

**INTERNATIONAL SCHOOL  
OF LUSAKA**



**DISCIPLINARY CODE AND GRIEVANCE  
PROCEDURE**

**WITH EFFECT FROM  
NOVEMBER 2019**

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## **1.0 TITLE**

This document may be cited as:

**The International School of Lusaka Disciplinary Code and Grievance Procedure  
Conduct (the “Code”)**

## **2.0 PREAMBLE**

### THE DISCIPLINARY CODE

- 2.1 Good conduct and behaviour is absolutely essential not only for the smooth running, but also for the successful achievement of the School's objectives. The successful business operation and reputation of the School is built upon the principles of trust, fair dealing and ethical conduct of School employees. Accordingly, all employees are expected to observe the highest standard of discipline. This requires a framework or body of intervening measures, in the form of a disciplinary procedure, providing a clear understanding of the employment relationship between the School and its employees and which will ensure that all employees are made aware of their rights, obligations and applicable disciplinary procedures arising from their employ. Disciplinary action should not be understood and taken as punishment but as Training.
- 2.2 As no Disciplinary Code can exhaustively spell out conduct and behaviour for every act or omission in an employment situation, this Disciplinary Code is designed to regulate acceptable conduct and behaviour of employees of the School, to maintain highest level of integrity and to determine commission of breaches of the Code in a just, equitable and consistent manner. The Disciplinary Code is regarded as a guideline and its interpretation must be adequately flexible in order to adjust to various circumstances.
- 2.3 The School recognizes that the success of disciplinary action depends entirely on fair judgement, understanding, consistent treatment of employees and observance of the rules of natural justice by the Head of School, Senior Management any other officer charged with administering the Code. Unnecessary delays in hearing and determining of disciplinary cases breeds resentments and strains and erodes industrial and labour relations and can be recipe for Industrial conflict.
- 2.4 Judgement in disciplinary matters will remain a prerogative of Management. Whilst it is the prerogative of management to judge on all matters of disciplinary nature, management recognizes the right of an employee to be represented by a union representative or fellow employee at any stage of a disciplinary procedure for purposes of transparency.
- 2.5 The statutory rights of both employer and employee are safeguarded by the conditions and terms of procedure and the code.

- 2.6 There are further specific requirements in the contract of employment covering the employer's rules and regulations for the fulfilment of business, staff honesty, staff diligence, business confidentiality, financial self discipline and rectitude and behaviour, both at place of work and in public, where the employer's good name can be involved.

### **3.0 PRINCIPLES OF DISCIPLINE**

- 3.1 This Code is intended to facilitate, fostering and maintenance of order, discipline, efficiency and integrity in the School. It places the responsibility of compliance of its intervention measures by employees on the management of the School.

- 3.2 The Code is based on the following principles:

3.2.1 The emphasis of any disciplinary system is on prevention, justice and rehabilitation and therefore disciplinary action should, in the first instance, be educational and corrective, while punitive measure should only be taken as the last resort. That similar proven offences committed in similar circumstances should carry similar penalties imposed equitably by the School as provided for in the Schedule of offences and penalties, and it recognises the fact that every disciplinary action is dependent on human judgement thereby errors may occur and therefore provides an appeal system.

3.2.2 It is also important to note that the Code is not intended to interfere with or strain the normal day to day working relationship between Senior Management/Supervisors/Managers and their subordinates and as such, advice, guidance and oral reprimands for conduct likely to have an effect on the performance, organisation and management of the School may be given at the place of work without resorting to formal Disciplinary procedure.

3.2.3 While this procedure protects employees from arbitrary action, the employer is entitled to satisfactory conduct and work performance from its employees.

3.2.4 Although discipline in general will be applied according to these provisions, it should be noted that departure from these norms may be justified as necessitated by exceptional circumstances.

### **4.0 SCOPE OF THE CODE**

- 4.1 This is a single status document and shall apply to every Employee of the School, whether management or contractual.

- 4.2 This Code defines what the School considers to be unacceptable conduct both within and outside the place of work. Accordingly, this Code provides guidance on the consequences of various types of unacceptable behaviour which include, without limitation, the areas which fall within the falling categories:-

- a) Poor Time Keeping and Absenteeism;
- b) Work Performance;
- c) Indiscipline or Disorderly Behaviour;

- d) Dishonest Conduct;
- e) Illegal Industrial Action
- f) Sexual Harassment; and
- g) Other Offences

- 4.3 The acts of misconduct categorised in this Code are not exhaustive and shall not preclude disciplinary action for any misconduct not specified herein.
- 4.4 This Code Provides guidelines of the procedures to be followed in the event of any apparent breach of its provisions or other applicable School rules, regulations and conditions and gives guidance on the general treatment ranging from educative, corrective to punitive measures depending on the circumstances on the case.
- 4.5 This Code also provides for an Appeals Procedure to afford an aggrieved Employee an opportunity to have their case reviewed.
- 4.6 This Code also provides for a grievance resolution procedure

## **5.0 TYPES OF DISCIPLINARY ACTION**

- 5.1 Degrees of discipline are generally progressive and are used to ensure that the employee has the opportunity to correct his /her performance or conduct. A schedule of corrective and progressive disciplinary steps is attached hereto.
- 5.2 The School recognises five categories of disciplinary action, namely:
- a) Verbal Warning;
  - b) 1<sup>st</sup> Written Warning;
  - c) Severe Written Warning;
  - d) Termination; and
  - e) Dismissal

## **6.0 FACTORS DETERMINING DISCIPLINARY ACTION**

- 6.1 No incident or offence can be considered in isolation and the total impact of the offence in a disciplinary action shall be considered. In determining the disciplinary measure to be imposed, thought must be given to the gravity of the offence committed, the frequency of breach, length of service, past record, the amount of damage caused and, in particular, the circumstances which gave rise to the events, the degree of culpability, and precedents (the manner in which similar offences have been treated).
- 6.2 Disciplinary offences are considered particularly grave when they are committed repeatedly and intentionally, when they compromise the reputation of the school or fulfilment of the work plan, cast a slur on professional ethics, cause damage to the employer, or otherwise threaten the existence of the employment relationship.
- 6.3 In all cases, no termination of employment, for disciplinary reasons, shall be effected without the institution of disciplinary proceedings as set out in the disciplinary procedure in this code.

