

GHANA EDUCATION SERVICE COUNCIL



Republic of Ghana

CODE OF CONDUCT FOR STAFF OF THE GHANA EDUCATION SERVICE

REVISED – APRIL 2016

ACKNOWLEDGEMENT

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This support enabled the developers of the Code to probe and deepen their understanding of the United Nations Convention on the Rights of the Child (CRC) which was ratified by Ghana in 1990 and the Children's Act of 1998, (Act 560) and their implications for Educators in the context of disciplining learners and their responsibility to uphold and protect the rights of pupils and students put in their charge.

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Finally, the GES Council wishes to acknowledge with gratitude the following documentary sources consulted in the preparation of this revised Code:

- a) The Ghana Education Service Administrative Regulations
- b) Human Resource Management Policy Framework and Manual for the Ghana Public Services, Public Services Commission (2015)
- c) The Children's Act, 1998 (Act 560)
- d) The Labour Act, 2003 (Act 651)
- e) The Ghana Education Service Act, 1995 (Act 506)
- f) Education Act, 2008 (Act 778)
- g) Commission on Human Rights and Administrative Justice (CHRAJ), 2009. Code of Conduct for Public Officers of Ghana and Guidelines
- h) Leadership for Change – A Handbook for GES Management Staff, Ghana Education Service, 2014
- i) Unified Code of Conduct for Personnel in the Ghana Education Service (GES), 2005 and 2000.
- j) 1992 Constitution of the Republic of Ghana

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LIST OF ABBREVIATIONS

CoC	Code of Conduct
CCT-Gh	Coalition of Concerned Teachers - Ghana
CEDEM	AEDGhana: Centre For Educational Development, Evaluation and Management
CHRAJ	Commission on Human Rights and Administrative Justice
CRC	Convention on the Rights of the Child
GES	Ghana Education Service
GNAT	Ghana National Association of Teachers
MOGCSP	Ministry of Gender, Children and Social Protection
PSC	Public Services Commission
NAGRAT	National Association of Graduate Teachers
NRC	National Review Committee
PTA	Parent Teacher Association
SMC	School Management Committee
SRGBV	School-Related Gender-Based Violence
SSSC	Safe Schools Sub Committee
TEWU	Teachers' and Educational Workers' Union

CODE OF CONDUCT FOR STAFF OF GES

PART 1

1.0 INTRODUCTION

The Education Service provided for under article 190 (1a) of the 1992 Constitution of Ghana and as established under the Ghana Education Service Act, 1995 (Act 506) and subsequently under Education Act, 2008 (Act 778) is responsible for the co-ordination and implementation of the approved national policies and programmes relating to pre-tertiary education.

The education of pupils/students in Ghana has been largely entrusted into the hands of the Ghana Education Service. This places members of the Service, whatever their role, in a special position of responsibility, which requires exceptionally high standard of behaviour and conduct.

As articulated in the United Nations Convention on the Rights of the Child (CRC) which was ratified by Ghana in 1990 and the Children's Act of 1998 (Act 560), children in Ghana have a right to education and should be free from being subjected to harmful or degrading treatment and any type of violence or exploitative labour that shall deny the child of his/her right to education. The staff as duty bearers and members of Ghana Education Service have a responsibility to uphold and protect children's rights.

The Ghana Education Service accepts this responsibility and pledges to seek and maintain at all times, the highest standard of competence and good behaviour. This Code provides a frame of reference for both the disciplinary authority and members of the Service when it becomes necessary to initiate disciplinary action against errant members.

To this end, the Ghana Education Service finds it necessary to codify certain norms which would help achieve high standards of competence and good behavior. Section 9 (e) of the Labour Act, 2003 (Act 651), enjoins the employer as a duty bearer to, "provide and ensure the operation of an adequate procedure for discipline of the workers". This Code of Conduct should not be viewed primarily as a means of imposing sanctions but also designed to emphasize and encourage improvements in individual conduct.

The rules and regulations in this Code should not be regarded merely as a catalogue of offences, penalties and as constituting restraint on members' freedom. They are meant to ensure that the conditions for effective teaching and learning are created and maintained in the country's pre-tertiary educational institutions as well as to inspire responsibility amongst staff to whom the pupils/students are entrusted for their physical, mental, moral, religious and spiritual up-bringing. It also inspires confidence among parents and other stakeholders in the delivery of education services.

This code has been developed in accordance with Public Services Commission's Human Resource Management Policy Framework and Manual for the Ghana Public Services (April 2015). It has been drawn for the guidance of the employees of GES including those engaged in administration, teaching and other supporting services in the performance of their duties.

This Code constitutes rules for regulating the conduct of staff in GES. It has been reviewed to follow modern trends to incorporate School-Related Gender-Based Violence (SRGBV).

Both girls and boys can be victims as well as perpetrators. Such violence can affect the wellbeing of pupils/students putting them at greater risk of educational failure through absenteeism, dropping out and lack of motivation for academic achievement. It also impacts on their mental and physical health, resulting in physical injury, pregnancy, sexually transmitted infections (including HIV & AIDS) or emotional/psychological ill-health.

The Code also includes guidelines on the appropriate response to allegations by pupils/students of SRGBV whether by staff or fellow pupils/students including sections relating to the accessible school procedure by which pupils/students can make confidential complaints, the prompt and effective investigation of such complaints as well as prompt and appropriate procedure for reporting.

