



Ghana Education Decentralization Project (GEDP)

Code of Conduct and Disciplinary Procedures Manual -

National Teaching Council

April 2012

GEDP

The Ghana Education Decentralization Project (GEDP) is owned by the Government of Ghana through the Ministry of Education and the Ghana Education Service and made possible by the generous support of the American people. GEDP is implemented by World University Service of Canada (WUSC).

USAID Strategic Objective 8 (Improved Quality of, and Access to Basic Education)

Cooperative Agreement No. 641-A-00-10-00017-00

Ghana Education Decentralization Project (GEDP)

Code of Conduct and Disciplinary Procedures Manual for National Teaching Council

Submitted to:

Mr. Luis Tolley
Education Advisor, Agreement Officer Technical Representative
USAID/Ghana
No. 24 Fourth Circular Rd.
Cantonments, Accra
P.O.Box 1630, Accra-Ghana

Prepared by:

World University Service of Canada (WUSC) - Ghana
P. O. Box AH 1265
Achimota – Accra, Ghana

Submitted April 2012

DISCLAIMER

The author's views expressed in this report do not necessarily reflect the views of the United States Agency for International Development or the United States Government

Table of Contents

1.0	Introduction	1
1.1	Preamble	1
1.2	Purpose of Document	1
1.3	Policy	2
1.4	Rules	2
1.5	Procedures	2
1.6	Scope	3
1.7	Definition of Discipline and Indiscipline	3
2.0	Guiding Principles, Core Values and Responsibilities	4
2.1	Guiding Principles	4
2.2	Constitutional and Civil Responsibilities	4
3.0	Types of Misconduct and Penalties	5
3.1	Definition of Misconduct	5
3.2	Minor Misconduct	5
3.3	Penalties for Minor Misconduct	6
3.4	Serious/Gross Misconduct	6
3.5	Penalties for Serious/Gross Misconduct	6
4.0	Disciplinary Authority	8
4.1	Ultimate Disciplinary Authority	8
4.2	Delegated Authority	8
4.3	Role of other Organizations	8
4.4	Establishment of Disciplinary Committee	8
4.5	Other Provisions	8
5.0	Disciplinary Proceedings	9
5.1	Reporting the Incident/Offence	9
5.2	Preliminary Investigation	9
5.3	Interdiction	9
5.4	Types of Disciplinary Proceedings	10
5.4.1	Summary Disciplinary Proceedings	10
5.4.2	Formal Disciplinary Proceedings	12
5.4.3	Additional Provisions	14
5.5	Quorum	14
5.6	Verdict	14
5.7	Report of an Inquiry Officer	15
5.8	Confidentiality	15
5.9	Decisions to be taken on Recommendations of Proceedings	15
5.9.1	Acquittal and Exoneration	15
5.9.2	Guilty Verdict	16

5.9.3	False Accusation.....	16
5.10	General provisions	16
6.0	Grievances and Petitions	17
6.1	Grievance	17
6.2	Petition.....	17
6.3	Common Causes of Grievances.....	17
6.4	General Principles of Grievance Redressing	18
6.5	Procedure for Petitioning.....	18
6.6	Frivolous, Vexations and Unmeritorious Petition	19
7.0	Appeal System.....	20
7.1	Definition of Appeal	20
7.2	The Right of Appeal.....	20
7.3	Appellate Authorities	20
7.4	Conditions for Appeal	20
7.5	Confidentiality of the Appeal Process.....	20
7.6	Stay of Execution (Suspension of Penalty).....	21
7.7	Limitation of Period for Appeal.....	21
7.8	Filing of Appeal.....	21
7.9	Membership of Appeal Committee	22
7.10	Conduct of Appeal.....	22
7.11	Register or Records of Appeal.....	22
7.12	Action on Appeal Report.....	22
8.0	Disputes and Mode of Settlement (Arbitration and Reconciliation)	23
8.1	Definition and Conditions Relating to Disputes	23
8.2	Functions of Arbitration and Reconciliation Committee	23
8.3	Settlement of Disputes Outside Official Channel	23
9.0	Conflict of Interest	24
9.1	Definition	24
9.2	Conditions for Conflict of Interest	24
9.3	Declaration of Conflict of Interest	24
9.4	Sanctions.....	24

1.0 Introduction

About The Council

The Government of Ghana is implementing a comprehensive program of Local Government and Administrative Reform through decentralization. The program as outlined in the 1992 Republican Constitution of Ghana, the Ghana Education Service Act, 1995 (Act 506) and the Education Act, 2008 (Act 778), introduced broad-spectrum structural and systemic changes in Ghana's Education system.

To ensure an effective and sustainable implementation of this massive decentralization program, a separate Public Service Institution, the National Teaching Council has been created by an Act of Parliament – The Education Act, (Act 778) of 2008.

Section 9 of Act 778 creates the National Teaching Council, to among other responsibilities, advise the Minister responsible for education on matters relating to the professional standing and status of teachers, teacher education, professional standards required for the registration of teachers, periodically review professional practice and ethical standards for teaching and teachers, and register teachers after they have satisfied the appropriate conditions for initial licensing and issue the appropriate license.

The National Teaching Council in consultation with the Public Services Workers Union and the Senior Staff Association of the National Teaching Council, and with the approval of the Sector Minister, issues this Code of Conduct and Disciplinary Procedures as a standard guideline to manage the human resources within the Council.

1.1 Preamble

One of the underpinning principles that characterize Human Resource Management (HRM) and practice is to enhance mutual commitment. This form of management is aimed at eliciting a commitment so that behavior is primarily self-regulated rather than controlled by sanctions and pressures external to the individual, and relations within the Council are based on high levels of trust.

Every employee of the National Teaching Council has the right to know what is expected of them and what could happen if they infringe upon the rules and regulations of the Council. In handling disciplinary cases, management will treat employees in accordance with the principles of natural justice. Similarly, employees have the right to raise their grievances with their manager and to appeal to a higher level if they feel their grievance has not been resolved satisfactorily.