6.4 Subject to the provisions of any other laws, disciplinary action may be instituted in terms of this Code regardless of the fact that criminal proceedings have been concluded where an employee is charged with a criminal offence. An acquittal on the criminal charge shall not preclude the employer from taking appropriate action against the employee for any misconduct committed in terms of this Code. The administrative process shall at all times be conducted as a separate and distinct process from any criminal process.

## **7.0 ADMINISTRATION OF THE CODE**

### **7.1 The Role of Line Management**

7.1.1 The maintenance of discipline shall be the responsibility and function of line management. It is therefore required that supervisors shall deal with all breaches of discipline by their immediate subordinates.

7.1.2 The Human Resources Department shall, however, be consulted for investigation and advice to ensure consistent application of provisions of this Code at every stage and also for record purposes.

### **7.2 The Role of the Human Resources Department**

7.2.1 The Human Resources Department's role is to interpret the Code and to ensure that it is fairly applied.

7.2.2 Without prejudice to the generality of the above, the Human Resources Department shall:

- a) Ensure that the Code and its Procedures are disseminated to and understood by every employee of the School;
- b) Ensure that any disciplinary action taken is consistent with the agreed procedures and appropriate to the alleged offence;
- c) Be responsible for instituting investigations on complaints, raising Charge Confirmation Forms, advising Line Managers and employees on the application of the Code and ensuring that the correct administrative procedures are followed;
- d) Ensure that a secretary is appointed to record the proceedings of every Disciplinary Committee Hearing.

### **7.3 The Role of the Union**

7.3.1 The role of the Union is to educate and encourage their members to observe School regulations and comply with provisions of this Code in order to promote industrial harmony.

- 7.3.2 At any disciplinary hearing, unionised employees may be accompanied by an official from the Union. In such cases the representative would be allowed to comment on matters of procedure and may offer mitigation. Such an official will not be part of the disciplinary committee. An Employee reserves the right not to be represented by a Union Representative.

## **8.0 DISCIPLINARY PROCEDURE**

### *Immediate Supervisor*

- 8.1 Were it is alleged or reported that an employee has committed an offence or is in breach of the School's rules, regulations or procedures, the Immediate Supervisor, after conducting preliminary investigations, shall:

- 8.1.1 Issue a written note of the allegations to the alleged offender, with a copy to the Human Resources Department. The allegation note shall contain a detailed factual description of the acts attributed to the employee and shall be accompanied by copies of documentary exhibits, if any, to be used against the alleged offender. The allegation note must specifically require the alleged offender to respond to the alleged misconduct in writing within three working days **from** the day of receipt of the note.
- 8.1.2 If upon receipt of the explanation the Immediate Superior is satisfied with the explanation he shall dismiss the matter and no record of the request to furnish an explanation shall be kept on the Employee's personal file.

### *Case to Answer-Offences that attract Verbal Warnings*

- 8.1.3 In the event that the Immediate Superior is not satisfied with the explanation provided, and the offence is one which attracts a verbal warning the Immediate Supervisor may counsel and give a verbal warning to the employee.
- 8.1.4 Ordinarily, no record of verbal warnings will be maintained. However, a representative chosen by the Employee, or union representative if the employee is unionised, shall be required to witness what would be deemed to be the last verbal warning in cases of persistent breaches, which last verbal warning will be recorded informally by way of a note and maintained in the Employees personal file.

### *Case to Answer-Offences that attract Higher Sanction than Verbal Warnings*

- 8.1.5 In the case where the Immediate Superior is not satisfied with the explanation provided, and the offence is one which attracts a sanction other than a verbal warning, the Immediate Supervisor shall within two days of receipt of the unsatisfactory explanation raise a formal Disciplinary Complaint Form (the "Charge") which shall charge the employee with an appropriate offence. The Charge shall be raised on the School's Charge Sheet (Appendix 1) in triplicate. The Charge should be clear and precise. It should relate to an appropriate

offence capable of being understood. The employee will be given the original Charge Form while the duplicate will be submitted to the Head of Human Resources Manager, together with the Initial Case Record comprising all the documents and employee's unsatisfactory explanation used or considered by the Immediate Supervisor, and the triplicate maintained on the employee's file.

- 8.1.6 The Employee shall be requested to submit a written exculpatory letter statement within five (5) working days of receipt of the formal Charge

*Pre-Hearing Case Investigation*

- 8.2 Upon receipt of the Duplicate Charge and Initial Case Record, the Human Resources Manager may institute further Investigations into the alleged offence prior to the Case Hearing.

8.2.1 Seven (7) working days from the date of receipt of the Exculpatory Statement will usually be allowed for case investigation. In the case of very serious, complex or possibly criminal cases this may be extended to a period not exceeding (60) working days.

8.2.2 The School, through its appointed Investigative Officers, will record in writing or take statements from the complainant, the alleged offender and any witnesses on the official Statement Form (Appendix 2).

8.2.3 Both the alleged offender and the complainant shall be given an opportunity of naming witnesses whom they think necessary to ensuring a fair hearing of the case.

8.2.4 Save as necessitated by the complexities referred to under 8.2.1 the Investigative Officers shall submit its findings to the Human Resources Manager within seven (7) days from the date of appointment.

8.2.5 If after receipt and consideration of the Investigative Report the Human Resources Manager determines that a case has been established, the Human Resources Manager shall raise a Charge Confirmation Form advising the accused Employee that a prima facie case has been established and that the matter shall proceed to hearing by the Disciplinary Committee. The Charge Confirmation shall state the date and venue of the Hearing.

