

GOVERNMENT NOTICE NO. 308 published on 25/11/2016

THE TEACHERS' SERVICE COMMISSION ACT,
(CAP. 448)

REGULATIONS

(Made under section 22 and 11(3))

THE TEACHERS' SERVICE COMMISSION REGULATIONS, 2016

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THE TEACHERS' SERVICE COMMISSION ACT,
(CAP. 448)

REGULATIONS

(Made under section 22 and 11(3))

THE TEACHERS SERVICE COMMISSION REGULATIONS, 2016

PART I
PRELIMINARY PROVISIONS

Citation and
construction

1.-(1) These Regulations may be cited as the Teachers Service Commission Regulations, 2016.

(2) Save as otherwise provided in the Act and these Regulations, the provisions of the Public Service Regulations shall generally have effect to teachers in the public service.

Interpretation
Act No. 25 of
2015

2. In these Regulations unless the context otherwise requires-

“Act” means the Teachers’ Service Commission Act, 2015;

“appointing authority” in relation to teachers, means the Teachers’ Service Commission;

“Assistant Secretary” means a staff of the Commission designated as such in terms of Regulation 63;

“committee” means committees of the Commission established under Part VIII;

“Commission” means teachers service commission established under section 4 of the Act;

“district office” means the district office established pursuant to section 11 of the Act;

“local government authority” has a meaning ascribed to it by the Local Government (District Authorities) Act and the Local Government (Urban Authorities) Act;

“Minister” means the Minister, for the time being, responsible for local government;

Cap.287 and
Cap.288

“promotion” means the appointment of a teacher to a higher grade with an immediate or potential increase in salary;

“disciplinary offence” means any act or omission or misconduct or failure to take responsible care or failure to meet set targets or to discharge duties in a reasonable or satisfactory manner by or on the part of a teacher which warrants disciplinary proceedings under these Regulations being taken against that teacher, and includes-

- (a) any of the offences specified under regulation 7; and
- (b) contravention of the Code of Ethics and Conducts for Teachers;

“teachers service” means unified service of all teachers in the public service.

PART II

RECRUITMENT, APPOINTMENT AND DEPLOYMENT OF TEACHERS

Recruitment,
appointment
and
deployment of
teachers

3. The procedure for recruitment, appointment and deployment of teachers shall be as follows-

- (a) the Ministry responsible for local government shall submit a list of qualified teachers from recognized institutions to the Commission;
- (b) the Commission shall verify and post a list of qualified teachers to local government authorities for employment;
- (c) the local government authorities shall undertake employment process qualified teachers, including-
 - (i) filling in various recruitment forms including medical examination and next of keen card;
 - (ii) issuance of letters to teachers for placement in schools within the respective local government authority;
 - (iii) submission of copies of teachers recruitment documents to district office for further scrutiny;
- (d) on completion of scrutiny, the district office shall, on consultation with the Commission, sign and issue

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letter of appointment and teachers registration number.

Qualification
for
appointments
and
promotions

4.-(1) For the purposes of determining the qualification of teachers in terms of regulation 6, the following shall be the qualification requirements for teachers:

- (a) academic qualification determined by the skill level of the teaching profession;
- (b) professional competence determined by the skill level of the teaching profession;
- (c) age determined by the date of birth shown either in a birth certificate or any other document relevant and legally acceptable
- (d) good character and integrity by his appearance, interaction with other people, the manner he conducts himself, the manner he expresses himself and his tract records;
- (e) experience determined by length of time he has served in the same post or equivalent post;
- (f) tanzania Citizenship determined in accordance with the Tanzanian Citizenship Act; and
- (g) any other qualifications as may be prescribed in that post;

Cap.357

GN. No. 168
of 2003

(2)The appointment of non-citizen persons to the Teachers 'Service shall take into consideration the requirements provided for in regulation 17(8) of the Public Service Regulations and applicable laws governing employment of non-citizen person.

Probation on
first
appointment

5.-(1) On the first appointment to a service post on permanent and pensionable terms, a teacher shall serve a probationary period not exceeding twelve months.

(2) Not less than three months before the expiration of the probationary period, the respective local government authority shall recommend to the Commission at the district level that-

- (a) a teacher be confirmed in his appointment;
- (b) the probationary period be extended to afford the teacher an opportunity of improvement in respect of which his work or conduct have been adversely reported on, or
- (c) the teachers' appointment be terminated.

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(3) Where the Commission is of the opinion that a probationary period shall be extended under sub regulation (2) (b) or appointment be terminated under sub regulation (2)(c) it shall, before directing the extension of such period or the termination of such appointment by letter, inform the teacher of its intention to give such directions and right to make representations thereon within a period of one month.

(4) The teacher concerned shall be required to acknowledge the receipt of the communication in writing within the time limit specified:

Provided that the extended of probationary period shall not be for more than six months.

(5) Notwithstanding the provisions of sub regulation (2) but subject to the provisions of sub regulation (3), the Commission may at anytime, during a probationary period, direct the termination for appointment of a teacher serving such probationary period.

Notification of
Vacancies

6.-(1) All local government authorities shall be obliged to notify the Ministry responsible for local government on vacancies within their respective authorities.

(2) Notification of vacancies shall specify the necessary requirements for the vacant posts and shall follow the procedures, provided for in these Regulations and Administrative instruction or Order.

Complaints
regarding
appointments
or recruitment

7.-(1) Where a candidate is dissatisfied on issues regarding appointment procedures to any post which he is interested, he shall complain to the District office concerned and if not satisfied with the decision, shall appeal to the Commission.

Cap 309

(2) The recruitment process shall be fully documented and be kept for record purposes for such time as prescribed under the Records and Archives Management Act.

Promotion

8. Promotions of teachers shall- be based on merit, effective and efficient performance, qualification, skills and personal qualities.