PART 2:

2.0 GENERAL DEFINITION OF MISCONDUCT

2.1 Conduct:

- i. Conduct in this context is behaviour, attitudes and character exhibited, for example by anyone within and outside the working environment. The standards of conduct generally required of any member of the Ghana Education Service (GES) would be leadership, selflessness, comportment, integrity, impartiality, fairness and honesty in affecting work and status of the profession.
- ii. Any act of omission without reasonable excuse by an employee that amounts to a failure to perform in a proper manner any official duty assigned to him or her as such or that contravenes any rules, regulations and enactment relating to the Ghana Education Service or that is otherwise prejudicial to the efficient conduct of the Education Service and brings it into disrepute shall constitute a misconduct.
- iii. The setting forth in the following sections of particular types of misconduct shall not be taken to affect the generality of the sub-sections (i) and (ii) of this section.

2.2 Types of misconduct set out in the Code are not exhaustive and therefore make room for other types of misconduct that have not been addressed herein.

2.3 Any breach or non-observance of any section or part thereof of any of the foregoing rules and regulations shall lead to disciplinary action.

2.4 Any act of misconduct by staff not expressly mentioned in this Code or in any regulation operating within the Ghana Education Service shall be reported to the Director-General through the appropriate channel and the Director-General shall refer the case to the appropriate Disciplinary Committee to deal with it.

- 2.5 Subject to existing laws and regulations, representatives of the Teacher Unions and representatives of Management shall be free to express views without fear that relations between them will be affected in any way by statements made in good faith while acting in a representative capacity.
- 2.6 Management shall accord the Teacher Unions representatives all the necessary facilities to enable them carry out their functions promptly and efficiently both during and outside their hours of work.
- 2.7 The Code is classified into minor and major misconduct.
- 2.8 Penalties prescribed for various acts or omissions under misconduct are classified into minor or major penalties.

PART 3:

3.0 RULES OF CONDUCT FOR STAFF

3.1 Teaching Notes

- i. A teacher shall prepare relevant and adequate teaching notes for his/her work in advance.
- ii. It shall be the responsibility of the head of the institution to see to it that this is done.

3.2 Exercises

- i. A teacher shall set adequate amount of written and practical exercises and give homework in all subjects that he/she teaches.
- ii. A teacher shall mark and evaluate all written/practical exercises promptly and carefully.
- iii. A teacher shall set, mark and manage his/her own end of term examination.
- iv. A teacher shall not make derogatory remarks in the exercise books of the child.
- v. A teacher shall not under any circumstance make a pupil/student copy exercise/notes on the chalk/white board while he/she is present or absent; a duty that is the sole responsibility of the teacher.

3.3 Working Hours

- i. Working hours per day shall be as prescribed by law.
- ii. Contact hours for staff and time for reporting for duty shall be determined through negotiations by GES and the unions.
- iii. A staff shall report for duty regularly and punctually as determined by the GES.
- iv. A staff may be required to work beyond the required time in certain circumstances to be determined by the head or GES and the unions.
- v. A record of attendance shall be kept in every educational institution.
- vi. It shall be the responsibility of the head of the institution to see to it that the record of attendance is kept.

3.4 Performance of Duty

- i. A staff shall carry out his/her work in accordance with his/her profession, trade or occupation and in a manner determined by the employer.
- ii. A staff whose work performance is proven through staff appraisal to be below the set standard shall be assisted and given all the necessary encouragement by indicating to him/her the improvement he/she is required to make within a reasonable time frame.
- iii. After two instances of support without improvement, the staff shall be sanctioned.
- iv. Any staff who is found to have forged or falsified any document or impersonated any person with the intent of misleading the GES and general public shall be sanctioned.
- v. Any negligence on the part of a staff, which causes loss, damage or injury shall be a breach of contract of service.

3.5 Private Activities during Business Hours

- i. No teacher shall engage in private and personal conversation during lesson period when he/she is expected to teach or to supervise pupils at work or play.
- ii. No staff shall trade or transact any private financial business on the school premises during school hours.
- iii. No staff shall perform unofficial duties or activities during school hours without permission from the head of his/her institution.

3.6 Co-Curricular Activities

Teachers shall take part in approved co-curricular activities in the institutions in which they work. Some of the approved co-curricular activities shall include; Sporting and Cultural Activities, Field Trips/Excursions, Club Activities and any other contingencies which shall be fair and just.

3.7 Improper Use of Children's Labour

Labour is exploitative of a pupil/student if it deprives him/her of education, leisure or development. Therefore;

- i. No employee shall subject a pupil/student to any form of exploitative labour.

- ii. A staff shall not use the labour of a pupil/student in any form whatsoever with or without the consent of the parent during contact hours.
- iii. An employee shall not send a child on errands for him/her during contact hours.
- iv. No staff shall use the labour of pupils/students for private or personal service with or without the consent of their parents or guardians and of the school head during school hours.
- v. The exploitative activities that staff shall not engage pupils/students in shall include but not be limited to: selling or trading in items, weeding, farming, carrying of water, sand, stone and blocks or doing household chores.