1.2 Purpose of Document

The main purpose of the Code of Conduct and Disciplinary Procedure manual is to provide clarity on expectations and encourage an employee whose standard of work is unsatisfactory to improve. In other words, the procedure is about correcting behavior – not getting rid of unwanted staff.

The realization of the strategic objectives and goals of the Council requires good leadership and corporate governance as well as disciplined and dedicated employees. The conduct and attitudes of all

employees of the Council should conform to appropriate norms and standards for behavior as contained in the Council's Administrative Rules and Regulations, Code of Conduct and Disciplinary Procedures, Labour Act 2003 (Act 651) and Legislative Instruments (L.I 1822 and L.I 1833).

This document spells out in unambiguous terms, the authority to regulate the conduct and behavior of employees of National Teaching Council. In the absence of this manual, decision making on matters concerning in/discipline by managers will be difficult, ineffective and in certain cases inconsistent which in the final analysis will lead to perceived injustice by employees.

The Code of Conduct and Disciplinary Procedures Manual is to serve as a guide as well as reference material for all managers and employees of National Teaching Council in their day-to-day relations and dealings with clients, fellow employees and the general public.

The implementation of the provisions in this document will thus ensure the maintenance of discipline, thereby contributing to increased productivity and the improvement of the corporate image of National Teaching Council.

1.3 Policy

It is the policy of National Teaching Council that if disciplinary action should be taken against employees, it should:

- Be undertaken only in cases where good reason and clear evidence exists.
- Be appropriate to the nature of the offence that has been committed.
- Be demonstrably fair and consistent with previous action in similar circumstances.
- Take place only when employees are aware of the standards that are expected of them or the rules with which they are required to conform.
- Allow employees the right to be represented by a representative or colleague during any formal proceedings.
- Allow employees the right of appeal against any disciplinary action.

1.4 Rules

The Council is responsible for ensuring that up-to-date rules are published and available to all employees.

1.5 Procedures

The disciplinary procedure is carried out in the following stages:

1. **Informal warning:** A verbal or informal warning should be given to the employee in the first instance or instances of minor misconduct (see Section 3.2). Immediate heads of department or supervisors should administer the warning.
2. **Formal warning:** A written formal warning should be given to the employee in the first instance of major/serious misconduct or after repeated instances of minor misconduct. Immediate heads of department or supervisors should administer the warning.
 - 2.1. It should state the exact nature of the offence and any future disciplinary action that will be taken against the employee if the offence is repeated within a specified time limit.

- 2.2. A copy of the written warning is placed in the employee's personnel record file **but is destroyed 12 months** after the date on which it was given, if the intervening service has been satisfactory.
 - 2.3. The employee is required to read and sign the formal warning.
 - 2.4. The employee has the right to appeal to a higher management if the employee thinks that the warning was unjustified.
 - 2.5. The Deputy Director responsible for Human Resource will be asked to advise on the content of the written warning.
3. **Further disciplinary action:** If, despite previous warnings, an employee still fails to reach the required standards in a reasonable period of time, it may become necessary to consider further disciplinary action.
 4. **Summary Dismissal:** An employee may be summarily dismissed (i.e. given instant dismissal without notice) only in event of gross misconduct (see Section 3.4). Only department heads and above can recommend summary dismissal, and the action should not be finalized until the case has been discussed with the Deputy Director, Human Resource and the appeal procedure has been carried out. To enable this review take place, the employee should be suspended pending further investigation, which must take place within 24 hours.
 5. **Appeals:** In all circumstances, an employee may appeal against suspension, dismissal with notice or summary dismissal. The Deputy Director, Human Resource must be present at the hearing. Appeal against summary dismissal or suspension should be heard immediately. Appeals against dismissal with notice should be held within two working days. No disciplinary action that is subject to appeal is confirmed until an outcome of the appeal.

1.6 Scope

The Code applies to the under listed:

- a. All employees of the Council.
- b. Personnel engaged on contract or casual terms.
- c. Personnel on leave of absence with or without pay.
- d. Any other person(s) working with Council under approved terms.

1.7 Definition of Discipline and Indiscipline

Discipline in this context refers to orderly behavior of employees of the Council and obedience to existing rules and regulations. Any act of omission or commission contrary to the above definition constitutes **indiscipline**.

2.0 Guiding Principles, Core Values and Responsibilities

2.1 Guiding Principles

The following guiding principles and core values form the basis of this document:

- a. Upholding the dignity and interest of clients at all times.
- b. Upholding the dignity and welfare of all staff and service providers.
- c. Exhibiting high levels of professionalism.
- d. Promoting the corporate image of the Council.
- e. Demonstrating high sense of efficiency, integrity, transparency and dedication to duty.
- f. Ensuring high degree of justice, fairness and accountability within the laws of the land.
- g. Exhibiting competent and effective leadership at all times.
- h. Avoiding discrimination against clients and employees on the grounds of political affiliation, occupation, disability, culture, ethnicity, language, race, age, gender, religion, etc. in the performance of their duties.
- i. Promoting continuous quality improvement in products and services.

This document is predicated on the following existing legal and administrative documents:

- a. The relevant laws of the Republic of Ghana.
- b. The relevant Legislative Instruments.
- c. National Teaching Council Administrative Practices and Procedures.
- d. Code of Conduct of the various Professional Regulatory Bodies and Associations.

2.2 Constitutional and Civil Responsibilities

Employees of National Teaching Council shall:

- a. Be accountable to the President and Parliament through the sector Minister.
- b. Be accountable to the public.
- c. Be accountable to the immediate superiors and the governing Council.
- d. Conduct themselves at all times either at work or off-duty so as to deserve the respect of the Council, colleagues and members of the general public.
- e. Not act contrary to any enactment relating to the Council and the laws of the land.
- f. Not put their self in a position where their personal interest conflicts with the legitimate performance of their duties.