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Termination of
appointment

9.-(1) Termination of appointments of teachers shall include -

- (a) removal or retirement in public interest;
- (b) retirement on medical grounds;
- (c) retirement on abolition of office or reorganization of department;
- (d) retirement by age;
- (e) termination upon contesting constitutional leadership or elective political posts;
- (f) retrenchment or redundancy by reason of-
 - (i) abolition of office;
 - (ii) re-organization of office;
 - (iii) employer's incapability to remunerate a public servant;
- (g) termination on disciplinary grounds.

(2) Procedures for termination of appointments shall be as provided for in the Public Service Act and Regulations made thereunder.

(3) The appointing authority may recommend for removal or retirement in the public interest in accordance with the procedures provided for under the Public Service Act and Regulations made thereunder, and shall only be made where the appointing authority is of the opinion that grounds for such recommendation do not warrant disciplinary action.

Transfer of
teachers

10.-(1) For the purpose of improving efficiency of the service, public teachers may, where necessary and in the public interest, be transferred from one Department, Ministry, Region or one Local Government Authority to another.

(2) Where a public servant is transferred, he shall, subject to the provisions of clause 39 of the Local Government (Teachers' Service) Scheme 2016, be entitled to transport coverage for himself, his spouse and children or dependants as well as entitlement to carriage of language.

(3) Notwithstanding the provision of sub-regulation (1), a teacher shall not be transferred from one service to another with different terms and conditions of service without his consent.

PART III
DISCIPLINE

(a) *Disciplinary offences*

Commission of
disciplinary
offence

11.-(1) A teacher shall be presumed to have committed a disciplinary offence for any of the following offences which warrants formal proceeding -

- (a) act or omission that involve moral turpitude, including theft and corrupt practices;
- (b) act or omission, which tends to bring the teachers service into disrepute;
- (c) insubordination;
- (d) absent from duty for more than five days without leave or reasonable cause;
- (e) using without consent of the prescribed authority, any property or facilities provided for the purpose of the teachers service, for some purposes not connected with official duties;
- (f) engaging in any activity outside the official duties, which is likely to lead to taking improper advantage of one's position in the teachers service;
- (g) refusal to comply with an order regarding a posting to a station;
- (h) failure to perform satisfactorily duties assigned to him;
- (i) disclosure of information in contravention of the National Security Act;
- (j) act or omission, which is against public interest;
- (k) inability to perform duties efficiently by reason of the use of alcohol or drug abuse;
- (l) negligence occasioning loss to the employer;
- (m) gross negligence in the performance of duty; or
- (n) contravention of-
 - (i) the Code of Ethics and Conduct for the Teachers Service as provided under these Regulations; or
 - (ii) the Professional Code of Ethics and Conduct or the Public Leadership Code of Ethics as prescribed under the Public Service Act.

Cap.47

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(2) A teacher shall be presumed to have committed a disciplinary offence for any of the following offences which warrants summary proceeding-

- (a) being late for duty without leave or reasonable cause;
- (b) absence from work place during working hours without leave;
- (c) absence from duty without leave;
- (d) failure to complete a task;
- (e) negligence in the performance of duties not endangering the safety of persons or property; or
- (f) failure to comply with instructions not amounting to insubordination.

(b) Disciplinary Authorities

Disciplinary
Authorities for
teachers

12.-(1) The Commission shall, subject to section 5(c) of the Act, have mandate of disciplinary control in respect of primary and secondary schools teachers employed in the public service.

(2) The District committee shall be the disciplinary authority for any offence that warrants the following action against a teacher of that respective district-

- (a) dismissal;
- (b) reduction in rank;
- (c) reduction in salary; and
- (d) stoppage of an increment.

(3) The head of a school shall be the disciplinary authority for any offence that warrants the following action against a teacher of that respective school-

- (a) the recovery of the cost or part of the cost of any loss or breakage caused by his default or negligence;
- (b) withholding of an increment;
- (c) reprimand; and
- (d) warning.

(4) Nothing in this regulation shall be construed to preclude the District Committee from taking any disciplinary action that warrant summary proceeding against a teacher in the service.

(5) In exercising the disciplinary powers, the Head of

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Disciplinary authorities shall observe the procedures governing institution of discipline as may provided in these Regulations be issued by the Commission.

(c) Disciplinary proceedings

Types of
disciplinary
proceedings

13.-(1) Disciplinary proceedings under these Regulations may either be formal or summary.

(2) Formal proceeding shall be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which a teacher in the service is alleged to have committed is of such gravity of the offence which may warrant his dismissal, reduction in rank or reduction in salary.

(3) Notwithstanding sub regulation (2), in determining the gravity of disciplinary offence alleged to have been committed by a teacher in the service, the disciplinary authority shall have regard to the definition of disciplinary offence under regulation 2 and the list of disciplinary offences under regulation 11(1).

(4) Summary proceeding shall be instituted where, in the opinion of the disciplinary authority, the disciplinary offence which a teacher in the service is alleged to have committed is not of such gravity as to warrant, in the event of him being found guilty thereof, his dismissal, reduction in rank or reduction in salary or affect his increment whatsoever.

(5) Notwithstanding sub regulation (3), in determining the gravity of disciplinary offence alleged to have been committed by a teacher in the service, the disciplinary authority shall have regard to the definition of disciplinary offence under regulation 2, regulation 11(2) and the First Schedule.

Interdiction

14.-(1) Where the disciplinary authority considers that it is in the public interest that a teacher should cease forthwith to perform the duties and functions of his office, the disciplinary authority or any delegated disciplinary authority as the case may be, may interdict the teacher from performing those duties and functions, save that the charge have been served against that teacher.

(2) A teacher who is interdicted shall receive such salary not less than half of his salary as disciplinary authority shall

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determine.