3.8 Protection of Children from Torture and Other Degrading Treatment

a. Physical Violence

Physical harm inflicted on pupils/students in any form constitutes a gross violation of the child's rights. Consequently;

- i. An employee shall not administer any act of corporal punishment, or any act that inflicts physical pain on the children or causes physical harm to their pupils/students such as pushing, pulling, hitting and/or flogging.
- ii. No staff shall subject pupils/students to painful body posture such as "frog jumping", standing in the sun and holding heavy loads on outstretched hands.
- iii. No employee shall punish a child to do any work outside the classroom during contact hours.
- iv. No staff shall cause harm to any pupil/student.
- v. A staff shall not threaten any pupil/student with harm with intent to put that person in fear of harm.
- vi. No employee shall assault any pupil/student.
- vii. A staff shall not subject a pupil/student to or encourage other pupils/students to subject a pupil/student to torture or other cruel, inhuman or degrading treatment or punishment including any cultural practice that dehumanizes or is injurious to the physical and mental well-being of the pupil/student.
- viii. An employee shall intervene to stop a pupil/student from perpetrating physical violence or abuse upon another pupil/student.

- ix. A staff shall intervene to stop a fellow staff from perpetrating physical violence or abuse on a pupil/student.
- x. No correction of a pupil/student is justifiable that is unreasonable in kind or in degree according to the age, physical and mental condition of the pupil/student and if the child by reason of tender age or otherwise is incapable of understanding the purpose of the correction.

b. Psychological Violence

- i. No act of a staff shall have a negative psychological effect on a school child. Therefore, no staff in the course of duty shall intimidate, insult, tease, harass, threaten, snub or discriminate against any child.
- ii. An employee shall not use the physical challenge of children to intimidate or ridicule them.
- iii. A staff shall not by any means or action compel students into activities of which they do not have a clear understanding.
- iv. No employee shall deliberately isolate or ignore any child.
- v. The staff shall advise against early marriage and support children continuing their education.
- vi. No employee shall emotionally manipulate a child to the staff's advantage.
- vii. No staff shall send a child out of class for absenteeism or lateness.
- viii. An employee shall show maximum consideration for feeling and circumstances of learners.
- ix. The staff shall control his/her utterances in order not to threaten with cruel and degrading punishment or hurt the pupil/student.
- x. An employee will intervene to stop a pupil/student from perpetrating psychological abuse upon another pupil/student.
- xi. A staff shall intervene to stop a fellow employee from perpetrating psychological abuse upon another pupil/student.

c. Sexual Violence

- i. No employee shall directly or indirectly do anything that may constitute sexual harassment of a pupil/student.
- ii. Any staff who has carnal knowledge of any female or male pupil/student of any age, with or without his/her consent, shall be guilty of professional misconduct.

- iii. No employee shall compel any female or male pupil/student in his/her school or in any educational institution to marry him/her with or without the consent of the child's parents.
- iv. No staff shall have any carnal knowledge of any pupil/student in his/her own school or in any pre-tertiary educational institution with or without his/her consent.
- v. No employee shall serve as a go-between or knowingly suffer any female or male pupil/student in his/her school or any other pre-tertiary educational institution to resort to or be in or upon a premise for the purposes of carnal knowledge by any person or by himself/herself.
- vi. No staff shall cause or encourage the seduction, carnal knowledge or prostitution of or the commission of an indecent assault upon a pupil/student.
- vii. No employee shall detain any pupil/student for immoral purposes.
- viii. No staff shall by false pretense or false representation procure any pupil/student to have any carnal knowledge with him/her.
- ix. An employee shall not apply or administer to or cause to be taken by any pupil/student any illegal drugs, matter or thing with intent to stupefy or overpower him/her so as to enable the staff or any person to have carnal knowledge with such pupil/student.
- x. No staff shall publicly or in secret willfully commit any acts of indecency towards any pupil/student.
- xi. It shall be the responsibility of any staff who directly or indirectly gets to know of the occurrence of any of these acts to report it to his/her immediate superior.
- xii. A staff shall intervene to stop a pupil/student from perpetrating sexual abuse or violence upon another pupil/student.
- xiii. No staff shall directly or indirectly, instigate, aid, or in any manner facilitate, encourage or promote whether by his/her acts or presence or otherwise any of the above named acts.

3.9 Non-Discrimination

No employee shall discriminate against a pupil/student on the grounds of sex, race, age, religion, disability, health status, custom, ethnic origin, background, socio-economic status or misunderstanding with a parent or guardian.

3.10 Right to Social Activity

- i. No staff shall detain a pupil/student after school as a form of punishment without supervision.
- ii. No employee shall deprive a pupil/student the right to participate in sports or other leisure activities as a form of punishment.
- iii. No staff shall deprive a pupil/student the right to participate in a school-related activity without just cause.

3.11 Favouritism

No staff shall do anything that shall suggest or create the impression that a pupil/student is more favoured than any other pupil/student.

3.12 Inordinate Affection

No staff shall under any circumstance show any form of inordinate affection to any pupil/student. Inordinate affection implies the expression of love or likeness with ulterior motive.

3.13 Role Model

A staff shall serve as role model to learners showing high degree of decency in speech, mannerism, discipline, dressing to portray the dignity of the profession in the general performance of their roles.

3.14 Ideological Influence

No staff shall use their positions to spread their political, religious or other ideologies among pupils/students.

3.15 Absence from Duty

- i. No staff may leave the school/office during working hours without the permission of the head of the institution.
- ii. A staff leaving the school for duty elsewhere shall inform his/her head of his/her whereabouts to facilitate his/her recall in an emergency.
- iii. A staff shall not absent him/herself from work on ground of ill-health without permission from his/her head and subsequent submission of a medical certificate from a certified medical practitioner or registered traditional healer if he/she has to be absent for more than five [5] working days.
- iv. A staff shall not absent him/herself from assigned work without permission.