8.2.6 In the event that additional information or evidence is obtained as a result of the further investigations, such evidence will be availed to the Employee before the Case Hearing.

8.2.7 The Human Resources Department shall make the necessary arrangements to have the case hearing within seven (7) days from the completion of investigations, unless there are exceptional and valid circumstances that make this impossible and the accused has been duly informed of the delay.

8.2.8 The Final Case Record, inclusive of all documents and findings from the Investigation shall be submitted to the Disciplinary Committee within a reasonable period prior to the date of Hearing.

*Investigative Suspension*

8.3 An Employee may be placed on investigative suspension on half or without pay. Investigative suspension is a period, not to exceed sixty working days, during which time an employee is relieved of his or her job because of alleged serious misconduct and it is reasonably conceived that the alleged offender may tamper with evidence of witnesses. An employee may be placed on investigative suspension, on half or no pay, when it is necessary to make a full investigation to determine the facts of the case. The following shall apply in cases of Investigative Suspension:

8.3.1 If after the investigations:

- (a) Dismissal is warranted, the employee shall not be paid for the period of investigative suspension – the discharge shall be effective on the date of the termination interview;
- (b) misconduct is determined, but not of a sufficiently serious nature to warrant discharge, the employee shall receive a warning notice and forfeit pay lost as a result of the investigative suspension and may be placed on disciplinary suspension;
- (c) If no misconduct is determined, the employee shall return to work within the prescribed period and be paid for the time lost as a result of the investigative suspension

8.3.2 The reason/s for suspension will be conveyed to the employee in writing, although such may be relayed in either general or specific terms depending upon the alleged offence. Investigative suspension will not constitute disciplinary action in itself.

*Composition of Disciplinary Committees*

8.4 The composition of the Disciplinary Committee shall be as follows:

8.4.1 The Disciplinary Committee in respect of misconduct of the Head of the School shall be:

- a) The Deputy Chairperson of the Board (Chairperson); and
- b) Three (other) Board members.

The quorum for the Disciplinary Committee Hearing shall be three (3) members.

8.4.2 The composition of the Disciplinary Committee for misconduct of Senior Management personnel shall be three Members of Senior Management to be appointed in writing by the Head of the School and shall not include the Head.

The Chairperson shall be as designated by the Head. The quorum for the Disciplinary Committee hearing shall be three (3) appointed members.

8.4.3 The composition of the Disciplinary Committee for misconduct of an employee other than the Head of the School or any Senior Management member shall be:

- a) The Head of Secondary (Chairperson);
- b) The Business Development Manager; and
- c) The Head of Primary
- d) Any representative from the HR Department.

The quorum for the Disciplinary Committee hearing shall be three (3) members.

#### *Sittings*

- 8.5 The Chairperson, or in his/her absence any delegated officer, shall preside over the sittings of the Disciplinary Committee.
- 8.6 The determination of any matter before the Committee shall be by simple majority. No member shall be entitled to abstain from voting.
- 8.7 The Chairperson may adjourn the hearing on such terms as he may deem fit.

#### *Declaration of Interest*

- 8.8 When a Disciplinary Committee is convened members who have any interest shall declare it before the hearing gets underway and shall not participate in the deliberations during the Hearing. In the event that the quorum is compromised as a result of any declaration of interest, the Chairperson shall have a casting vote.

#### *Witnesses*

- 8.9 Witnesses may include the Immediate Supervisor, any Investigative Officer, and any other person in possession of facts relevant to the Charge.

#### *The Hearing Procedure*

- 8.10 During the Hearing the employee will be confronted with the alleged transgression and he / she will be availed the opportunity to state his / her side of the case. The Committee will listen to and evaluate all the evidence and will come to a conclusion as to the employee's guilt based on the balance of probabilities.
- 8.11 The accused shall be present at the hearing or the case may be heard in absentia if the accused fails to be present for the hearing after due notice of the hearing was properly served on him.

- 8.12 The accused employee shall be entitled to invite a union representative to attend the hearing. In the case of a non-unionised employee, the alleged offender may invite a fellow employee to attend.
- 8.13 The union representative or fellow employee accompanying the alleged offender shall be permitted to ask questions on the hearing procedure and shall also be entitled to offer mitigation on behalf of the accused. The union representative of colleague shall not be entitled to participate in the substantive deliberations of the hearing. The following steps will take place during the hearing:
- a. The Chairperson of the Disciplinary Committee shall explain to the accused employee full details of the charge (s) against him and if possible obtain an acknowledgement that the accused understand the charge.
  - b. The accused shall then be asked to answer the charges stating whether he/she admits or denies the charge and permitted to make any further pertinent comments, notwithstanding the fact that accused may have already made a written statement.
  - c. If the employee pleads guilty, no evidence shall be heard and the Disciplinary Committee will only hear the employees opinion regarding an appropriate disciplinary measure, and review the employees employment record with the School, where after the disciplinary measure is imposed in accordance with the Schedule of Offences
  - d. Where the accused elects to remain silent at the hearing, the Disciplinary Committee shall proceed to determine the case on the basis of the evidence available and the choice of the accused to remain silent shall not be subject to discussion.
  - e. If the employee pleads not guilty, the Chairperson shall call witnesses to state the employer's case and the employee will have the opportunity to cross-examine every witness.
  - f. The employee will then have the opportunity to call his / her witnesses and to question them.
  - g. The Disciplinary Committee may question the employee's witnesses.
  - h. After all the evidence has been heard, the Chairperson shall give the employee the opportunity to summarise his / her case and to give his / her opinion regarding the finding the Disciplinary Committee should arrive at, considering all the evidence.
  - i. The Chairperson shall summarise the evidence before adjourning the Hearing for determination.
  - j. The Chairperson may now adjourn the Hearing to allow the Disciplinary Committee to reach a decision regarding the employee's guilt or innocence

- k. The Disciplinary Committee shall arrive at and communicate its decision to the Human Resources Department within five (5) days from the date of the Hearing.