(3) where an disciplinary or criminal proceeding have been instituted and concluded against a public servant under interdiction and such public servant is not dismissed or otherwise punished, the whole of any salary withheld shall be restored to him upon the termination of proceedings

Commencement of formal proceedings

15.-(1) Formal proceedings shall not be instituted against a teacher in the service, unless he has been served with a charge or charges stating the nature of the offence, which he is alleged to have committed.

(2) The charge shall be prepared by the disciplinary authority after such preliminary investigation, as may be considered necessary.

(3) A disciplinary charge shall be in form "part A" as provided in the Second Schedule to these Regulations, and shall state briefly the nature of the offence which the accused teacher is alleged to have been committed, together with a statement of the allegations on which each charge is based.

(4) The disciplinary authority may consult the Attorney General on the formulation of the disciplinary charge where it considers necessary.

(5) A charge shall be accompanied by notice which may be in form "part B" as provided in the Second Schedule to these Regulations and the notice shall be addressed to the accused teacher inviting him to state in writing, within such period as may be specified in the notice, the grounds upon which he relies to exculpate himself.

(6) Where the charge served against a teacher in the service is defective, the disciplinary authority shall be allowed to substitute it with a proper charge not later than thirty days from the date when the former charge was served.

(7) Formal proceedings instituted under this regulation shall not be invalid by reason of any irregularity in the charge save that such irregularity may be corrected in terms of sub regulation (6).

Inquiry as to formal proceeding

16.-(1) Where a teacher in the service has been served with a charge in accordance with the provisions of regulation 15

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and fails to make a representation in writing giving the grounds upon which he relied to exculpate himself within the period specified in the notice accompanying the charge, or make representation which is in the opinion of the disciplinary authority do not amount to a complete defence of the offence of which the accused teacher is charged, the disciplinary authority shall appoint two or more members to hold an inquiry into the charge.

(2) Every inquiry into a charge under sub regulation (1) shall be conducted in accordance with the procedure prescribed in these Regulations.

(3) Where the disciplinary authority is satisfied that the representation made by the accused teacher under sub regulation (2), amounts to a complete admission of the charge against him, it shall not be necessary to hold any further inquiry or investigation in respect of such charge, but the disciplinary authority shall record a finding of guilt and the proceedings shall proceed as if the accused teacher had been found guilty after an inquiry.

Inquiry
committee

17.-(1) A public servant shall not be appointed to be a member of an inquiry committee unless he is-

- (a) in the Senior Grade and above;
- (b) of a rank higher than the rank held by the accused teacher.

(2) The inquiry committee referred to under these Regulations shall consist of not more than four and not less than two members.

(3) In appointing members of the Inquiry, the disciplinary authority concerned shall ensure that it consists of at least one man and one woman.

(4) where the inquiry committee is of the opinion that it will be desirable for them to be assisted in the conduct of the inquiry by persons who may be more conversant with any professional or technical matter likely to arise in the course of proceedings, they may request the disciplinary authority to assign not more than two teachers with the necessary qualifications or experience to assist them, and the disciplinary authority shall comply with any such requests.

Procedure on

18.-(1) The inquiry committee conducting the inquiry

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inquiry in
informal
proceedings

shall notify the accused teacher of the day, date, time and place upon which the inquiry shall be held.

(2) The teacher shall have a right to be present, examine witness and be heard at the inquiry unless the accused teacher shows reasonable cause for his failure to be present or to send a representative at the inquiry:

Provided that failure of the accused teacher to be present or represented at the inquiry shall not vitiate the proceedings unless the accused teacher shows reasonable cause or his failure to be presented or represented.

(3) The Inquiry committee conducting the inquiry may permit the accused teacher and the disciplinary authority to be represented by any teacher or advocate or a representative of a trade union.

(4) The accused teacher or his representative shall have a right to-

(a) cross-examine any witness examined by the inquiry committee conducting the inquiry or by the disciplinary authority or his representative;

(b) examine and be provided with copies of any document produced as evidence against him;

(c) call witnesses on his own behalf and produce any document relevant to the inquiry.

(5) The inquiry committee conducting the inquiry may take into consideration any evidence, which they consider relevant to the subject of the inquiry even where that evidence is not admissible under the law relating to evidence.

(6) The inquiry committee conducting the inquiry shall record the gist of the evidence adduced before it.

(7) Any inquiry under this regulation shall be conducted in camera.

(8) Where, during the course of the inquiry, it appears that the evidence adduced discloses grounds for an additional charge, to be formulated and shall give a copy of the charge to the accused teacher.

(9) Where any additional charges are formulated in accordance with the provisions of sub-regulation (8) of this regulation, the inquiry committee conducting the inquiry shall

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proceed to inquire into the charge and may recall any witness for further examination or cross-examination.

(10) Where the disciplinary authority has served a charge to an accused teacher in accordance with the provisions of regulation 9, the inquiry shall commence not later than sixty days from the day the accused teacher was served with the charge.

(11) Subject to the provisions of this Regulation, an inquiry committee conducting an inquiry may regulate the procedure at the inquiry in the manner it may think fit.

(12) The inquiry shall be concluded within a period of sixty days from its commencement:

Provided that where the inquiry committee fails to complete the inquiry within the prescribed period, under certain circumstances, it may apply for extension, to the disciplinary authority who shall extend that period for not more than thirty days.

Procedure on
the conclusion
of inquiry

19.-(1) Upon the conclusion of inquiry, the Inquiry committee shall forward the record of proceedings together with its report on the inquiry to the disciplinary authority.

(2) Every report under sub-regulation (1) shall-

(a) state whether in the opinion of the inquiry committee the charges against the accused teacher have been proved or not and state the reasons for that opinion;

(b) state any fact which, in the opinion of the inquiry committee aggravates or mitigates the gravity of the act or omission which is the subject matter of any charge;

(c) state any other fact which in the opinion of the inquiry committee, is relevant.