- v. It is misconduct for a staff to absent him/herself from duty for one [1] or more days continuously without permission or reasonable excuse or cause.
- vi. A staff who absents him/herself from duty continuously for ten [10] working days or more shall be deemed to have vacated post.
- vii. No staff shall leave Ghana without a written permission from the Director-General of the Ghana Education Service.

3.16 Property of Employer

- i. A staff shall not cause a deliberate damage to the property of his/her Employer.
- ii. A staff shall not use the property of the Employer without permission from the appropriate authority.
- iii. No staff shall use the name or property of the Employer for personal benefit or advantage.

3.17 Protection of the Interest of the Employer

- i. A staff shall not divulge privileged or classified information or document to any person or body that is not entitled to have access to such information or document.
- ii. No staff shall engage in any other gainful economic activity at the workplace.
- iii. No staff shall in the course of his/her duties disobey, disregard or willfully default in carrying out any lawful instructions, reasonable orders or directives given by any person or body having authority to give such lawful instructions, reasonable orders or directives.
- iv. A staff shall not engage in any act that brings the name of the Employer into disrepute.
- v. Any act or omission of a staff that amounts to a betrayal of confidence reposed in him or her by the Employer shall constitute gross misconduct.

3.18 Postings

No staff shall refuse to accept posting. Posting within the Service means change of location of work or job, or in the case of first appointment being deployed to a specific workstation.

3.19 Transfers

A staff shall not refuse to go on transfer. Transfer within the Service means a

change in the job or location of work of the staff.

3.20 Insubordination

No staff shall in the course of his/her duties disobey, disregard or willfully default in carrying out any lawful instruction, reasonable order given by any person, Committee or Board having authority to give such order or instruction.

3.21 Health and Safety Rules

- i. The employer shall provide safe, secure, working environment, tools and equipment for work to ensure the health and safety of employees.
- ii. Offices, workshops, laboratories, classrooms and related facilities shall be kept and maintained in a manner so as to ensure that the health and safety of staff, pupils and students are guaranteed in accordance with the relevant laws of Ghana.
- iii. Any infringement of Health and Safety rules at the work-place by a staff amounts to misconduct.

3.22 Presence of Babies in School/Office

Except where permission is sought for a staff's baby to be brought to school/office, no staff shall bring babies or children under school-going age to school/office.

- i. No pupil/student shall be used as a baby sitter.
- ii. The baby shall not be placed at a location where his/her noise or cry may interfere with teaching and learning or any form of work.

3.23 Use of Illegal Drugs at the Workplace

- i. No staff shall use illegal drugs during work sessions or at the workplace.
- ii. Any incapability of a staff on duty brought about by the use of illegal drugs is serious misconduct.
- iii. No staff shall induce a pupil/student by involving or sending him/her to purchase illegal drugs.
- iv. No staff shall involve pupils/students directly or indirectly in using illegal drugs.

3.24 Drinking, Drunkenness and Smoking

- i. No staff shall drink alcohol while on duty or be found drunk during school/office hours.

- ii. Habitual drunkenness shall be considered as bringing the Ghana Education Service into disrepute.
- iii. No staff shall smoke in the classroom/office during school/office hours or in a place within school/office premises.
- iv. No staff shall induce a pupil/student by sending him/her to purchase alcoholic beverage or cigarettes.
- v. No staff shall involve pupils/students directly or indirectly in drinking any alcoholic beverage and/or in smoking any kind of cigarette.

3.25 Unauthorized Collection of Monies, Fees or Levies

No staff shall collect unauthorized monies, fees or levies from pupils/students without the permission of the Director-General of GES.

3.26 Misappropriation of Funds

- i. A staff shall make proper account of public funds in his/her possession or care to an appropriate authority.
- ii. No staff shall misappropriate public funds.
- iii. A staff who fails to properly account for monies in his/her possession, custody or under his/her immediate control shall be made to refund the said money and the requisite sanction shall apply.

3.27 Adverse Internal or External Audit Report

An Adverse Internal or External Audit Report against a staff shall constitute a prima facie charge against him/her and the staff shall be made to explain why disciplinary action shall not be taken against him/her. When investigation is on-going such staff shall be interdicted.

3.28 Giving and Receiving Gifts or Favours

It is a misconduct for a staff to accept gifts or favours directly or indirectly from any person when such gifts or favours may compromise the objective performance of his/her official functions.

3.29 Loan

No staff may advance any loan whatsoever to another staff at interest or act as an intermediary between any staff, registered and recognized money-lender or take part in collecting debts on behalf of any money-lender.

3.30 Financial Embarrassment

- i. Financial embarrassment impairs the efficiency of a staff and may result in disciplinary proceedings being taken against him/her.
- ii. It is the duty of the head of the institution to report to the Director-General through the appropriate channel any staff serving under him/her who to his/her knowledge is in persistent financial embarrassment.
- iii. All cases of proven financial embarrassment shall be noted in the Service Record of the staff.

3.31 Submission of Reports and Data or Information

It is an obligation on a staff upon a request from a superior officer, to submit reports and data or information timely without fail.