*Application of Disciplinary Procedure to Senior Management*

- 8.14 Senior Management shall be directly charged by their Immediate Supervisor: The Board in relation to the Head of the School and the Head in respect of all other Senior Management.

## **9.0 APPEALS PROCEDURE**

- 9.1 Any party aggrieved by the decision of the Disciplinary Committee shall have a right to appeal to the Appeal Authority within 7 working days from the date of receipt of the determination of the Disciplinary Committee by completing and submitting Form 2 (Schedule C).
- 9.2 An appeal by the Head shall be heard and determined by the Chairperson of the Board, who shall communicate his decision directly to the Head. An Appeal by any other employee, whether Senior Management or otherwise shall be heard and determined by the Head, who shall communicate the decision directly to the appellant, with a copy to the personal file.
- 9.3 The Chairperson of the Board or Head as the case may require shall hear all appeals from the Disciplinary Committees. When sitting in the capacity as the Appeals adjudicator the Chairperson of the Board or Head as the case may be shall be referred to as the Appeal Authority.
- 9.4 The Appeal Authority shall determine the propriety of all applications to the appeal authority and whether the grounds of appeal are valid.
- 9.5 The Appeal Authority shall determine the appeal on the basis of all facts available and any new evidence that the Appeal Authority may allow to be put before it.
- 9.6 The record of appeal shall be prepaid by the Human Resources Department and shall comprise the following:
  - a) Letter of Appeal;
  - b) Charge Form, Charge Confirmation; Exculpatory Statement;
  - c) Investigations Reports;
  - d) Witness statements and copies of documentary evidence;
  - e) Minutes of Disciplinary Committee; and
  - f) Any other material that may be relevant for the consideration of the appeal
- 9.7 Letters of appeal shall be signed by the appellant. In this regard, any letter of appeal that is not signed or is signed by a third party shall not be entertained and shall be deemed to be null and void.

- 9.8 The review shall be based on the record of appeal as read with the letter of appeal.
- 9.9 The Appeal Authority may in its sole and exclusive discretion decide whether or not to request that the appellant appear in person.
- 9.10 The Appeal Authority shall have the right to review the decisions taken by a Disciplinary Committee by confirming, overruling, reducing, or increasing the penalty.
- 9.11 The decision of the Appeals Committee shall be final and not subject to further administrative review.

## **10. APPLICATION OF PENALTIES AND SANCTIONS**

- 10.1 Disciplinary measures may assume one of the following forms depending on severity of the offence

- (a) Oral warning
  - ◆ This will normally be the first formal action instituted against an employee for failure to meet performance requirements, breach of the terms of employment of the School or other work rules.
  - ◆ Suitable annotation may be made on file and must be advised to the employee and acknowledged in writing.
  - ◆ The acknowledgement of the annotation shall be witnessed by a union representative.
  - ◆ Oral warnings shall not be applied in cases of serious misconduct or other serious infractions

- (b) 1<sup>st</sup> Written Warning

  - ◆ A verbal warning shall remain in force for a period of three (3) months
  - ◆ To be used when previous verbal warning(s) fail(s) to produce the desired corrective action or where stronger action than a verbal warning is required due to seriousness and nature of offence.
  - ◆ Letter must be issued by Human Resources Manager
  - ◆ Employee shall be required to sign acknowledgement of receipt. If refusing to sign, a witness should sign in the presence of the accused, confirming that the warning was issued.
  - ◆ Letter acknowledged by the recipient or witnessed must be sent to Human Resources Manager for the employee's personal file.
  - ◆ The signing of the 1<sup>st</sup> Written Warning shall be witnessed by a union representative.

- ◆ The 1<sup>st</sup> Written Warning will remain in force for six (6) months from the date of issue.
- (c) Severe Final Written Warning
  - ◆ To be used where previous verbal and written warnings had failed to yield desired corrective result and/or where stronger action than the above-mentioned is required due to nature and seriousness of the offence.
  - ◆ Letter to be issued by Head of Human Resources Department.
  - ◆ The offender shall be required to sign acknowledgement of receipt. If the offender refuses to sign, a witness should sign in the presence of the accused, confirming that the warning was issued.
  - ◆ A copy that has been acknowledged/witnessed to be sent to Human Resources Department for employee's personal file.
  - ◆ The signing of the letter of the Severe Final warning shall be witnessed by a union representative.

- (d) Demotion

  - ◆ A Severe Final Written Warning will remain in force for the period of eighteen (18) months from the date of issue.
  - ◆ To be used primarily in cases of poor work performance when the employee is unable to meet the expectations of the job but may be suitable for continuous employment in a lower capacity where a vacancy exists.
  - ◆ Demotion will be administered by the Head of Human Resources Department.
- (e) Dismissal/ Termination

  - ◆ Termination shall mean termination of employment by giving notice or payment in lieu thereof.
  - ◆ Dismissal/Summary dismissal shall be used interchangeably and shall mean termination of employment without notice on grounds of serious misconduct, repeated offences or where an employee commits an offence during the validity period of a severe warning.

- (f) Punitive Suspension
  - ◆ Used where other forms of disciplinary action are proved inappropriate or inadequate and the employee has committed a serious offence that attracts the sanction of dismissal or termination but mitigating factors such as past record or service or lack of previous misconduct mitigate against his/her discharge.
  - ◆ No salary or allowances shall be payable for the duration of the suspension.

10.2 The Penalties prescribed in this Code do not preclude the recovery of losses or payment of compensation by the offender where applicable financial loss has been incurred.