(3) The report made under sub-regulation (1) shall not contain any recommendations as to the form or nature of the punishment to be awarded.

(4) Where on receipt of the record of proceedings and the report of the inquiry committee, the disciplinary authority is of the opinion that further investigations into the case is necessary, that disciplinary authority may refer the matter back to the inquiry committee with such directions as he may consider necessary.

(5) The inquiry committee shall, upon receipt of reference

and directions provided for under sub-regulations (4), re-open the inquiry and proceedings in accordance with regulation 15.

(6) Upon receipt of the record of proceedings and the report, the disciplinary authority after considering the evidence and such report of the inquiry committee, shall make and record findings whether or not in his opinion, the accused teacher is guilty of the disciplinary offence with which he was charged, and shall inform the accused teacher of the decision within a period of thirty days.

(7) Where the disciplinary authority's findings as to the guilty or innocence of the accused is contrary to the opinion of the Inquiry committee conducting the inquiry as expressed in the report, the disciplinary authority shall record his reasons for the findings.

(8) Where the disciplinary authority finds the accused teacher guilty, he shall proceed to award punishment:

Provided that where the accused teacher is punished by dismissal, his dismissal shall take effect from the date upon which the disciplinary authority found the accused teacher guilty.

(9) Failure to comply with the requirements of sub-regulation (6) shall be considered that the accused teacher is not guilty of the offence.

Procedure on
summary
proceedings

20.-(1) Where the disciplinary authority decides to institute summary proceedings against the accused teacher, he shall cause charges to be prepared and served upon the accused teacher.

(2) The charge shall specify the period within which the accused teacher is required to make his defence.

(3) Where the disciplinary authority is of the opinion that investigation is to be conducted, the accused teacher shall have a right to be present at the investigation and make his defence.

(4) Where the teacher is served with a charge in accordance with the provisions of this regulation and fails to make representation in writing giving the grounds upon which he relies to exculpate himself, or make representations which in the opinion of the disciplinary authority do not amount to a complete defence of the offence of which the accused teacher is charged, the disciplinary authority shall record a finding of guilty, and proceed

toward appropriate punishment corresponding to the offence as provided for in regulation 22 and the First Schedule to these Regulations.

(5) The disciplinary authority may authorize any teacher who is senior to the rank held by the accused teacher, to exercise all or any of the powers under sub-regulations (1), (2) and (3).

(6) The disciplinary authority may, at any time before imposing punishment, institute formal proceedings against the accused teacher if he is of the opinion that, the representations adduced by the accused teacher discloses facts which add to the gravity of the offence or which show that the accused teacher has or may have committed other disciplinary offences warranting formal proceedings.

(d) Where Criminal Proceedings against a Teacher are pending or concluded

Rules where disciplinary offence amounts to criminal offence

21. Where a teacher is alleged to commit a disciplinary offence and the act or omission constituting such offence also constitutes a criminal offence under any written law, the following rules shall apply-

- (a) if no disciplinary proceedings under these Regulations have been commenced in respect of the disciplinary offence, but proceedings for the criminal offence in these Regulations referred to as “criminal proceedings” are instituted against the accused teacher in any court of law, no disciplinary proceedings shall be commenced until after the conclusion of the criminal proceedings;
- (b) if disciplinary proceedings is commenced and during the pendency of such proceedings, criminal proceedings for the criminal offence are instituted, the disciplinary proceedings shall be stayed and no further step shall be taken in respect of that disciplinary proceedings until after the conclusion of the criminal proceedings;
- (c) where criminal proceedings is commenced and concluded against the accused teacher and the teacher is acquitted of the criminal charge on a legal

- technicality, the acquittal shall not be a bar to disciplinary proceedings against the accused teacher on the same facts;
- (d) disciplinary proceedings may be instituted or continued against the teacher and the teacher may be punished for that disciplinary offence as if no criminal proceedings had been instituted and concluded against him;
 - (e) where criminal proceedings is commenced and concluded against the accused teacher and the teacher is convicted of the criminal offence, the disciplinary authority may suspend the teacher from the exercise of the powers and functions of his office pending consideration of the case under the provisions of these Regulations;
 - (f) where the teacher is convicted of a criminal offence, he shall be deemed to have been found guilty under the provisions of these Regulations of a disciplinary offence based upon the same charge or the same facts which formed the grounds of the criminal charge of which he was convicted, and the disciplinary authority shall, without instituting or continuing any disciplinary proceedings;
 - (g) no teacher shall be punished under this sub-regulation until is served with a notice specifying:
 - (i) the disciplinary offence which he is deemed to have been found guilty;
 - (ii) the punishment which the disciplinary authority proposes to impose; and
 - (iii) the time within which such teacher may make such plea in mitigation as he may consider fit without the disciplinary authority having taken into consideration any plea made by the teacher within the time specified in the notice;
 - (h) where the accused teacher is convicted of a criminal offence which in the opinion of the disciplinary authority, may warrant his dismissal from service, formal disciplinary proceedings may be instated against that teacher or where such proceedings were

instituted prior to the commencement of the criminal proceedings, they may be continued and the accused teacher may, subject to the provisions of paragraph (h) of this sub-regulation be tried on such formal disciplinary proceedings in accordance with the provisions of these Regulations;

- (i) where a notice under paragraph (f) of this sub-regulation is given to the teacher, the disciplinary authority shall not be bound to impose the same punishment as specified in the notice but may impose any lesser punishment;
- (j) if any formal disciplinary proceedings under paragraph (g) of this sub-regulation, proves that the accused teacher has been convicted of the criminal offence, such a proof shall be conclusive evidence of the fact that he has committed the disciplinary offence based on the same facts;
- (k) where a teacher is convicted of a criminal offence and prior to the commencement of the criminal proceedings he was found guilty by the disciplinary authority of a disciplinary offence based on the facts upon which the subsequent criminal charge or charges was based, it shall be lawful for the disciplinary authority, upon the conclusion of the criminal proceedings, to substitute for the disciplinary punishment imposed upon the accused teacher in respect of the disciplinary offence, and other disciplinary punishment which in the opinion of the disciplinary authority is warranted in view of the conviction of the teacher of the criminal offence or in view of any evidence adduced at the criminal proceedings.