3.0 Types of Misconduct and Penalties

3.1 Definition of Misconduct

Misconduct is an act of omission or commission by an employee of the Council that causes or is likely to:

- a. Cause failure to perform in a proper manner any lawful duty assigned to the employee.
- b. Cause financial and/or material loss to National Teaching Council.
- c. Bring the Council into disrepute. For the avoidance of doubt, the conviction of any employee of the Council for any offence involving fraud, dishonesty or moral turpitude, tends to bring the name of the Council into disrepute.
- d. Tarnish the corporate image of the Council.
- e. Cause damage to or loss of property of clients within the confines of the Council's premises.
- f. Cause damage to or loss of property of the Council.

3.2 Minor Misconduct

Contextually, the under listed acts constitute **Minor Misconduct**:

- a. Reporting for work late or leaving or closing earlier than normal closing time without permission.
- b. Poor attendance or unauthorized absence from duty up to 24 hours without reasonable excuse.
- c. Failure to present medical certificate.
- d. Failure to follow Council procedures where health and safety or other serious repercussions are involved.
- e. Poor work performance when other efforts have failed.
- f. Any attitude, acts or signs of rudeness or insubordination to superiors, colleagues or clients at the workplace.
- g. Inappropriate or unauthorized use of office, office supplies, equipment or other properties of the Council for unofficial/personal jobs.
- h. Providing false information or withholding vital information with the intention of misleading management or pre-empting decisions or actions.
- i. Disclosure of official information to unauthorized persons.
- j. Sexual harassment.
- k. Sleeping while on duty.
- l. Use of abusive language.
- m. Loafing.
- n. Interfering with other people's jobs.
- o. Occasional intoxication or drunkenness while on duty.
- p. Non-compliance with official dress code.
- q. Taking part in illegal demonstrations.
- r. Unnecessary noise making.
- s. Failure to handover administrative duties and official properties properly.
- t. Quarreling within official premises.
- u. Failure to answer queries within the stipulated period.
- v. Failure to submit requisite data and reports.
- w. Illegal or unauthorized collection of fees from clients.

3.3 Penalties for Minor Misconduct

Disciplinary authorities could selectively apply the under listed disciplinary/punitive measures in the case of established minor misconduct.

- a. Verbal warning in the first instance.
- b. Warning in writing.
- c. Suspensions from duty without pay and allowances for not more than two (2) weeks.
- d. Reduction of annual leave.
- e. Forfeiture of annual leave in cases of excessive unauthorized leave.
- f. Temporary change of work schedule to less responsible one.
- g. Refund of the illegal/unauthorized money from clients.

3.4 Serious/Gross Misconduct

Contextually, the under listed acts constitute **Serious/gross Misconduct**:

- a. Threatening behavior towards others (but depending on the circumstances)
- b. Violence to customers.
- c. Smoking in designated 'no-smoking' areas.
- d. Breaches of confidential business information for personal gain.
- e. Divulging confidential information without lawful authority to other officers, clients and any member of the general public.
- f. Conviction of possessing and using drugs at work.
- g. Criminal conviction by a court of competent jurisdiction.
- h. Theft, embezzlement, fraud, and any situation of negligence leading to financial loss to the Council.
- i. Rape and sexual harassment of co-workers and clients.
- j. Indecent exposure of parts or all of the body while at work.
- k. Aggravated assault and battery of co-workers, supervisors and clients.
- l. Habitual intoxication while on duty.
- m. Trafficking in and use of narcotic drugs.
- n. Improper demand or collection of illegal fees.
- o. Falsification of official records.
- p. Gross insubordination or refusal to perform an authorized duty.
- q. Negligence and misuse of properties of the Council.
- r. Habitual absence from duty without permission or reasonable cause.
- s. Impersonation.
- t. Professional misconduct, malpractice, negligence and incompetence.
- u. Failure to appear before a duly constituted disciplinary committee without prior permission in writing.
- v. Failure to comply with disciplinary penalties or awards.
- w. Persistent failure to answer queries despite reminders/warnings.

3.5 Penalties for Serious/Gross Misconduct

Disciplinary authorities could selectively apply singly or in combination the under listed disciplinary measures in the case of established serious/gross misconduct.

- a. Suspension of salary immediately the disciplinary report is received.
- b. Deferment of due promotion for up to three years according to the gravity of the offence.

- c. Dismissal and subsequent forfeiture of end of service benefits with the exception of social security contributions.
- d. Removal from office; (termination of engagement without loss of end of service benefits).
- e. Reduction in grade; (immediate demotion in grade and accompanying salary reduction).
- f. Suspension from duty without salary for a period of not less than two (2) weeks.
- g. Change of work schedule or place.
- h. Postponement/cancellation of training and any awards.
- i. Compulsory/“Forced” resignation.
- j. Refund of monies lost by the Council.
- k. Withholding of salary increment for one (1) year.

Without limiting or contradicting the provisions of this section and for the avoidance of doubt, the persistence and gravity of the offence shall form the basis of determining whether it is a minor or gross misconduct and the right to determine such cases shall be the prerogative of the disciplinary authority. Any act of misconduct not explicitly stated in this document or in any regulations operating within the Council shall be reported to the Executive Director, who may after consultation with the Council of Directors and/or Management Team issue instructions as to how it should be dealt with.

4.0 Disciplinary Authority

4.1 Ultimate Disciplinary Authority

The Executive Director, who is the Appointing Authority shall be the Ultimate Disciplinary Authority of National Teaching Council and shall be directly responsible for disciplining Directors/Heads of Departments.

4.2 Delegated Authority

The Disciplinary Authority for exercising discipline in the Council shall be delegated to Directors/Heads of departments and supervisors.

4.3 Role of other Organizations

All cases bordering on national security or constitutional breaches shall be reported to the appropriate security agencies. Where in doubt, the relevant Disciplinary Authority should consult the Director, Finance and Administration.

In the case of employees of firms undertaking contracts with National Teaching Council, who are found liable for minor offences, the Council shall take the necessary disciplinary actions and inform the parent organization in writing. In the cases of gross misconduct, the Council shall make recommendations to the parent organization for action to be taken without prejudice to any action the Council might have instituted.

