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**Cir. No.: 37**

# **MEMORANDUM**

**FROM:** Permanent Secretary  
Ministry of Education

**TO:** All Heads of Divisions/Units/School Supervisors  
and Principals

**DATED:** March 31, 2004

**SUBJECT:** **Handling Misconduct and/or  
Indiscipline In the Workplace**

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## **Codes of Conduct**

Members of the Teaching Service and Civil Service are reminded that the rules or 'Codes of Conduct' governing performance and behaviour in the workplace are outlined in the Education (Teaching Service)(Amendment) Regulations 2000 and the Civil Service (Amendment) Regulations 1996 respectively. Copies of the aforementioned "Codes of Conduct" are once more attached for your information, guidance and compliance.

## **Procedural Guidelines**

Procedures for handling misconduct and or indiscipline by members of the Teaching Service and Civil Service are detailed in the Public Service Commission Regulations, Chap. 1:01 as amended by the Public Service Commission (Amendment) Regulations, 1990 (Copies attached).

In accordance with Regulation 85 of the above-mentioned amended Regulations, Permanent Secretaries and Heads of Department are given jurisdiction to hear and determine acts of misconduct by civil servants, as detailed in the Public Service Commission (Delegation of Powers) (Amendment) Order 1998 (copy attached).

Regulation 90 of the Public Service Commission (Amended) Regulations, 1990 also requires Permanent Secretaries and Heads of Departments to report to the Director of Personnel Administration, allegations of misconduct or indiscipline by members of the Teaching Service and in the case of civil servants, violations of the disciplinary rules other than those for which the Permanent Secretary and Heads of Departments have jurisdiction to hear and determine

Heads of Divisions/Units and Principals are therefore required to submit comprehensive reports on allegations of misconduct or indiscipline committed by members of their staff, to the

Permanent Secretary for further action. In so doing, Heads of Divisions/Units and Principals must conduct internal investigations where necessary to determine whether there is evidence, which suggests that a member of the Teaching Service or Civil Service may be guilty of misconduct or indiscipline. This involves interviewing, and where necessary, eliciting written responses from the complainant, witnesses and the member of the Teaching Service or officer against whom the allegation of misconduct has been made, so as to give him/her an opportunity to respond to the allegation in accordance with the principles of good industrial relations.

In an effort however, to prevent any incident progressing to a level requiring more Serious disciplinary action, respective officers and/or administrators may address acts of misconduct relative to poor job performance and work conduct through a process of progressive disciplining. The procedural steps in progressive discipline, which may include counselling, verbal warning, written warning and disciplinary action in accordance with the Public Service Commission Regulations, are detailed in Appendix I.

Bursar/Registrars or Clerks III in the school system are entrusted with direct supervisory responsibility for the management of performance and discipline of clerical and manipulative staff of such institutions. Accordingly, Principals should provide advice, guidance and support to these officers as they discharge their supervisory responsibilities in accordance with existing relevant human resource management policies, principles, procedures and regulations. Bursars/Registrars or Clerks IB should submit comprehensive reports of allegations of misconduct or indiscipline by members of the non-teaching staff to their Principals for review and action, or onward transmission to the Permanent Secretary for further action.

This Circular Memorandum is to be brought to the attention of all teaching and non-teaching staff under your authority, and the necessary steps taken to ensure that its provisions are understood and complied with.

For further information, clarification or to arrange a workshop session on any aspect of this Circular, you may contact Mr. Lawrence Oliver or Mr. John Edwards at telephone numbers 622-9054 and 628-3382 respectively.



Permanent Secretary  
Ministry of Education

Encs.

## PROCEDURAL STEPS IN PROGRESSIVE DISCIPLINE

1. ***Diagnose the problem/Investigate the complaint***
  - Get the facts
  - Interview complainant and witnesses
  - Check relevant regulation or policy
2. ***Conduct Disciplinary interview***
  - Plan interview
  - Choose timing
  - Ensure privacy
  - Don't get emotional — remain cool and objective
  - Do not be personal — criticize the fault not the person
  - Give him/her a chance to explain or to respond to allegation
  - Reserve decision until the next day where necessary and appropriate
3. ***Take the appropriate action*** if there is evidence that the teacher or officer may be guilty of misconduct or indiscipline. You may wish to consider the following procedural steps in progressive discipline.

### **Step 1— Counselling**

- Provide concrete examples of how performance or behaviour has breached existing regulations/policies giving specifics such as date and time of occurrence and names of witnesses, if any.
- Counsel on what should be done, by when, to correct the shortcoming or improve behaviour.
- Document and insert on file.
- Provide guidance and support to correct problem.

### **Step 2 — Verbal Warning**

- Detail infraction or specific nature of poor job performance or work conduct and the regulations/policies breached or expectations not met, giving factual details such as date and time of occurrence and names of witnesses, if any.
- Inform of actions needed to be taken and timeframe by which the problem is to be corrected (usually one month).
- Inform of consequences if problem is not corrected.

- Document on file.
- Be sure to give guidance and support to correct poor job performance/work conduct.

### **Step 3 — Written Warning**

- Detail infraction or specific nature of poor performance.
- Inform that he/she has failed to heed verbal warning for initial infraction or poor job performance/work conduct.
- State rule or regulation that has been breached or specific expectation not met.
- Provide explicit expectations for performance or behaviour.
- Set timeframe for correcting poor performance or inappropriate behaviour (usually two weeks).
- Inform of consequences if problem is not corrected in specified time.
- Place copy of warning letter on file.

### **Step 4 — Final Warning**

- Issue after one (1) written warning.
- State that conduct or performance has not improved.
- State rule or regulation that has been breached or expectation not met.
- Set timeframe for correcting unsatisfactory performance or behaviour (usually immediate compliance).
- Emphasize that this is a final opportunity to bring level of performance or behaviour up to the required standard or face stronger disciplinary action.
- Place copy of final warning letter on file.
- Final warning may be withdrawn if poor performance or unsatisfactory behaviour is corrected.

### **Step 5 — Report allegation of misconduct or indiscipline to Permanent Secretary**

- If problem persists, submit comprehensive report to Permanent Secretary.
- Inform teacher or officer that a report on the-allegation of misconduct or indiscipline against him/her has been forwarded to the Permanent Secretary for further action.
- Place copy of report on file.