Rules where
criminal
proceedings
have been
commenced
and concluded

22.-(1) For the purpose of this regulation, criminal proceedings shall be deemed to have been concluded:

- (a) where there is no appeal against conviction or acquittal upon the expiry of the time allowed for such appeal by or under any written law;
- (b) where there is an appeal against the conviction or

acquittal upon the expiry of time allowed by or under any written law for any further appeal.

(2) Nothing in the provisions of paragraph (f) of regulation 21 shall be construed as precluding the disciplinary authority from instituting disciplinary proceedings against the teacher convicted of a criminal offence independent of his conviction of such criminal offence:

Provided that where a disciplinary authority institutes disciplinary proceedings against a teacher independent of his conviction of a criminal offence in the event of an appeal or further appeal against such conviction, the provisions of paragraph (a) (b) and (c) of regulation 21 of these Regulations, shall apply.

(3) Where consequent upon his conviction on a criminal charge involving fraud or dishonesty on his part the accused teacher is, pursuant to the provisions of regulation 21, punished by dismissal from the service for a similar disciplinary offence or for a disciplinary offence based on the same facts after formal proceedings have been taken against him, his dismissal shall take effect from the date upon which he was convicted of the criminal offence.

Punishments

23. Any teacher who commits a disciplinary offence or a disciplinary offence which amounts to a criminal offence under this part of these Regulations shall be awarded appropriate punishment corresponding to the offence as provided for in these Regulations.

Loss occasioned by a teacher may be recovered from him independently of these Regulations

24.-(1) Where a teacher by his act, omission, negligence, misconduct or by reason of his failure to take reasonable care or to discharge his duties in a reasonable matter, causes the Government to suffer any loss or causes damage to any property of the Government, the amount of such loss or the value of the property damaged or an amount equal to the cost of repairing such property or such portion of such amount or value, as the appropriate authority may determine, may be recovered from such teacher under the provisions of the Public Officers (Recovery of Debts) Act, independently of these Regulations.

Cap.76

(2) Where steps have been taken to recover any of the amount or value as provided for under the Public Officers

(Recovery of Debts) Act, 1970, it shall be lawful for disciplinary proceedings for the act or omission or, negligence or failure to take reasonable care or failure to discharge a duty in a reasonable manner, being instituted under these Regulations:

Cap.76 Provided that where such proceedings are instituted, the punishment specified in these Regulations shall not be awarded, save to the extent of the difference between the actual amount of the loss incurred by the Government or, as the case may be, the actual value of the property or the actual cost of repairing such property, and the amount to be authorised to be recovered under the Public Officers (Recovery of Debts) Act.

Cap.76 (3) Where a teacher is held liable to pay any amount to the Government by reason of his negligence or misconduct or failure to take care to discharge his duties in a reasonable manner or other act or omission, is convicted under the provisions of the Penal Code for those offences giving rise to such liability, and if the court has ordered that teacher to pay to the Government compensation, any amount ordered to be recovered from a teacher by a disciplinary authority or appropriate authority under the provisions of the Public Officers (Recovery of Debts) Act, the order of the disciplinary authority or, as the case may be, of the appropriate authority shall-

(a) if the amount ordered to be recovered by the disciplinary authority or the appropriate authority, exceeds the amount of the compensation ordered under provisions of the Penal Code, the amount shall be effective only to the extent of the difference between the two amounts;

(b) if the amount ordered to be recovered by the disciplinary authority or the appropriate authority, is less than the amount of the compensation ordered under the provisions of the Penal Code, the amount shall cease to have effect.

(4) Notwithstanding the provisions of sub-regulation (3), where disciplinary proceedings are instituted or a teacher is punished under these Regulations after his conviction under the provisions of the Penal Code, it shall be lawful for the disciplinary authority to order that an amount equal to the difference between the actual amount of the loss or the value of the property or the

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cost of repair and:

- (a) the amount of the compensation awarded under the provisions of the Penal Code; or
- (b) where steps have also been taken to recover any amount from the teacher under the Public Officers (Recovery of Debts) Act, 1970;

the aggregate of the amount which may, subject to the provisions of sub-regulation (3) of this Regulation recovered under that Act and the amount of compensation awarded under the provisions of the Penal Code, be recovered from the teacher by way of punishment.

Cap.70 (5) In this Regulation the term “proper authority” shall have the meaning assigned to that term by the Public Officers (Recovery of Debts) Act.

Withholding of increments for unsatisfactory performance

25.-(1) Notwithstanding any other provisions in this Part of these Regulations, where a disciplinary authority is satisfied that the increment of a teacher shall be withheld on the grounds-

- (a) of unsatisfactory performance not amounting to misconduct; or
- (b) that the teacher fails to pass any examination, the passing of which is a pre-requisite to the grant of an increment,

he may withhold that increment.

(2) Where the disciplinary authority is satisfied that an increment withheld under sub-regulation (1) is restored, he shall inform the teacher concerned that his increment shall be restored with effect from such date as he may specify.

(3) Where an increment is restored under sub-regulation (2), any further increments which may be granted to the teacher concerned shall, subject to any other proceedings which may be taken under this part, take effect from such teacher’s normal incremental date.

Suspension of increments

26.-(1) Notwithstanding any other provisions in this Part, the disciplinary authority may suspend the payment of an increment which is due to be granted to a teacher where-

- (a) disciplinary or criminal proceedings is instituted against the teacher, or

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(b) disciplinary authority has reason to believe that grounds exist for withholding the increment under these Regulations.