Where an offence has been committed against the laws of the Republic of Ghana (i.e. criminal offences), the case shall be reported to the Ghana Police Service.

4.4 Establishment of Disciplinary Committee

Disciplinary Committees shall be established at Management level to deal with cases that warrant formal proceedings. These Committees may be adhoc or permanent.

Membership of Disciplinary Committee

The membership of a Disciplinary Committee shall be five (5) and shall include a representative of the Union/ to which the accused employee belongs.

Co-opted Membership

Disciplinary Committees may co-opt any person(s) to assist at any of its meeting(s). Such a co-opted member shall have no voting rights.

4.5 Other Provisions

- a. A Disciplinary Authority shall not be a member of any disciplinary committee that they have constituted.
- b. Any person who has an interest in the case being investigated either directly or indirectly shall not be a member of the disciplinary committee.
- c. An appellate authority shall not be a member of a disciplinary committee, the decisions of which are likely to be referred to them.
- d. No person shall sit on both the disciplinary committee and appellate body involving the same case.
- e. An officer junior in rank to the employee under investigation shall not be a member of the disciplinary committee or the appellate body.

5.0 Disciplinary Proceedings

5.1 Reporting the Incident/Offence

When an offence/incident is reported to or noticed by a Head of Department or Supervisor, the incident shall be documented. The Supervisor shall make a formal report within three (3) working days to their immediate superior authority where applicable for attention and then initiate further action accordingly.

5.2 Preliminary Investigation

The officer in-charge shall institute a preliminary investigation into the case to establish its authenticity and further details within three (3) working days of the receipt of the report.

The investigation may take the form of:

- a. Interview(s)
- b. Inspection of documents;
- c. Letter of enquiry to person(s) concerned.

The officer in-charge shall thereafter take appropriate action based on the findings.

- a. Where the results of the preliminary investigation point conclusively to a minor misconduct, the officer in-charge shall apply appropriate sanction(s) within three (3) working days.
- b. Where the results point inconclusively to a minor offence, the officer in-charge shall proceed with summary disciplinary proceedings.
- c. Where the results point to a major offence, the officer in-charge shall proceed with formal disciplinary proceedings and take any of the following additional actions:
 - i. Interdiction.
 - ii. Issuance of a query.
 - iii. Set up a Committee of Inquiry.

5.3 Interdiction

This refers to the suspension or exclusion from duty of an employee who is alleged to be involved in a case of major misconduct. Interdiction shall not be punitive.

Circumstances for Interdiction:

- a. Where the employee concerned is likely to interfere with the formal investigation process.
- b. Where criminal proceedings are being instituted against an employee.
- c. Where the employee is being investigated on the grounds of professional incompetence or malpractice.

Conditions of Interdiction:

- a. The interdiction shall remain in force until an inquiry has been concluded and the decision of the disciplinary authority conveyed to the employee.
- b. An employee on interdiction shall be paid not less than fifty percent of the employee's salary for six (6) months, during investigations, disciplinary or criminal proceedings for an offence for which the employee has been charged.

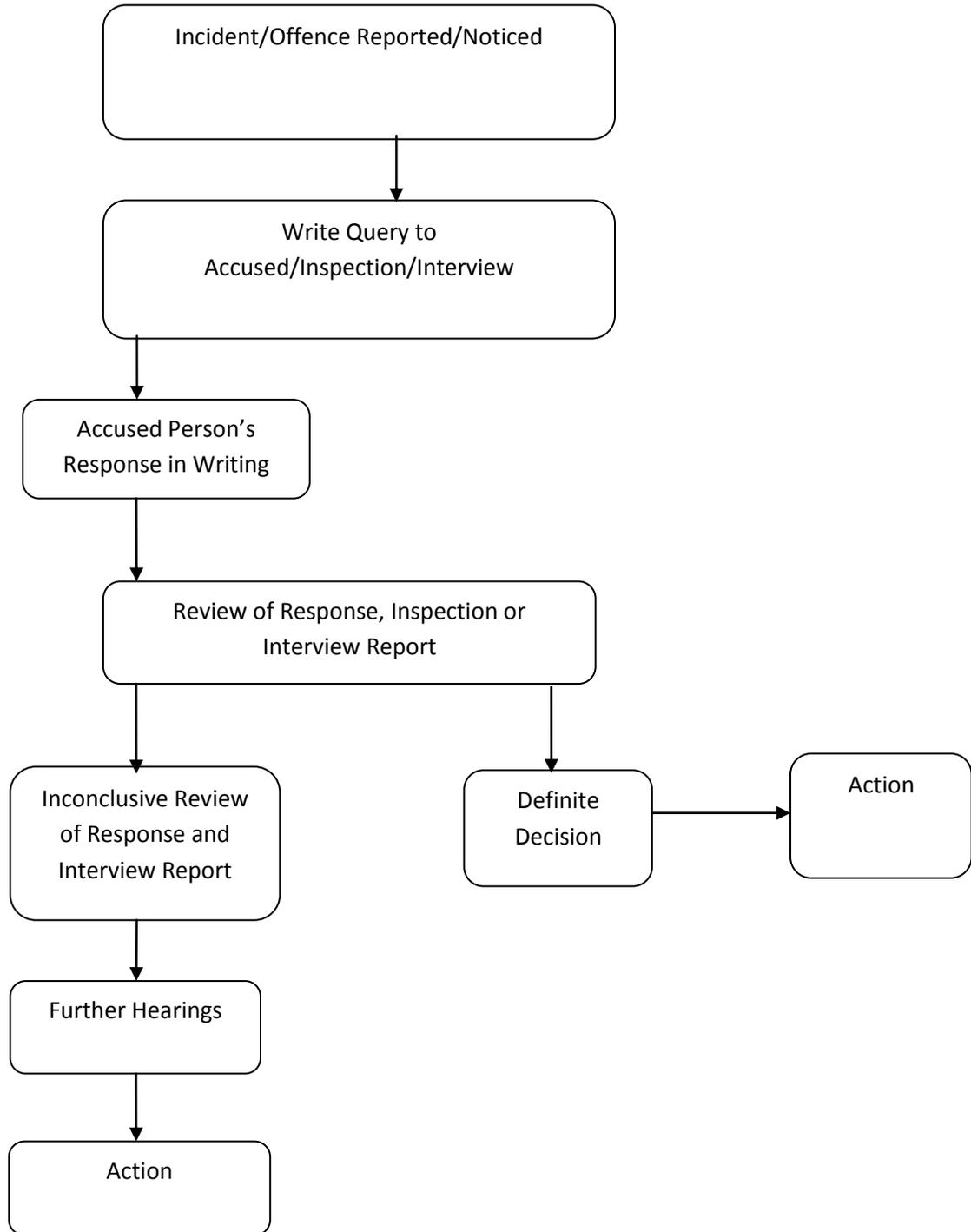
- c. The Council shall pay the employee salaries and allowances withheld during the interdiction if the employee is exonerated from the offence for which the employee has been charged.
- d. An employee on interdiction shall make themselves available to the employee's immediate supervisor and the investigative authority when requested to do so.