**11.0 CLUSTER CLASSIFICATIONS AND DEFINITIONS OF OFFENCES**

<b>OFFENCE</b>	<b>DEFINITION</b>
Offences relating to Poor Time Keeping and Absenteeism	Failure to observe punctuality, including late reporting for work, absence from working place for any period of time without leave, reporting back late after leave without satisfactory explanation, extending breaks during working hours and staying away from duty.
Offences relating to Work Performance	Failure to achieve a satisfactory standard of performance of assigned duties without reasonable excuse or failure without cause to complete tasks set.
Offences relating to Indiscipline or Disorderly Behaviour	Failure to obey lawful instructions or to comply with established procedures / instructions of supervisors. Any conduct directly or indirectly injurious to or tending to adverse upon, integrity, reputation, image and trustworthy of the School or its

	management or persons or institutions having or anticipating business relationship with the School or disregard of or improper behaviour having effect on the rules, regulations, orders and instructions established for orderly management of School's mission statement, goals and strategies.
Offences relating to Dishonest Conduct	A deliberate act or failure to act with the intention of obtaining an unauthorized benefit. Examples of such conduct include, but are not limited to: forgery or alteration of documents, unauthorized alteration or manipulation of computer files, fraudulent financial reporting, pursuit of a benefit or advantage in violation of the School's conflict of interest policy, misappropriation or misuse of School's resources, such as funds, supplies, or other assets, authorizing or receiving compensation for goods not received or services not performed , authorizing or receiving compensation for hours not worked
Offences relating to Illegal Industrial Action	Participating in or inciting an illegal industrial action
Sexual Harassment	Unwelcome, unsolicited sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature. Sexual harassment occurs whenever a hostile environment is created through humour, vulgar comments, sexually suggestive cartoons, e-mail messages, or posters, as well as actual physical abuse
Other Offences	Any serious act, conduct or omission that is inconsistent with the express or implied conditions of the employment where such offence does is not specifically provided for in the Schedule of Offences

**12.0 SCHEDULE OF OFFENCES AND CORRESPONDING DISCIPLINARY ACTION**

12.1 The offences have been classified into seven (7) major categories as follows:

- a) Poor Time Keeping and Absenteeism
- b) Work Performance
- c) Indiscipline or Disorderly Behaviour
- d) Dishonest conduct
- e) Illegal Industrial Action
- f) Sexual Harassment
- g) Financial Embarrassment

<b>(A) Poor Time-Keeping and Absenteeism</b>					
<b>Offence</b>		<b>1<sup>st</sup> Breach</b>	<b>2<sup>nd</sup> Breach</b>	<b>3<sup>rd</sup> Breach</b>	<b>4<sup>th</sup> Breach</b>
	Habitually reporting for work, meetings or other scheduled assignments late without satisfactory explanation	Verbal warning	1 <sup>st</sup> Written Warning	Severe Final Warning	Termination
	Extended or un-authorized breaks during working hours from point of duty or from the office	Verbal warning	1 <sup>st</sup> Written Warning	Severe Final Warning	Termination
	Idling and/loitering on duty	Verbal warning	1 <sup>st</sup> Written warning	Severe Final Written warning plus suspension without pay for (5) working days	Termination
	Sleeping on duty	1 <sup>st</sup> Written warning	Severe Final warning and Suspension without pay for (5) working days	Termination	
	Unauthorised absence from working place during working hours	Verbal warning	1 <sup>st</sup> Written Warning	Severe Final Warning Letter	Termination
	Leaving work before time without permission	Verbal warning	1 <sup>st</sup> Written Warning	Severe Final Warning Letter	Termination
	Reporting back to work late after leave	1 <sup>st</sup> Written warning and deduction of leave days overstayed	Final written warning plus loss of pay for actual working days of absence	Discharge	
	Absence from duty without permission for any period less than five (5) working days and where no acceptable reason is given on return	1 <sup>st</sup> Written warning	Severe Final Warning and loss of pay for the days absent	Suspension without pay for (5) working days	Termination
	Absence from duty without permission for any period of more than five (5) but less than ten (10) working days and where no acceptable reason is given on return	Severe Final written warning plus suspension without pay for (5) working days	Discharge		
	Absence from work for ten (10) or more consecutive	Summary Dismissal			



	Engaging in sale of merchandise at place of work during working hours	1 <sup>st</sup> Written Warning	Severe Final Warning	Termination	
	Loitering	Verbal warning	1 <sup>st</sup> Written Warning	Severe Final Warning letter	Termination
	Boisterous or disruptive activity in the workplace/ Disorderly behaviour	Verbal warning	Severe Warning letter	Termination	
	Insubordination	Verbal warning	1 <sup>st</sup> Warning Letter	Severe Final Warning letter and suspension for five (5) working days without pay	Termination
	Reporting for work under the influence of alcohol or working under the influence of alcohol or any other intoxicating substance	Severe Final Warning letter	Summary dismissal		
	Possession, distribution, sale, transfer, or use of illegal drugs in the workplace, while on duty, or while operating employer-owned vehicles or equipment	Summary dismissal			
	Drinking alcoholic beverages whilst on duty without authority.	Severe Final Warning letter	Summary dismissal		
	Smoking in a non designated area	Verbal warning	Sever Final Warning Letter	Suspension for five (5) days without pay	Termination
	Unauthorized disclosure of business secrets, security matters or confidential information	Summary Dismissal			
	Issuing unauthorised press statements	Summary Dismissal			
	Unauthorised access to information, computerised or in any other form	Severe final Written warning	Summary dismissal		
	Unauthorised altering or modifying of computer systems/information software	Summary dismissal			
	Malicious damage to School property	Summary dismissal			
	Riotous behaviour bringing the School into disrepute	Summary Dismissal			
	Abuse of authority	Severe Final Warning	Demotion	Termination	