3.32 Public Examinations

- i. No staff acting as an invigilator or a supervisor shall offer assistance to candidate(s) at National or public examinations with the intent to cheat.
- ii. No staff shall give fore-knowledge or leak internal or public examination questions to any candidate/person.
- iii. No staff shall connive at and or condone collusion or copying at internal or public examinations.
- iv. No staff shall indulge in or encourage any act of impersonation at public examinations.

3.33 Publications

- i. No staff shall give unauthorized press interviews or releases especially those bordering on policy matters of the organization.
- ii. The paragraph 33 (i) does not affect members who are required as part of their official duties to edit any paper or subscribe articles thereto.
- iii. Where a member gives lectures which are related to matters of policy of the Ghana Education Service, the Director-General or his/her representative shall be consulted and his/her prior approval obtained through the officer's head of department.
- iv. No staff shall publish or offer for sale, exhibit, produce or have in his/her possession, any obscene books, writings, films, drawing, photographs or any other obscene objects or materials with the intention of morally corrupting any pupil/student.

3.34 Participation in Partisan Politics.

- i. Every staff is entitled to his/her own political opinion and may, if qualified, vote at elections.
- ii. No staff shall in the performance of his/her duties engage in any activities that are likely to involve him/her in political controversy or lead to his/her taking improper advantage of his/her position in the Ghana Education Service.
- iii. Any staff who is seeking public office through an election either on the ticket of a Political Party or as an Independent candidate shall apply to the Director-General for a leave of absence without pay.
- iv. An application for such a leave of absence without pay must be submitted in writing at least three [3] months prior to elections.
- v. In the case of bye-elections fourteen [14] days' notice will be required.

3.35 Strikes and Demonstrations

No staff shall involve him/herself in students' strikes, riots or demonstrations.

3.36 Criminal Acts or Omissions

- i. For the purpose of this Code, criminal acts and omissions are classified into two, these are:
 - a) Criminal acts or omissions outside the workplace; and
 - b) Criminal acts or omissions at the workplace.
- ii. Any alleged criminal act or omission by a staff outside the workplace that renders, in the opinion of the employer, the staff unsuitable for his/her present job may provide basis for disciplinary action.
- iii. Any alleged criminal act or omission at the workplace by a staff such as stealing, falsification of records or a deliberate misrepresentation of facts is a gross misconduct.
- iv. A staff who is convicted of a criminal offence involving fraud, theft or dishonesty or sentenced to imprisonment without the option of a fine shall be dismissed from the Service as from the date of his/his conviction.

3.37 Anonymous Letters

No staff shall write or circulate anonymous letters with malicious intent.

3.38 Official Correspondence or Records

No staff shall show or take official correspondence or records to private persons, corporations, companies or other bodies without the express and prior consent of the Director-General or his/her representative.

3.39 Acts of Dishonour

- i. No staff shall involve him/herself in any act that is likely to bring the teaching profession into disrepute.
- ii. It shall therefore be the responsibility of every staff to preserve the dignity and honour of his profession and also maintain his/her own dignity, honour and integrity.

3.40 Outside Remuneration and Volunteer Work

A staff of the GES may provide a service outside the permanent employment of that staff or carry on business, receive remuneration from public funds for activities outside the position of the Staff or engage in volunteer activities, if the service, business or activity does not:

- i. Interfere with the performance of the duty as a GES staff;
- ii. Bring the GES into disrepute;
- iii. Create a conflict of interest or the reasonable perception of conflict of interest;
- iv. Appear to represent Government opinion or policy;
- v. Involve the unauthorized use of work time or Government premises, services equipment, or supplies; or –
- vi. Enable the GES staff to gain an advantage that is derived from the employment of the public servant in the GES.

3.41 Prompt Action on Disciplinary Matters

- i. Any acts of misconduct by a staff shall be dealt with promptly by the appropriate authority.
- ii. Failure by the authority to act promptly and appropriately shall constitute a misconduct.

3.42 Offences Not Mentioned in the Code

Any omission or act of misconduct by staff not expressly mentioned in this Code or in any regulation operating within the Ghana Education Service shall be reported to the Director-General through the appropriate channel and the Director-General shall refer the case to the appropriate Disciplinary Committee to deal with it.

PART 4:

4.0 PENALTIES

4.1 Classification of Penalties

- i. Any breach or non-observance in any section or part thereof of any of the foregoing rules and regulations shall constitute a misconduct for which the offender shall be liable to a disciplinary action.
- ii. For the purpose of this section, misconduct is classified as either Minor or Major.
- iii. The penalty for the various categories of misconduct shall be as follows:

4.2 Category 'A' Penalty for Minor Misconduct

- i. Warning or reprimand (plus surcharge where applicable, to be given, in writing always for record purposes).
- ii. Forfeiture of pay.
- iii. Suspension with loss of pay and/or allowances. (For a period of not more than one month).
- iv. Stoppage of increment. (This means non-payment for a specified period of an increment otherwise due or one year).
- v. Surcharge
- vi. Termination – for persistent misconduct.

Any of the above penalties may be imposed on an Employee for any of the minor misconduct, as the disciplinary authority may consider appropriate and desirable in any particular case.

4.3 Category 'B' Penalty for Major Misconduct

- i. Deferment of increment. (This means a postponement of the date on which the next increment is due with corresponding postponement in subsequent years).
- ii. Reduction in rank or of salary. (Reduction in rank means a removal to a lower grade with an immediate reduction in salary. (Reduction of salary means an adjustment of salary to a lower point on the scale attached to the post in question while the post remains unaffected).
- iii. Suspension. (Suspension means loss of pay and allowances for a period not exceeding one year as the disciplinary authority may direct).