5.4 Types of Disciplinary Proceedings

5.4.1 Summary Disciplinary Proceedings

- a. Summary disciplinary proceedings are applicable to minor misconduct that require immediate disposal.
- b. It may involve only one Inquiry Officer. The Inquiry officer must notify the accused in writing and give the accused five (5) working days to respond to the charge(s).
- c. All charges and responses must be in writing. Where a decision cannot be taken based on the interviews and/or written responses then adequate notice should be given for further hearing.
- d. Action must be taken on any decision arrived at.
- e. The Inquiry Officer shall ensure that the accused is given a fair hearing.

DIAGRAM ON SUMMARY DISCIPLINARY PROCEEDINGS



5.4.2 Formal Disciplinary Proceedings

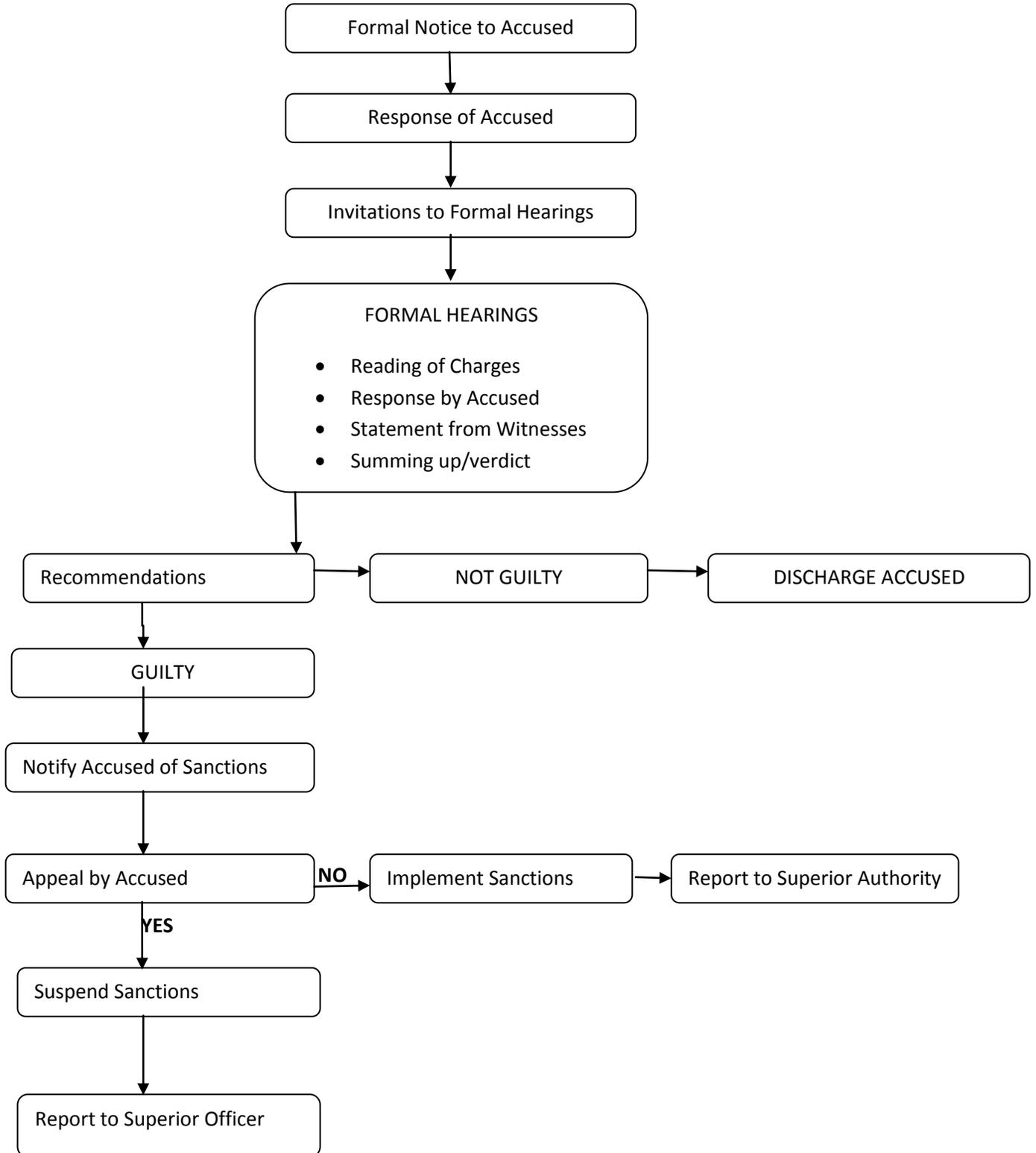
Definition

These are disciplinary proceedings against any employee, where the charges, if proved, may result in the imposition of a major penalty (e.g. suspension, dismissal or removal).