	Being rude, discourteous, or using abusive or insulting language to a fellow employee, student, parents, or members of the public	Severe Final Warning letter	Summary Dismissal		
	Being disloyal and talking maliciously about the School or its employees	1 <sup>st</sup> Warning letter	Termination		
	Falsifying Records or destroying or otherwise removal from their proper place of the School with intent to defraud or mislead the School	Summary Dismissal			
	Carrying unauthorised passengers and/or unauthorised goods using School vehicle	Severe Final Warning letter	dismissal		
	Driving School vehicle without authority	Severe Final Warning and, in case of accident, recovery of any associated costs incurred by the School	Summary dismissal and, in case of accident, recovery of any associated costs incurred by the School		
	Driving School vehicle without a valid driving licence	Severe Final Warning letter and, in case of accident, recovery of any associated costs incurred by the School	Summary dismissal and, in case of accident, recovery of any associated costs incurred by the School		
	Permitting unauthorised person to drive School vehicle	Severe Final Warning letter and, in case of accident, recovery of any associated costs incurred by the School	Summary dismissal and, in case of accident, recovery of any associated costs incurred by the School		
	Unauthorized or misuse of telephones, mail system, or other School equipment or property	1 <sup>st</sup> Written Warning	Severe Final Warning Letter	dismissal	
	Violation of or failure to observe safety or health rules or committing an act or omission which intentionally endangers the health or safety of others and/oneself	Severe Final Warning letter	Summary dismissal		
	Accepting in respect of service rendered in an official capacity, a fee, gratuity, or consideration whatsoever from any person without permission	Severe Final Warning	Termination		
	Using School time for personal business	Warning Letter	Severe Final warning letter and	suspension for five (5) working days	Termination
	Violation of or failure to comply with personnel policies	1 <sup>st</sup> Written Warning	Severe Final Warning Letter	Termination	

Using statements, words or behaviour which amount to discrimination/ rejection/ stigmatisation against HIV / AIDS infected / affected employees.	Verbal Warning	1 <sup>st</sup> Written Warning	Severe Final Warning	Termination
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<b>(D) Dishonest Conduct</b>				
Offence	1 <sup>st</sup> Breach	2 <sup>nd</sup> Breach	3 <sup>rd</sup> Breach	
Abuse of Office				
Persuading, influencing and accepting cash consideration from students, parents, or members of the public under false pretences or using official position in the School to gain advantage	Severe Final Warning	Summary Dismissal		
Accepting or offering bribe in relation to School business	Summary dismissal			
Corruption or bribery, whether or not relating to School business, likely to or actually putting the School's image into disrepute	Summary dismissal			
Misappropriation or misuse of School funds	Summary dismissal			
Defrauding or attempting to defraud the School	Summary dismissal			
Forgery or falsifying School or other official documents	Summary dismissal			
Giving false evidence or information	Summary dismissal			
Theft	Summary dismissal			
Unauthorised removal of property	Summary dismissal			
Failure to declare interest	Severe Final warning	Summary dismissal		

<b>(E) Illegal Industrial Action</b>				
Offence	1 <sup>st</sup> Breach	2 <sup>nd</sup> Breach	3 <sup>rd</sup> Breach	
Inciting an illegal industrial strike	Severe Final written warning	Summary dismissal		
Participating in an illegal strike	Final Severe Warning	Suspension for five (five ) working days without pay	Summary Dismissal	

<b>(F) Sexual Harassment</b>				
Offence	1 <sup>st</sup> Breach	2 <sup>nd</sup> Breach	3 <sup>rd</sup> Breach	
Sexual innuendoes, leering, comments, and remarks; suggestive, obscene, or insulting	1 <sup>st</sup> Written Warning	Severe Final Warning	Summary Dismissal	

	sounds; sexist comments, humour or jokes about sex or gender in general; sending lewd cartoons, emails, cards, presents, or letters; Obscene gestures				
	Sexual propositions, invitations, or other pressure for sex; Implied or overt threats; Patting, pinching, brushing up against the body, and any other inappropriate touching or feeling, attempted or actual kissing or fondling ; assault and rape	Summary Dismissal			
	Sexual or other unlawful or unwelcome harassment or immoral conduct while on duty	Demotion	Summary dismissal		

**13.0 TREATMENT OF CRIMINAL OFFENCES**

- 13.1 The School recognises that criminal offences are defined in various pieces of legislation, including the Penal Code. Some criminal offences as prescribed by legislation may also be offences as prescribed under the School Disciplinary Code and other School rules. Where an employee commits an infraction of any rule that is provided for under both this Disciplinary Code and legislation, the School Disciplinary Code will apply independently of any procedure under such legislation.
- 13.2 Where an employee has been acquitted of criminal charges, by a court of competent jurisdiction, on an infraction for which the School has already determined to be a breach of discipline, the acquittal will not preclude the School from applying the School disciplinary process.
- 13.3 It is the responsibility of an employee who is arrested and detained in police custody to inform the School of the situation. In the event that an employee in detention fails to inform the School of his/her detention, the School may treat the absence as unauthorised.

## **GRIEVANCE POLICY AND PROCEDURE**

### **14.0 GRIEVANCE PROCEDURE**

The School wishes to provide a conducive, productive and ethical work environment. In order to achieve this, the School acknowledges that it requires a well-defined and easily accessible system for processing grievances to try and minimize frustration and discontent among employees. To this end, the School has established an elaborate Grievance Procedure which gives an aggrieved employee or group of employees' access, even to the Head for redress.

### **15.0 APPLICATION AND INTERPRETATION**

#### **15.1 Application**

The Grievance Procedure shall apply to all employees, both permanent and contract, irrespective of level.

#### **15.2 Definition of grievance**

A grievance may be defined as a formal expression of individual or collective dissatisfaction primarily but not exclusively in respect of the application or non-application of collective agreement, terms and conditions of employment, managerial policies or dissatisfaction in respect of inappropriate conduct or activity on the part of the School, management, employees of the School, or any other persons or entities related to the School.