(2) Where an increment, the payment of which has been suspended under this regulation, is not withheld under regulation 25 or otherwise, it shall be restored with effect from the date upon which it would have been granted had it not been suspended.

Reprimand and warning

27. Nothing in these Regulations shall prohibit any disciplinary authority from issuing a reprimand for, or a warning for unsatisfactory work or conduct to a teacher or any authorised teacher from issuing that reprimand or warning to any teacher directly subordinate to him.

Absent without leave

28.-(1) Where a teacher is absent from duty without leave or reasonable cause for a period exceeding five days consecutively, that teacher may be charged with the disciplinary offence of being absent without leave and punished by dismissal.

(2) If the whereabouts of the teacher charged under sub-regulation (1) are not known, a copy of the charge shall be served by leaving it at the place where such teacher is known to have resided prior to the absence or by sending it to the teacher's last known address.

(3) Service in accordance with the provisions of sub-regulation (2) shall be deemed to be good service of the charge for the purpose of disciplinary proceedings being proceeded with in accordance with these Regulations.

Absent on account of illness

29.-(1) A teacher shall not absent himself from duty on the grounds of illness for a period exceeding forty-eight hours without a certificate from a government of medical officer or any recognized medical practitioner.

(2) Subject to sub-regulation (1), failure to produce such certificate, may cause a disciplinary proceeding to be instituted against that teacher unless in a circumstances in which in the opinion of the Chef Executive officer, it was not possible for him to obtain a medical certificate and he was genuinely ill.

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(c) Appeals

Time of appeal 30.-(1) Where a teacher desires to appeal against a decision of the disciplinary authority, he shall, within forty five days of the receipt of the decision, appeal to the appellate authority referred to under section 13 of the Act in writing copied to the disciplinary authority.

(2) Except where the appellate authority is satisfied that the disciplinary authority is in possession of a copy of the appeal, the appellate authority shall serve a copy upon the disciplinary authority.

(3) The disciplinary authority shall, within fourteen days of receipt of service of appeal, submit to the appellate authority its representation in writing with a copy to the concerned appellant.

Appeal procedure and decisions 31. The procedure for appeals, entitlement to copies of decision and decisions of appellate authority referred to under regulations 62, 63 and 64 respectively of the Public Service Regulations, 2003 shall apply *mutatis mutandis* to appeal procedure and decisions under these Regulations.

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PART IV

TEACHERS WELFARE AND DEVELOPMENT

Teachers' welfare and development 32. Save as otherwise provided in these Regulations, the provisions of clauses 29 to 43 of the Teachers Service Scheme, 2016 shall have effect welfare and development of teachers in the service.

Application of Public Service Standing Ordres 33. In the construction of the applicable welfare and entitlement for teachers, any entitlement to a public servant which is reviewed or upgraded to the benefit of a public servant in Public Service Standing Orders or such other directives in the Public Service shall, unless expressly excluded in that instrument be applicable to teachers' service.

PART V
REGISTRATION OF TEACHERS IN THE SERVICE AND
PROCEDURE FOR MAINTANANCE OF REGISTER

District office
to register
teachers

34.-(1) The District office shall, in accordance with section 5(f) of the Act, be responsible for the registration of teachers in service.

(2) A person shall not engage in the teaching service unless such person is registered.

Register of
teachers

35.- (1) The District office shall cause to be kept a register which shall contain-

- (a) the names and addresses of every teacher registered under the Act;
- (b) the qualifications in respect of which the registration is granted;
- (c) such other particulars as may from time to time be prescribed by the District office.

(2) A register kept under this section shall be a public document.

Correction of
the register

36.-(1) The Assistant Secretary may, from time to time and as soon as is reasonably practicable make such alterations to the register as are necessary to correct any error in the particulars entered in the register.

(2) An alteration under sub-regulation (1) may be made by the Assistant Secretary on its own motion or at the request of an interested party.

Removal of
name from the
register

37.-(1) The Assistant Secretary may, after inquiry, cause to be removed from the register the name of any person -

- (a) who has died;
- (b) for whom the Assistant Secretary is satisfied that the registered teacher has obtained registration through fraudulent means;
- (c) who is convicted of a sexual offence against a pupil or student;
- (d) who is convicted of a criminal offence which, in the

opinion of the Assistant Secretary , renders the person unfit to be a teacher;

- (e) against whom the Assistant Secretary is directed that the name be removed as a result of disciplinary proceedings instituted under these Regulations; or
- (f) suffers from such physical or mental illness or infirmity which renders the person incapable of performing the duties of a teacher:

Provided that, a teacher shall not be determined to suffer from physical or mental illness or infirmity under paragraph (f), unless with medical evidence issued by a recognized medical practitioner.

(2) The Assistant Secretary shall cause the name and particulars of a teacher whose name is removed from the register under sub-regulation (1) to be published in the *Gazette* within one month from the date of such removal.

(3) Subject to the provisions of these Regulations, the removal of a teacher's name from the register shall be notified by the District office to the person by registered mail addressed to his or her last known address.

(4) Where the name of any teacher is removed from the register under these Regulations, such name shall not be reinstated except by direction of the Assistant Secretary.

(5) A teacher whose name is removed from the register shall cease to be a teacher for purposes of this regulation with effect from the date of such removal.

Reinstatement
of name in the
register

38.-(1) Where the name of any person is removed from the register, the Assistant Secretary may, either of his own motion or on the application of the concerned teacher made in the prescribed manner, and in either case after observing due process, direct that-

- (a) the removal of that teacher's name from the register be confirmed; or
- (b) the name of the teacher be restored in the register.

(2) An application under sub-regulation (1) may only be made after the expiry of a period of eighteen months from the date of removal of the name from the register.

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Publication of
the register

39.-(1) The Assistant Secretary shall cause to be published and publicized annually, in an accessible manner, a list containing the names, addresses and qualifications of all registered teachers appearing on the register as at the thirty first day of December in the previous year.