- iv. Removal from the Ghana Education Service. (This means termination of appointment with full or reduced retirement benefits as the disciplinary authority may direct).
- v. Dismissal. (This means termination of appointment with forfeiture of all retirement benefits).
- vi. Termination. (This means that the offender may be treated as [iv] above).
- vii. Striking off name from the Register of Staff. (This means withdrawal of one's certificate of licence to teach/work with consequent termination of appointment for good).

Any one of the above penalties may be imposed on an Employee for any of the major misconduct the disciplinary authority may consider appropriate and desirable in any particular case.

4.4 Minor Misconduct

The classified minor acts or omissions under misconduct are found in the following sections of the Code:

Part 3

Number 1	i, ii
Number 2	i, ii, iii, iv, v
Number 3	i, ii, iii, iv, v
Number 4	i, ii, iii
Number 5	i, ii, iii
Number 6	
Number 7	i, ii, iii, iv, v
Number 8a	i, ii, iii, iv, v, ix, x
Number 8b	i, ii, iii, iv, vii, viii, ix, x, xi
Number 8c	i, xi, xiii
Number 9	
Number 10	i, ii, iii
Number 11	
Number 12	
Number 13	
Number 14	
Number 15	i, vi, vii
Number 16	i, ii, iii
Number 17	ii, iv
Number 18	

Number 19	
Number 21	ii, iii
Number 22	i, ii
Number 29	
Number 30	i
Number 31	
Number 33	i, iii
Number 38	i, ii
Number 39	
Number 40	i, v, vi
Number 41	ii

4.5 Major Misconduct

The classified major acts or omissions under misconduct are found in the following Numbers of the Code:

Number 4	iv, v
Number 8a	vi, vii, viii
Number 8b	vi
Number 8c	ii, iii, iv, v, vi, vii, viii, ix, x, xi, xii
Number 15	iv, vi, vii
Number 17	i, iii, v
Number 20	
Number 23	i, ii, iii, iv
Number 24	i, ii, iii, iv, v
Number 25	
Number 26	i, ii, iii
Number 27	
Number 28	
Number 32	i, ii, iii, iv
Number 33	iv
Number 34	ii
Number 35	
Number 36	i, ii, iii, iv
Number 37	
Number 38	
Number 40	ii, iii, iv, v, vi

PART 5:

5.0 RESPONSE TO GENDER-BASED VIOLENCE

Both boys and girls can be victims as well as perpetrators. Such violence can affect the wellbeing of pupils/students putting them at greater risk of educational failure through absenteeism, dropping out and lack of motivation for academic achievement. It also impacts on their mental and physical health, resulting in physical injury, pregnancy, sexually transmitted infections (including HIV & AIDS) or emotional or psychological ill health.

5.1 Procedure for Parents Guardians Reporting Criminal Gender-Based Violations

- i. The parents/guardians and the victim shall go to the Police and make a complaint. The staff will accompany them if needed.
- ii. The Police after taking statement of complaint will give the victim a Police Medical form [CID Form 98] to attend hospital.
- iii. The Medical Officer will examine the victim and write his/her findings on the police hospital form presented and signed.
- iv. The parents/guardians and victim shall return the hospital form to the Police.
- v. The staff should encourage the parents to make regular follow-ups with the Police.
- vi. The staff must document his/her evidence for reference to help in the prosecution of the perpetrator.

5.2 Procedure for Reporting when a victim is unwilling to report a case of Gender-Based Violence

- i. The staff must counsel the victim to address whatever the victim's reservations concerning reporting might be. If, on the other hand, the victim is unwilling to report the incident, then the staff must respect the victim's wishes and give the necessary referral to enable the victim to get appropriate help including informing the victim's parents.
- ii. The staff shall assist victims of violence and their parents by counselling them so as to reduce the victim's trauma and present the options available to them for redress.
- iii. The staff shall educate pupils/children on their rights as stated in the United Nations Convention on the Rights of the Child and the Children's Act 1998 [Act 560]. Staff have a responsibility to act in the best interests of

the child and enable him/her to grow and develop to his/her fullest potential.

- iv. It is the staff's responsibility to help Parent-Teacher Associations [PTAs] and School Management Committees [SMCs] or Board of Governors and/or Gender-Based Violence Response Committees that will give support to and respond to cases of gender based violence that affect children.
- v. The staff shall ensure that the privacy of a victim of gender-based violence is safeguarded to enable the child to talk in confidence.
- vi. The staff shall educate pupils/students on the proper channels of communication in the school.
- vii. Staff will assess each situation individually to determine whether or not a pupil/student victim needs referral, direct support or both types of response.

PART 6:

6.0 PROCEDURES FOR ENFORCING THE CODE OF CONDUCT

These procedures are to be followed by the appropriate Disciplinary Authority as defined in this Code of Conduct.

