance issues?

#### **Policy Suggestions**

A professional Code of Conduct (or Code of Regulations) is one method of stating in clear and unambiguous terms the professional standards expected of teachers. Without this teachers, in certain circumstances, could claim that they have not acted inappropriately.

As it is possible in many countries for a teacher to pursue a disciplinary case in a court of law or industrial tribunal the rules applied must ensure that the principles of natural justice are not infringed. It is, therefore, important to make accurate records of the investigation, the statements made by all involved including the teacher and the witnesses and of any senior member of staff who was present as an assessor.

The disciplinary sanctions which may be imposed should adopt a 'stages' approach but it must be appreciated that certain breaches of the disciplinary code could result in more serious sanctions being applied immediately. The stages could be:

- (a) oral warning;
- (b) written warning;

- (c) final written warning;
- (d) sanction short of dismissal (loss of increment, demotion etc);
- (e) dismissal,

It is important that appeals be heard by a senior officer who was not involved in any way with the original disciplinary procedures.

## **Principles for Consideration**

### **A. Disciplinary Procedures**

The following principles should be adopted in preparing any set of disciplinary procedures:

- (1) Written disciplinary rules should be published and be available to all teachers for perusal.
- (2) The rules must provide for disciplinary action to be dealt with without undue delay.
- (3) Individuals must be informed of the complaint(s) against them and be afforded an opportunity to state their case before a disciplinary hearing is arranged.
- (4) No hearing must be arranged until a full investigation has been made of the complaint and a report prepared.
- (5) The teacher involved should be given the right to be accompanied at all hearings by a friend or professional representative.
- (6) The hearing should not be conducted by the person who carried out the investigation and prepared the report.
- (7) The range of sanctions which may be applied must be indicated.
- (8) The levels of management empowered to take the various forms of disciplinary action must be clearly specified.
- (9) The disciplinary rules must provide a right of appeal and specify the procedures to be followed.
- (10) The disciplinary rules should clarify that, except for gross misconduct, a teacher will not be dismissed for a first breach of discipline.

### **B. Grievance Procedures**

The same basic principles should apply in forming the rules for grievance.

## **Procedures for Consideration**

When faced with a disciplinary complaint a Headteacher (or Regional/District Education Officer) should:

- (a) have a senior member of staff investigate the allegation and gather all the relevant facts;
- (b) be clear about the nature of the alleged offence;

- (c) decide on whether to offer advice and counselling or take formal disciplinary action;
- (d) arrange a disciplinary interview at which:
  - the issues are clarified;
  - the teacher is allowed to state his/her case;
  - all witnesses are heard and, if requested, cross-examined;
  - any new facts which arise are taken into account;
- (e) adjourn the hearing to provide time for consideration of all the evidence;
- (f) consider all the factors presented at the hearing before reaching a decision, and, where appropriate, fixing a penalty;
- (g) reconvene the hearing to inform the teacher of decision and right of appeal;
- (h) record the action taken with details of the case and names of all witnesses;
- (i) monitor the subsequent performance of the teacher.

Similar procedures should exist for dealing with grievances.

**References:**

**Developing a Professional Teaching Service**

*Chapter 9*

**Turning the Tables on Teacher Management**

*Chapters 9, pages 39-43*

*12, page 55*

**Training and Support for Headship in Africa**

*Chapter 2, pages 6-7*