(2) Notwithstanding sub-regulation (1), the District shall cause any alterations in the entries in the register which have been made since the last publication, to be published one month from the date of such alteration.

PART VI DISTRICT OFFICE

Assistant
Secretary

40. A district office established pursuant to section 11 of the Act shall be headed by an Assistant Secretary who shall be responsible for the functions of the district office.

Duties of
Assistant
Secretary

41. In discharging the functions of the district office, the Assistant Secretary shall perform the following duties-

- (a) be responsible for the management of teacher's service at the District level;
- (b) process and maintain a database of all teachers in the service within the in the District;
- (c) undertake registration of teachers on behalf of the Commission within the District;
- (d) ensure equitable distribution of teachers in the District;
- (e) ensure adherence to the values and principles of public service and promote the Teachers Service District core values;
- (f) facilitate the process of teacher recruitment;
- (g) monitor, evaluate and report to the Commission on teacher performance; and
- (h) implement directives and guidelines on teacher management as may be issued to it by the Commission .

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PART VII
CODE OF ETHICS AND CONDUCT

Code of Ethics
and Conduct

42. For the purpose of-

- (a) ensuring efficient service for quality teaching and adherence to professionalism in the teaching profession within the public service;
- (b) ensuring integrity, efficiency and quality of service provision in the Commission,

there is established a Code of Ethics and Conduct for Teachers Service Commission as provided in the Third Schedule to these Regulations.

Teacher's
awareness of
the code

43.-(1) where any person is first appointed to the teacher's service, he shall be provided with a copy of the Code of Ethics and Conduct for teachers in the service.

(2) Every teacher in the service shall be required to sign a declaration of compliance with the code.

Effect of
breach of
Code of Ethics
and Conduct

44. The breach of Code of Ethics and Conduct prescribed under the Third Schedule to these Regulations shall warrant a disciplinary action commensurate in the manner provided for in these Regulations.

PART VIII
COMMITTEES OF THE COMMISSION

Establishment
of Committee
of the
Commission

45.-(1) There shall be a Committee of the Commission to be known as Ethics and Discipline Committee which shall be constituted from amongst the members of the Commission .

(2) The Ethics and Discipline Committee shall determine all matters relating to ethics and discipline of teachers and recommend to the Commission for decision.

(3) The Provisions of the Fourth Schedule shall apply *mutatis mutandis* to the conduct of meetings of the Ethics and Discipline Committee.

Establishment
of District
Office

46.-(1) There shall be a Committee of the Commission at the District Office to be known as Appointment, Promotion and

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- | | |
|--|--|
| Committee | Discipline Committee. (2) The composition, terms and proceedings of the Committee shall be as provided in the Fourth Schedule. |
| Functions of the Appointment, Promotion and Discipline committee | 47. The Appointment, Promotion and Discipline Committee shall- (a) exercise disciplinary powers over teachers under its jurisdiction; (b) subject to section 13 of the Act, be the appellate authority at the district level; and (c) determine matters relating to appointment and promotion of teachers in such manner as the Commission may determine. |

PART IX
GENERAL PROVISIONS

- | | |
|----------------------|--|
| Duty to Keep Records | 48.-(1) It shall be the duty of the Commission, the employer and the teacher to keep employment records for the purpose of reference for calculations of the employee's terminal benefits. (2) Employment records kept by both the employer and the teacher shall be regarded as original copies duly signed by authorized person. (3) Where there is no possibility to get hold of employment records from the employer's end, records in custody of the teacher shall be used for any purpose provided that such records are in the original form. |
|----------------------|--|

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FIRST SCHEDULE

OFFENCES Warranting Summary Proceedings

(Regulation 20(4))

| NATURE OF OFFENCE | PERMISSIBLE PENALTIES | | |
|--|---|---|---|
| | 1 st commission of the offence | 2 nd commission of the offence | 3 rd commission of the offence |
| Being late for duty without leave or reasonable cause Late attendance being recorded from one hour after official commencing time for three days consecutively. | Written warning | Reprimand | Stoppage of increment |
| Absence from work place during working hours without leave. Actual time of absence recorded. | Written warning | Reprimand | Stoppage of increment |
| Absence from duty without leave. Two days of absence being counted as separate breach. | Written warning | Reprimand | Stoppage of increment |
| Failure to complete a task. Teckoned relatively on the time or cost for making good the harm occasioned thereby. | Written warning | Reprimand | Stoppage of increment |
| Negligence in the performance of duties not endangering the safety of persons or property. Reckoned relatively on the time or cost for making good the harm occasioned | Written warning | Reprimand | Stoppage of increment |

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| | | | |
|---|-----------------|-----------|-----------------------|
| thereby. | | | |
| Failure to comply with instructions not amounting to insubordination. Reckoned relatively o the time or cost for making good the harm occasioned thereby. | Written warning | Reprimand | Stoppage of increment |

SECOND SCHEDULE

CHARGE

(Regulation 15(3))

PART "A"

An example of a charge
(example where the charge is "absent from duty without leave")

STATEMENT OF OFFENCE

Absent from duty for more tyhan five (5) days without leave or reasonable cause contrary to Regulation of the Teachers Service Commission Regulations, 2015.

PARTICULARS OF OFFENCE

Mr/Mrs/Missof P.O. Box..... (name of town) being a teacher namely,(substantive title/duty/post), and at the material time employed at duty office), on the day of.....(month)(year) was absent from duty without leave or reasonable cause.

Date:.....
Signature of Disciplinary Authority

PART "B"

NOTICE

An example of Notice

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(Regulation 15(5))

Mr/Mrs/Miss (Insert address). Take notice that I intend to institute disciplinary proceedings against you. A copy of the charge is endorsed herewith.