- i. For all criminal cases the matter shall be referred to the Police.
- ii. Where a preliminary investigation or inquiry discloses that a criminal offence may have been committed by an officer of the Ghana Education Service, the Disciplinary Authority is entitled to report the matter to the Police or to the Attorney General's office for appropriate action and advice. This, however, shall be without prejudice to the power of the disciplinary authority to take such further or other action in accordance with administrative regulations or impose sanctions in accordance with the disciplinary procedures in this code as are justified by the results of the investigations or inquiry against the officer.
- iii. An acquittal of a member of the Service of a criminal charge shall not disentitle the Service from taking any administrative or disciplinary action against the member in accordance with the Code of Conduct or imposing a sanction against any such member where his/her conduct contravenes or breaches the Code of Conduct or tends to bring the Service into disrepute.
- iv. A member of the Ghana Education Service convicted of an offence involving fraud or theft, or sentenced to imprisonment shall not receive any emoluments from the date of the judgment. Where Part 3, Section 36 of the Ghana Education Service Code of Conduct applies, the Dismissing Authority shall notify the member of the Service convicted of his/her dismissal from the Service.

6.1 Warnings/Reprimands:

1. There shall be a warning, oral or written. In either case the Employee should be advised that the warning or reprimand constitutes the first formal stage of the proceedings.

2. Further misconduct might warrant a final written warning or reprimand, which contains a statement that any recurrence would lead to an imposition of an appropriate sanction.
3. The final stage might be an imposition of an appropriate sanction.
4. Notwithstanding [1] – [3] above disciplinary action may be taken without a previous warning or reprimand in case of gross misconduct.

6.2 Formal Proceedings – [i.e., Disciplinary Hearing]

1. The employer shall ensure that, except for gross misconduct no employee should be dismissed for a first breach of discipline.
2. Disciplinary action may not be taken until the case has been carefully investigated.
3. If the preliminary investigations establish possible wrong-doing, the Disciplinary Authority shall prefer a charge against the accused Officer in writing and where necessary, the Attorney General's Department may be consulted with regard to the terms of the charge.
4. Where the Disciplinary Authority considers it necessary, the accused Officer shall be interdicted before the commencement or in the cause of the inquiry.
5. The accused Officer shall be served with a copy of the charge, together with a brief statement of the allegation on which the charge is based.
6. The accused officer shall be informed in writing of the date, time and venue of the inquiry and the right of the Officer to counsel and to call any number of witnesses during the inquiry
7. The accused officer shall respond in writing within a specified period not exceeding ten (10) working days, stating any grounds upon which the officer wishes to rely to be exonerated from the charges
8. If the accused officer does not respond by the specified date without reasonable explanation or without requesting for and being granted an extension of time, it may be construed that the officer does not wish to make any statement.
9. The Disciplinary Authority shall, if not satisfied with the accused officer's response, refer the matter to the disciplinary committee to inquire into the matter and report to the Disciplinary Authority.
10. The proceedings shall not exceed three (3) months without reasonable cause.

11. Where the evidence may involve professional or technical matters, the disciplinary committee may be assisted, on request or by the direction of the Disciplinary Authority.
12. The disciplinary committee shall determine the date, time and venue for the hearings and invite the accused officer in writing accordingly.
13. Before the inquiry is held, the disciplinary committee shall call on the accused officer to provide a list of persons whom the accused officer wishes to call to give evidence or to produce exhibits on the accused officer's own behalf and the accused officer shall also provide a brief statement of what each witness is expected to give or the exhibits to be tendered.
14. Documentary evidence shall not be used at, or for the purpose of a disciplinary inquiry unless the accused officer has been served with a copy of the document before the inquiry.
15. If the disciplinary committee is satisfied that the evidence or exhibits is material to the charge in question, the disciplinary committee shall make appropriate arrangements for those to be called to attend the inquiry.
16. At the discretion of the disciplinary committee, the accused officer shall, as much as possible, be permitted to be present at the inquiry in person, and if the accused officer is absent without reasonable cause, then at the discretion of the disciplinary committee, the inquiry may proceed without the accused officer.
17. If after the recommendation of the inquiry, further documents are introduced in evidence, the disciplinary committee shall adjourn the inquiry to allow the accused officer adequate opportunity to examine the documents
18. The accused officer shall be allowed to cross-examine witnesses and to call witnesses on behalf of the accused officer
19. A full record of the evidence shall be kept in writing
20. If during the course of the inquiry the Disciplinary Authority considers that an additional charge(s) should be preferred, the Disciplinary Authority shall inform the disciplinary committee who shall adopt the same procedure as adopted in preferring the original charges
21. On completion of the inquiry, the disciplinary committee shall submit to the Disciplinary Authority a report of their findings and recommendations which shall include the record of proceedings and any document or material tendered in as evidence

22. If the Disciplinary Authority is satisfied that the charges are established, the Disciplinary Authority shall consider what sanction, if any, to be applied
23. The accused officer shall be informed in writing as to whether the charge(s) are established and the sanctions that are to be applied
24. If criminal proceedings are instituted against an employee in any court of competent jurisdiction, disciplinary proceedings upon any grounds involved in the criminal charges shall be suspended until the conclusion of the criminal proceedings and the determination by any appeal
25. Disciplinary proceedings may, however, be instituted before, during or after trial, if the criminal offence also amounts to an infringement of the organization's rules or regulations

6.3 Summary Proceedings

An Employee may be dismissed summarily for gross misconduct. In such instance the Employer must set out in writing the nature of the Employee's gross misconduct, specifying the basis of the decision at the time of the dismissal that the Employee was guilty of the alleged gross misconduct.

A copy must be sent to the Employee with a notification of a right to appeal against the decision.