### **16.0 OBJECTIVES AND PRINCIPLES**

#### **16.1 Objectives**

16.1.1 The principle purpose of this grievance procedure is to help maintain a positive work environment with respect and responsibility towards each other by providing a formal framework to enable any employee to seek redress for any grievance relating to their employment. Unlike in the Disciplinary Code and Procedure where the employer is the aggrieved party, in the grievance procedure, it is the employee or groups of employees who is or are the aggrieved party or parties respectively. Consequently, the grievance procedure seeks to:

- a) Protect recognised employee rights;
- b) Enable the employee to challenge unfair or inconsistent Management action which is contrary to the School's policies or Conditions of Service;
- c) Protect employees from unscrupulous managers or supervisors in the treatment of employees at work;
- d) Provide an appeal mechanism through which grievances can be redressed

- e) Settle grievances as close as possible to its point of origin.
- f) Ensure that all staff and the business operations are not hampered due to unresolved differences.
- g) Prevent or reduce the incidence of preventable employee claims and legal exposure

16.1.2 The School cannot guarantee that a specific grievance or complaint will result in an expected action or that the aggrieved employee will be satisfied with the final outcome of the grievance procedure.

## **16.2 Principles**

At all stages of the Grievance Procedure there are certain principles which must be borne in mind by both the employee bringing the grievance and the interviewers:

- a) At any stage of the procedure the employee has the right to be accompanied by a colleague or any union representative to be present and observe the proceedings but not to take an active role in the deliberations.
- b) Any manager handling a grievance should not make a decision or response to the aggrieved member of staff without a thorough investigation of the facts.
- c) All grievances submitted in writing must be responded to in writing.
- d) If it is likely that responses cannot be completed within the specified time frame, then an extension should be agreed with the aggrieved employee.
- e) The employee has the right to submit any documentation or information, which may assist in the presentation of their case.
- f) Except for informal discussions, notes should be made and agreed between the parties as a true and correct record of what took place in a conference.
- g) Copies of the record of any conference must be made available to the employee and to their representative.
- h) Grievances shall be treated with utmost confidentiality.
- i) Any person or group of persons who have presented a grievance shall be immune from any prejudice of whatever form.

## **17.0 PROCEDURE**

### **17.1 Stage 1- Informal Discussions**

17.1.1 An employee with a grievance should in the first instance make every effort to resolve the grievance through informal discussion with their immediate supervisor who will make attempt to resolve the grievance to the satisfaction of the employee.

17.1.2 Employees are urged to approach a supervisor at a time and place that will allow the supervisor to properly listen to the grievance

17.1.3 The immediate supervisor should resolve the grievance within three (3) days from the informal discussion.

## **17.2 Stage 2-Formal Process: Immediate Supervisor**

17.2.1 If a satisfactory settlement is not reached in Stage 1 within three days following the informal discussion, the aggrieved employee may present the grievance in writing to the immediate supervisor. The grievance must state the full names of the grievant, what the problem is, the persons involved in the problem, and any possible solutions to the problem. The immediate supervisor must acknowledge receipt of the submitted grievance by signing and dating a copy of the grievance, which must also be counter signed by the aggrieved employee.

17.2.2 Following receipt of the written grievance, the immediate supervisor will institute a formal investigation into the grievance.

17.2.3 In arriving at a decision relating to the grievance the immediate supervisor may take any or all of the following measures:

- a) Interview any witnesses to the events giving rise to the grievance
- b) Interview other employees who may have been involved in the events or circumstances giving rise to the grievance
- c) Refer the grievance to their superior if the issue in question is beyond their jurisdiction or is above prescribed limits of authority
- d) Communicate directly to the aggrieved employee/s any findings and decisions made on the matter.

17.2.4 A formal written response must be given to the aggrieved employee within five (5) working days from the date of receipt of the written grievance.

## **17.3 Stage 3: Next Higher Manager**

17.3.1 If a satisfactory settlement is not reached in Stage 2 within five days of the date of submission of the written grievance to the immediate supervisor, or if the supervisor is the problem, the employee may refer their grievance, in writing, to the next level of management, in most cases the divisional or departmental manager.

17.3.2 In dealing with the grievance, this next level of management may:

- a) Call for reports from the immediate supervisor who first dealt with the grievance or from other officials who may have been involved in the matter

- b) Conduct such other inquiries and investigations, as they may deem necessary
- c) Convene a conference with the employee and the supervisor or other party to the grievance jointly or with each party individually.

17.3.3 An official from the human Resources Department must be in attendance at all conferences held and shall retain a written record of the circumstance of the grievance on file.

17.3.4 A formal written response must be given to the aggrieved employee within five (5) working days from the date of receipt of the grievance by the higher manager.

#### **17.4 Stage 4: DEPUTY HEAD**

17.4.1 If a satisfactory settlement is not reached in Step 3 within five (5) working days of the date of submission of the written grievance to the higher level manager/divisional head/departmental head, the employee may present the grievance in writing, to the Deputy Head of School by completing Form 3 (Schedule D). A copy of the form shall simultaneously be sent to the Human Resources Manager. The Deputy Head or his/her designee shall schedule a meeting to be held within five (5) working days of the receipt of the grievance by the Deputy Head for the purpose of attempting to resolve the grievance.

17.4.2 In dealing with the grievance, the Deputy Head or his/her designee may:

- a) Call for reports from the immediate supervisor, the record from the relevant official from the Human Resources Department and from other officials who may have been involved in the matter;
- b) Conduct such other inquiries and investigations, as they may deem necessary
- c) Convene a conference with the employee and the supervisor or other parties to the grievance jointly or with each party individually.

17.4.3 The Deputy Head or his/her designee shall respond in writing within seven (7) working days from the date of receipt of the grievance.

#### **17.5 Stage 5: Appeal to the HEAD**

17.5.1 If the grievance is not resolved at Step 4 within seven (7) days of the date of submission of the grievance to the Deputy Head or if the employee is not satisfied with the outcome of stage 4, the employee may appeal directly to the Head.

17.5.2 The appeal must state in detail the ground of appeal, enclosing therewith copies of all correspondence and records which have been exchanged and recorded on the matter. Copies of the letter (excluding the attachments) shall be submitted to the immediate superior and the Deputy Head.