The formal proceedings shall entail:

- a. The presentation of written charges against the employee accused of an offence.
- b. An accused employee being given the opportunity to inspect or study any documentary evidence against them including the report of preliminary investigations.
- c. An accused employee being given the opportunity to submit their response to the charges in writing.
- d. The accused being given adequate notice to appear before a Disciplinary Committee.
- e. A letter inviting the accused employee to appear before a Disciplinary Committee. The letter shall contain:
 - i. Notice of offence.
 - ii. Date, time and place of meeting.
 - iii. Relevant documents required.
 - iv. Any witness or legal representation if the accused employee chooses.
- f. The accused employee being given the opportunity to cross-examine witness or to call their own witness, if any.
- g. The accused employee having the right to make fresh written statement if so desired.
- h. Adequate written documentation in order to facilitate the work of the relevant Appellate Body or subsequent proceedings. The session of the proceedings can be taped.

DIAGRAM OF FORMAL DISCIPLINARY PROCEEDINGS



5.7 Report of an Inquiry Officer

In the case of summary proceedings, when the officer holding the inquiry has completed the recordings of all statements, that officer should write a report on the inquiry. The report should be submitted to the Disciplinary Authority within ten (10) working days from the date of completion of proceedings.

The report of the proceedings should:

- a. Indicate the following, among others:
 - i. The date, time and place.
 - ii. Background.
 - iii. Methodology.
 - iv. Record of attendance of the accused.
 - v. The relevant rules and regulations under which the employee is being charged.
 - vi. The recording shall be in direct speech.
 - vii. Each statement recorded during the inquiry shall be signed by the officer making the statement and by the Inquiry Officer or Chairperson of the Committee holding the Inquiry.
 - viii. Statements of witnesses.
- b. State definitely whether or not the Inquiry Officer or Chairperson considers the accused officer guilty in respect of each of the charges preferred against them.
- c. Set forth lucidly the facts and inferences in support of the conclusions in respect of each of the charges.
- d. The conclusions should always be based on facts and not on mere conjectures. Such inferences as the facts justify may be drawn if they clearly arise from those facts.
- e. The officer holding the enquiry may comment on the demeanor of any witnesses, including the accused officer, in the course of proceedings. If the accused officer has made a statement expressing dissatisfaction with the conduct of the inquiry, the officer holding the enquiry should make comments thereon in their report.

5.8 Confidentiality

The officer holding the enquiry should on no account disclose to the accused officer, or to any other person not authorized to receive such information, findings and recommendations from the enquiry.

Exceptions may be made to these time-honored principles of confidentiality for the release of part or whole proceedings only in the following circumstances:

- a. When required/stipulated by a Judge in a Court of Law.
- b. When necessary to protect the interests of the employee involved.
- c. When necessary to protect the welfare of the larger society and the integrity and credibility of the disciplinary committee or authority.
- d. When necessary to safeguard the welfare of another individual employee or client.

5.9 Decisions to be taken on Recommendations of Proceedings

5.9.1 Acquittal and Exoneration

An officer who has been exonerated by an inquiry or investigative report shall be recalled to work if on interdiction and shall be offered due apology in writing by the complainant and the disciplinary Authority as appropriate within fourteen (14) days from the date of the verdict.

5.9.2 Guilty Verdict

If an accused employee is found guilty, the appropriate sanction(s) shall be applied within five (5) working days from the date of receipt of the report.

5.9.3 False Accusation

The accuser should be requested to apologize in writing to the employee against whom the false accusation has been made. Additionally, the accuser should be reprimanded in writing.

5.10 General provisions

When a court of competent jurisdiction concludes criminal proceedings, the National Teaching Council shall take appropriate disciplinary action upon receipt of the relevant court proceedings thereon.

No employee shall be promoted or given training when disciplinary proceedings are pending against that employee.

No major disciplinary action (e.g. dismissal) shall be taken against an employee while criminal proceedings are pending against that employee.

The Council for the same offence shall not punish an employee of the Council who has been acquitted of a criminal charge by a court of competent jurisdiction. However, the Council reserves the right to take appropriate administrative action on any other charges related to the incident or case that constitutes misconduct under the rules and regulations of the Council.

6.0 Grievances and Petitions

6.1 Grievance

Definition

A grievance is a formal challenge by an employee to a specific disciplinary action, policy or practice of the employer.

It may arise from administrative act of omission or commission or disciplinary action that may result in an employee complaining that they have been denied the right to which the employee considers justifiably entitled or has not been fairly treated.

Policy

It is the policy of the Council regarding Grievances that employees should:

- a. Be given a fair hearing by their immediate supervisor or manager concerning any grievances they may wish to raise.
- b. Have the right to appeal to a more senior manager against a decision made by their immediate supervisor or manager,
- c. Have the right to be accompanied by a fellow employee of their choice, when raising a grievance or appealing against a decision.

Procedures

The aim of the procedure is to settle the grievance as nearly as possible to its point of origin. The main stages through which a grievance may be raised are as follows:

- a. The employee raises the matter with THEIR immediate superior and may be accompanied by a fellow employee of the employee's own choice.
- b. If the employee is not satisfied with the decision, the employee requests for a meeting with a member of management who is more senior than the superior who initially heard the grievance. This meeting takes place within five (5) working days of request and is attended by the Deputy Director, Human Resource, the employee appealing against the decision, and if the employee desires, their representative. The Deputy Director, Human Resource records the result of the meeting and issues copies to all concerned.
- c. If the employee is not satisfied with the decision, the employee may appeal to the Executive Director. This meeting takes place within five (5) working days of request and is attended by the Deputy Director, Human Resource, the employee appealing against the decision, and if the employee desires, their representative. The Deputy Director, Human Resource records the result of the meeting and issues copies to all concerned.

6.2 Petition

A petition is a request or application by an employee to an authority seeking to draw attention to a decision or indecision that the employee perceives to have adversely affected them or another person.