You are required to state in writing the grounds upon which you rely to exculpate yourself and your representations should reach me within fifteen day from the date receive this notice.

Take further notice that if your representaqtions do not reach me within the time specified above and having regard to the provisions of regulation of the Teachers Services Commision Regulations, 2015 Iwill proceed with the disciplinary proceedings without any further notice to you.

Date
.....
Signature of the disciplinary authority

I certify that I have received a copy of this Notice

Date
.....
Signature of the accused teacher

THIRD SCHEDULE

CODE OF ETHICS AND CONDUCT FOR TEACHERS SERVICE

(Made under regulation 44)

- | | |
|-------------------------------------|--|
| Ethical Conduct and Behaviour | 1. In order for the Teachers Service to be efficient and respected, teachers shall behave and conduct themselves in the manner stipulated under the Public Service Code of Ethics and Conducts.- |
| Professional conduct | 2. Teachers in the Service shall uphold professional conduct as stipulated under the Teachers' Professional Code of Conduct. |
| Responsiveness | 3. Every teacher shall recognize that he has a level of responsibility to - (a) the pupil under his care; (b) uphold his profession; (c) his employer; and (d) the State. |
| Responsibility towards the | 4. A teacher agrees that his chief responsibility is towards the pupil under his care, and that he has, at all times, a duty to guide each pupil in his full |

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| | |
|--------------------------------------|--|
| child | mental and physical development, both as an individual and as a member of the community. |
| Responsibility towards the community | 5. A teacher must therefore fully understand the community in which he works, he must explain to them their duty to obey all lawful authority and he should by own personal conduct set them an example in these matters |
| professionalism | 6. A teacher recognizes that teaching is vocation and more than mere gainful employment. He therefore undertakes to conduct himself according to the following rules: (a) To follow at all times the highest standard of professional conduct; (b) To work conscientiously and with diligence and regularity; (c) To set a good example in his conduct and his person at all time to the pupils under his care; (d) To tay continually to improve his standard of work and ability; (e) To abuse no right or privilege contained in his conditions service |
| Responsibility to employer | 7. A teacher agrees to serve his employer faithfully and in accordance with the terms of his employment |
| Responsibility towards the State | 8. A teacher must fully understand and be prepared to fulfill his obligation to the state. A teacher accepts the code set out above as the code of professional conduct for teacher and shall adhere to its provisions. |
| Breach of the Code | 9.-(1) The code of Ethics and Conduct for Teachers Service Commission has been issued pursuant to Teachers Service Commission Regulations, 2008. A breach of the Code will be dealt with under Regulation 40, National Security Act, Prevention of Corruption Act or any other relevant law. (2) On its part, the Commission has the obligations to provide the following things- (a) Establish meritocratic principles and procedures to be used in appointment, promotion and in all other service delivery activities (b) Establish a system which specifies the authority, responsibilities and expected actions of each teacher which can then be assessed after a specific time (c) Effect an appraisal system which will enable a public employee to participate in assessing his/her performance. (d) Ensure that safe working conditions prevail which will enable the teacher to discharge his/her duties without undue risk of fear; and (e) Remunerate teachers on the basis of skills, responsibilities and working conditions. (3) For efficient effective and courteous delivery of services to the public, all teachers must observe this Code. |

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FOURTH SCHEDULE

COMPOSITION, TERM AND PROCEEDINGS OF COMMITTEE

(Made under regulations 46(1))

(A) PROVISIONS RELATING DISTRICT COMMITTEE

| | |
|--|--|
| Appointment of Chairman and Members of Committee | 1. The Commission shall appoint the Chairman and four other members of the Committee. |
| Composition of members of Committee | 2.-(1) The members of the Committee shall consist of- (a) the Chairman; (b) District Administrative Secretary or his representative; (c) two representatives who are senior teacher from public schools, one from primary school and the other from secondary school; and (d) one Senior officer responsible for education in the respective local government authority or his representative. (2) The Assistant Secretary shall be a secretary to the Committee. |
| Members to subscribe to an oath | 3. A Member of the Committee shall, before assuming office, subscribe to an oath before a Commissioner for oath as prescribed in the Fifth Schedule to these Regulations. |
| Co opted members | 4. The Commission may co-opt a person to be a member of the committee, Provided that such member shall not have voting rights. |
| Tenure of Office | 5.-(1) The Chairman of a district committee shall serve for a term of three years, and may be reappointed for one further term. (2) Other members of the Committee shall serve for a term of three years, and may be reappointed for one further term. |
| Termination of Membership | 6. Where any member absents himself for three consecutive meeting of the Committee or is determined to be a habitual absentee without reasonable cause, the Chairman shall advise the Commission of that fact, and the Commission may terminate the appointment of the member and appoint another member in his place. |
| Cessation of Membership | 7.-(1) A member shall cease to be a member in case of death, resignation, and breach of code of conduct for teacher, insanity, absence without |

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cause from the United Republic or removal from being a member by the Commission.

Meetings of
Committee

8.-(1) Subject to any general or specific directions by the Commission, the district committees shall meet on quarterly basis.

(2) Without prejudice to sub-regulation (1), a district committee may convene an extra ordinary meeting to deliberate on any matter of urgency.

Minutes of
Meetings

9. Minutes of each meeting of the Committee shall be recorded, kept, read and confirmed or amended and confirmed by the Committee at its next meeting and signed by the presiding Chairman and counter signed by the Secretary.

Quorum

10. At any meeting of the Committee, the quorum shall not be less than two-third of the members.

Validity
of acts of
Committee

11. Proceedings of the Committee shall not be affected by reason of any vacancy of membership at the time of such act or proceedings or any defect in the appointment of any member.

Committee to
regulate its
proceedings

12. Subject to this schedule the Committee shall regulate its own proceedings.

Dodoma,
14th May, 2016

JOHN POMBE MAGUFULI,
President