17.5.3 In dealing with the appeal, the Head of the School may:

- a) Call for any additional reports or evidence as he/she may feel is necessary;
- b) Conduct such other inquiries and investigations, as he/she may deem necessary
- c) Convene a meeting with the relevant parties to the grievance jointly or with each party individually.

17.5.4 The Head shall respond to the employee within fourteen (14) working days from the date of receipt of the appeal.

17.5.6 The decision of the Head shall be final.

17.5.7 A written record of the decision of the Head including circumstances of the grievance will be retained on the employee file.

## **18.0 COLLECTIVE GRIEVANCES**

18.1 Any group comprising two or more employees in one section or department who have a common grievance shall have a right to present it to the Head of Section or department, as applicable, either verbally or in writing.

18.2 Where a collective grievance is in issue, the affected employees may nominate a representative to submit the grievance.

18.3 The Head of Section or Head of Department as the case may be shall, upon becoming aware of the grievance immediately attend to the grievance and settle it within five working days of receiving the submission of the grievance.

18.4 Where the Head of Section or Head of Department has failed to resolve the grievance or the group is not satisfied with the outcome the matter may be referred to the Head of School, who shall resolve the grievance within ten working days of receiving it.

18.5 The decision of the Head of School shall be final.

18.6 Where a grievance affects two or more sections, departments or affects all employees of the school the matter shall immediately be referred to the Head of School either verbally or in writing.

18.7 Where the Head of School has failed to resolve the grievance within fourteen days, the matter shall, upon expiry of the fourteen days be referred to the Board of Governors, whose decision shall be final.

## **19.0 ANCILLARY PROVISIONS**

19.1 During the processing of a grievance the employee shall continue to perform his/her work in a normal manner and shall not resort to any other action.

19.2 Nothing in this procedure shall be construed as barring an employee from recourse to reconciliatory channels provided in any applicable employment legislation.

## **20.0 GENERAL ADMINISTRATION OF THE CODE**

- a) Those entrusted with the administration of justice in terms of this Code shall do so with utmost good faith and impartiality and anybody entrusted with that duty who abuses that trust shall be barred from presiding over or participating in any other disciplinary or grievance matter.
- b) Any employee brought before a disciplinary or grievance authority shall be entitled to a fair hearing and shall be presumed innocent until proven guilty by evidence brought forward.
- c) All disciplinary proceedings against employees must be instituted within a period of ten (10) working days from the occurrence of the offence.
- d) A full written record, made at the time of the proceedings, shall be kept for not less than 12 months.

## **21.0 AMENDMENTS**

This Code may be amended from time-to-time by the School as necessitated to comply with applicable legislation and to provide for changed circumstances or new acts of misconduct.

## **22.0 EFFECTIVE DATE**

This Disciplinary Code and Grievance Procedure shall come into force on November 2019

**SCHEDULE B**

**FORM 1**

**DISCIPLINARY FORM**

- 1.
- A. **Employee**
  - 1. Name: .....
  - 2. Department: ..... 3. Position Held: .....
- B. **Alleged Misconduct**
  - 1. Date /Time of offence: .....
  - 2. Where committed: .....
  - 3. Nature of offence: .....
  - 4. Details of offence (written statement or any information to be attached).  
.....  
.....
- C. **Findings:**.....  
.....  
.....  
.....  
If necessary, attach a separate write-up.
- D. **Current Disciplinary Record:** .....
- E. **Disciplinary Penalties:**
  - 1. Disciplinary penalties taken: First, severe and final written warnings and/or suspension without pay, demotion, fine or dismissal .....
  - 2. Duration of warning and date of expiry .....
  - 3. Compensation to be paid .....
  - 4. Employee representative’s comments.....  
.....
- F. **In Attendance**
  - 1. For Disciplinary Authority.....Signature and date .....
  - 2. For Employee .....Signature and date .....

4. For Employee Representative .....Signature and date .....

**SCHEDULE C**

**FORM 2**

**NOTICE OF APPEAL TO APPEAL AUTHORITY**

Name of appellant: .....

Department: .....

In terms of the Code of Conduct, I hereby lodge an appeal against the decision of Hearing Officer, details of which are as follows:

Date of alleged offence: .....

Offence: .....

.....

Decision reached: .....

Reasons for appeal (Attach additional reasons if necessary):

.....

.....

.....

.....

.....

.....

Signed: ..... Appellant

.....Employee Representative (if applicable)

**SCHEDULE D**

**FORM 3**

GRIEVANCE FORM

1. Name of complainant:.....

2. Position: .....

3. Grievance (in Summary): .....

.....

.....

4. Full statement giving all facts including names of witnesses attached.

Yes/No: ..... No. of pages: .....

5. Proposed solution (optional): .....

.....

.....

6. Signed: ..... Date: .....

7. Human Resources Division advised on.....

Signature: .....

8. Witness statement necessary: Yes/No ..... No. of pages .....

Completed on: .....

9. Proceed with hearing: Yes/No .....

(i) If no, give reasons: .....

.....

(ii) If yes, outcome of hearing: .....

.....

Signed: .....

Presiding Manager

Aggrieved

Witness .....

Employee Representative (where applicable)

10. **Settlement accepted:-**

(i) Aggrieved Yes/No .....

(Signature)

(ii) Employee representative Yes/No .....

(Signature)

(iii) Appeal to be made Yes/No .....

**SCHEDULE E**

**FORM 4**

**NOTICE OF GRIEVANCE APPEAL TO THE APPEAL AUTHORITY**

Name of appellant: .....

Department: .....

In terms of the Code of Conduct, I hereby lodge an appeal against the decision of a grievance hearing held at:

Venue:..... Date: .....

Grievance: .....

.....

.....

Reasons of appeal: .....

.....

.....

.....

.....

.....

.....

.....

Signed :.....(Appellant)

.....(Employee Representative)

..... (Presiding Manager)