6.3 Common Causes of Grievances

Some of the common causes of grievances are:

- a. Delayed promotion.
- b. Delayed processing of salaries and allowances.
- c. Officers not benefiting from training programs.
- d. Perceived victimization.
- e. Favoritism.
- f. Discrimination.
- g. Poor remuneration and incentives.
- h. Wrong placement on the salary scale.
- i. Inadequate resources for work.
- j. Poor work environment.
- k. Occupational health and safety concerns.

6.4 General Principles of Grievance Redressing

- a. Good corporate governance is a pre-requisite for effective and efficient management and enhancement of management-employee relations. It also minimizes the occurrence of grievances.
- b. Disciplinary Authorities must demonstrate a just cause or show that they have enough evidence before disciplinary action is meted out to employees of the Council.
- c. All employees must be aware of the performance expectations and rules and regulations of the Council. The onus however, lies first and foremost on the employee to know the expectations of the employer.
- d. In order to ensure fairness and justice, penalty meted out to an employee should reflect the seriousness of the offence and be consistent with sound disciplinary principles.
- e. Equity and impartiality must be demonstrated in the enforcement of any penalty. Employees who commit similar offences should be subjected to similar penalties.
- f. Disciplinary action and redress should be taken within the shortest possible time. Remember, justice delayed is justice denied.

6.5 Procedure for Petitioning

- a. An employee who feels aggrieved must first cross check they're facts well to make sure that there is indeed an act of omission or commission against them.
- b. The employee may submit a petition in writing to the immediate authority that shall arrange an interview to resolve the grievance.
- c. A colleague of their choice may represent a group of employees having a common grievance.
- d. If the employee(s) is/are still aggrieved, the employee(s) may lodge another petition to a higher authority with a copy to the immediate authority that dealt with the initial complaint.
- e. The recipient higher authority shall immediately appoint a Committee or Inquiry Officer, if the higher authority finds it necessary, to investigate the matter and make appropriate recommendations.
- f. Upon receipt of the recommendations, the Authority concerned must take immediate steps to implement them.
- g. The petitioner(s) should be informed in writing within five (5) working days of the recommendations given and the action initiated to redress the grievance with copies to all relevant bodies or authorities.

6.6 Frivolous, Vexations and Unmeritorious Petition

In the event of a petition being adjudged frivolous, vexatious and unmeritorious or without adequate grounds, the petitioner may be informed officially and the facts shall be recorded in their personal record. The petitioner shall be reprimanded and made to apologize to anybody accused in such a petition.

7.0 Appeal System

7.1 Definition of Appeal

An appeal is a process that allows an aggrieved employee of the Council to take grievance or a disputed disciplinary decision from a lower to a higher authority for a re-hearing of the whole or part of the decision.

7.2 The Right of Appeal

Any employee who is aggrieved or dissatisfied with a decision or disciplinary award may file the immediate appeal with the higher authority for redress.

7.3 Appellate Authorities

- a. A dissatisfied or aggrieved employee may file an appeal with the immediate appellate authority or disciplinary authority that made the initial decision.
- b. Appeals must be submitted directly to the higher appellate authority with copies to the disciplinary authority that made the initial decision.
- c. The recipient appellate authority must constitute a committee to re-examine the case in parts or in whole.
- d. The Governing Council shall be the final appellate body for staff of the Council after which the appellant, if still dissatisfied or aggrieved may, if so desired take the case to the National Labour Commission (NLC) or the Commission on Human Rights and Administrative Justice (CHRAJ) or the Law Courts of the Republic of Ghana.

7.4 Conditions for Appeal

- a. An aggrieved employee of the Council who intends to appeal against a decision of a Disciplinary Authority must within ten (10) working days on receipt of the decision/verdict notify the Head of Department or the appropriate disciplinary authority of the employee's intention to appeal.
- b. An employee who is dissatisfied or aggrieved with the findings and recommendations of a disciplinary committee may use the laid down appeal process to seek redress.
- c. An appeal, which must be in writing, must be lodged within three (3) months on receipt of the Disciplinary Committee's decision after which no appeal must be entertained.
- d. Unless the laid down procedure and structures for an appeal are adhered to, it must not be heard.

7.5 Confidentiality of the Appeal Process

- a. An employee summoned before any of the appellate authorities may request that the hearing be open and that a chosen observer of the employee's choice be admitted to the hearing.
- b. If the case involves more than one employee, then the hearing will be opened only if all the employees concerned agree that it must be so.
- c. The number of observers admitted in this instance will be at the discretion of the Chairperson of that Appellate Authority.
- d. It shall be opened to either party to request that certain sections of evidence be reserved as confidential.

- e. The Chairperson of the appellate body may at their discretion declare the hearing confidential.
- f. Exceptions may be made to the time-honored principles of confidentiality for the release of part or whole proceedings only in the following circumstances:
 - i. When required/stipulated by a Judge in a Court of Law.
 - ii. When necessary to protect the interest of the employee involved.
 - iii. When necessary to protect the welfare of the larger society and the integrity and credibility of the appellate authority.
 - iv. When necessary to safeguard the welfare of another individual employee or client.

7.6 Stay of Execution (Suspension of Penalty)

The enforcement of a decision against which a notice of appeal has been given must be suspended until after the determination of the appeal.

7.7 Limitation of Period for Appeal

- a. An aggrieved employee who intends to appeal against a decision of a Disciplinary committee has three (3) months, effective from the date of the employee's receipt of the decision/verdict to lodge an appeal.
- b. Only one appeal on the same case may be entertained within the allowed three (3) months period for filing an appeal.
- c. A further appeal on the same case may be entertained only when the appellant establishes new and convincing evidence.
- d. The disciplinary appellate authority must be satisfied that there are indeed, new and cogent grounds that will promote the ends of justice.
- e. The appellate authority must also be satisfied that there were adequate reasons for the non-disclosure of such new facts during the original hearing.

7.8 Filing of Appeal

- a. An appeal must be filed in the first instance at the next higher appellate authority with copies to the disciplinary authority that gave the decision that is the subject of appeal.
- b. The recipient appellate authority should request for the record of proceedings and other relevant documents.
- c. The disciplinary authority must make copies of the documents tendered in evidence and other relevant documents available to the appellant.
- d. An aggrieved/dissatisfied employee in respect of a disciplinary decision of a disciplinary authority must file appeal with the appropriate appellate authority and must state:
 - i. The grounds of appeal.
 - ii. Whether the whole or parts of the decision of the inquiry or committee is subject of the complaint (if parts, what parts of the decision).
 - iii. The nature of the reliefs sought (e.g. the whole or part of the judgment to be set aside)
 - iv. The names and addresses of all parties to be directly affected, each of who must be served with the notice of appeal.

- e. No member of an inquiry committee or disciplinary authority shall serve on an appeal committee dealing with the same subject matter/case.
- f. An appellate authority shall not serve on an appeal committee, the decisions of which are likely to be referred to them.

7.9 Membership of Appeal Committee

- a. An Appeal Committee shall be composed of three (3) officers who are senior to the appellant.
- b. All members of the Appeal Committee shall constitute the quorum.
- c. Decisions of the Appeal Committee shall be by consensus.
- d. If for any reason a member of an Appellate Committee can no longer serve on the Committee, that member must be replaced.
- e. Any member who absents themselves from sittings for more than two (2) consecutive occasions without reasonable excuse shall be replaced.

7.10 Conduct of Appeal

- a. The appellate body should write to the appellant stating date, time and venue.
- b. The Committee shall hold sessions as many times as necessary.
- c. The records of the proceedings must be taken down in writing and/or taped.
- d. The appellate body, on completion of hearings, must make recommendations to the authority that constituted the body.
- e. A legal counsel of their choice may represent the appellant.

7.11 Register or Records of Appeal

A record of all decisions made on appeals must be kept at the office of the Director of Finance and Administration.

7.12 Action on Appeal Report

- a. Once an appeal has been heard and decisions arrived at, it should be conveyed to the appellant's Head of Department and to the appellant through the normal administrative channels of communication.
- b. The decision of the appellate committee must be implemented within twenty-one (21) working days.
- c. Management must inform the appellate authority within fourteen (14) working days of the action taken to implement the decisions, except where the appellant has again appealed to a higher hierarchy.

8.0 Disputes and Mode of Settlement (Arbitration and Reconciliation)

8.1 Definition and Conditions Relating to Disputes

- a. A dispute, in this context, is defined as a contention, discord, controversy, strife, etc. amongst members of an organization.
- b. These disputes may not breach any rules or regulations of the Council, though they may have the potential of affecting the smooth running of the Council and the welfare of its staff.
- c. Disputes arising between officials of the Council or between its officials and other agency employees, clients, or members of the general public shall be settled by Arbitration/Reconciliation Committees.
- d. The Executive Director may set up Arbitration/Reconciliation Committees.
- e. Membership of an Arbitration Committee shall be five (5) senior Officers from within or outside the Council.
- f. Where there are five (5) members of the Arbitration/Reconciliation Committee, a quorum will only be formed by all of them. Any member of the Arbitration/Reconciliation Committee who absents themselves from the sittings of the Committee for more than two (2) consecutive occasions without tangible reasons should be replaced.
- g. Decisions must be by consensus.
- h. If one of the parties involved in the dispute is not an employee of the Council, the composition of the panel should be arrived at in consultation with the non-member of the Council.

8.2 Functions of Arbitration and Reconciliation Committee

These shall include:

- a. The investigation of all disputes and establishing their possible causes.
- b. Making recommendations for the resolution of the dispute.
- c. Submission of the arbitration award to the Executive Director for implementation.

8.3 Settlement of Disputes Outside Official Channel

- a. Petty disputes that are non-criminal in nature involving staff of the Council may be settled outside official channels if both parties to the dispute so agree in writing.
- b. The outcome of such outside settlement shall be communicated in writing to the appropriate authority by the body that settled the dispute.
- c. Awards of the Arbitration and Reconciliation Committee will be final and binding on all parties involved.

9.0 Conflict of Interest

9.1 Definition

Conflict of interest is defined as any situation which has the potential of interfering with the sound managerial, professional and administrative decision of an employee and which could lead to the compromising and bending of the laid down rules, regulations and procedures of the Council, which may result in an unfair advantage to the employee or loss of money or property to the Council.

9.2 Conditions for Conflict of Interest

An employee of the Council should not put themselves, family or friends in a position where the employee or their interest conflicts with the functions of the office. Conflict of interest may arise from the following scenarios when:

- a. An employee of the Council receives or gives valuable gifts from or to any person whether in the form of money, goods, hospitality or other personal benefits, if it is perceived that the gifts received or given are intended to influence their judgments or action on a case the employee is dealing with or will handle in the future. In circumstances where an employee is presented with a gift of any kind, the employee should exercise their own judgment as to whether they should decline the offer; otherwise, the employee should consult with their immediate superior officer. The value of the gift will be determined by the circumstances of the transaction between the giver and the recipient.
- b. An employee of the Council acts as an agent for any person who intends to influence an employee with a benefit.
- c. An employee sets up a Council whose interests conflict with that of National Teaching Council.

9.3 Declaration of Conflict of Interest

Any employee of the Council who has an interest in a case or transaction, which in the employee's perception may result in a conflict of interest with the Council, must declare that interest in writing and in confidence to their immediate superior officer prior to the proceeding or transaction.

9.4 Sanctions

All actions that amount to conflict of interest constitute misconduct in respect of which the following appropriate sanction or penalty will be meted out:

- a. In cases of proven conflict of interest, the employee shall be removed from the employee's normal schedule or post where their influence will interfere with the interest of the Council.
- b. If a conflict of interest results in huge financial losses to the Council, the matter must be referred to the appropriate security agencies.
- c. An employee accused of conflict of interest may be interdicted until the determination of the case.
- d. Any employee of the Council who commits an offence as a result of conflict of interest will be liable for any loss of money or property of the Council.