If the Employee wishes to appeal, he/she must inform the Employer. The Employer must then invite the Employee to a meeting to which the Employee must take all reasonable steps to attend. After the appeal hearing the Employer must inform the Employee of his/her final decision.

6.4 Explanatory Notes on Types of Penalties

1. Suspension with Loss of Pay

Suspension with loss of pay is imposed when an employee is found to have misconducted him/herself and given a fair hearing and found guilty of the offence committed. He/she is suspended from duty with a maximum period of two weeks with loss of pay and allowances.

2. **Surcharge** – requesting the employee to make good any consequential loss to the organization as a result of the misconduct.

3. **Reduction in Rank** – the removal from the Staff's current grade to a lower rank or grade, with reduction of salary and other benefits.

4. **Reduction in Salary** – reduction in salary whilst rank remains the same.

5. **Dismissals**

An employee may be dismissed in the following circumstances:

- a) When an Employee is proved through staff appraisal and subsequent support to be incompetent.
- b) When an Employee is found not to have possessed a qualification he/she claimed.
- c) When misconduct of an Employee is a breach of a fundamental term of contract of service [e.g. stealing of Employer's property or money].
- d) When the Employer has a reasonable belief in the guilt of an Employee alleged to have committed a criminal offence at the work place.

Guilt need not to be proved by the Employer. It is even irrelevant if the Employee is later acquitted of the offence or [indeed if Police declines to bring charges against him/her].

6. **Reasonableness**

Reasonableness in such cases will depend on whether the Employer investigated the case to establish the facts and drew tenable conclusions from the result.

7. **Removal**

- i. If, as a result of the operation of law, it is not possible to continue to employ the Employee, removal is necessary. An example is when a driver is banned from driving by a court of law or when an individual is convicted and sentenced to a term of imprisonment for an offence committed outside the workplace.
- ii. If, as a result of operational requirements of the Ghana Education Service, either because of re-organization or introduction of new technology the Employee becomes redundant. In case of removal, the Employee shall be entitled to his/her accrued rights and benefits.

8. Interdiction

- i. An Employee shall be interdicted if he/she is under investigation and that his/her continued stay at post is likely to interfere with the investigation.
- ii. The interdiction shall be justified if there is the likelihood that the offence committed could be grave.
- iii. No employee shall be interdicted in excess of the period of three [3] months.
- iv. A staff who is interdicted shall be paid 50% of his/her salary. If the outcome of the disciplinary proceedings does not result in dismissal/termination, the remaining 50% of the salary withheld shall be restored with interest at the prevailing rate when the final decision is made.
- v. In all cases, interdiction shall not last for more than three months. Where there is the need for the interdiction period to be extended, the Disciplinary Committee shall inform the disciplinary authority who shall in turn seek the approval of the Public Services Commission.
- vi. An employee who is interdicted shall receive half pay excluding any other allowances he/she is entitled to.

PART 7:

7.0 LEVELS OF AUTHORITY FOR IMPOSING PENALTIES

7.1 School Level (Basic and Secondary Levels) – Head of Institution

Basic Level

Headteacher or his/her Representative

Secondary Level

Headmaster/Headmistress or his/her Representative

7.2 District Level – District Director

- i. District Director for staff of District Education Office
- ii. Where a case involves a Staff in Unit school or office, the District Director shall act in consultation with the Regional Manager.

7.3 Unit Offices – General/Regional Manager [for staff of Unit Education Offices]

7.4 Regional Level – Regional Director [for staff of Regional Education Office]

Regional Director or his/her Representative

7.5 Divisional Level

Divisional Director or his/her Representative [for staff of each Division]

7.6 National Level

There shall be a National Disciplinary Committee that shall handle all disciplinary issues that the Director-General may refer to it or appeals that may come up to it.

7.7 Disciplinary Authority for Senior Management and Directorate

Every Disciplinary Committee shall adhere to the procedures provided for in Part 6 supra.

- i. Disciplinary hearings relating to Heads of Institutions shall be handled by the District Disciplinary Committees.
- ii. Disciplinary hearings relating to District Directors shall be handled by the Regional Disciplinary Committees.

- iii. Disciplinary hearing relating to the following officers:
- Regional Director
 - Divisional Director
 - Deputy Director-General; and
 - Director-General
- shall be handled by the Disciplinary Committee of the Ghana Education Service Council

DISCIPLINARY AUTHORITY	STAFF CATEGORY
The President of the Republic of Ghana through the Governing Board or Council	Chief Directors, Chief Executives, Deputy Chief Executives, Directors and Analogous grades
The Governing Board or Council acting on the advice of the Heads of the Organization	Deputy Directors and Analogous Grades
The Head of Organization, acting on the advice of Heads of Division or Department	All other public servants

PART 8:

8.0 PETITIONS AND APPEALS

- 8.1** An Employee of the GES, who is dissatisfied with any sanction or penalty may submit a written petition to the Disciplinary Authority which imposed the sanction or penalty for the review of the decision.
- 8.2** A staff who wishes to appeal shall be given a copy of the Report of the Disciplinary proceedings including, copies of documents tendered in evidence or the relevant parts.
- 8.3** A petition or appeal shall not be entertained unless it is submitted within four [4] weeks of the date on which the decision complained of is communicated to the GES staff. However, the authority deciding the petition or appeal may, at its discretion, extend the limit, if it considers that the circumstances warrant it.
- 8.4** An appeal submitted within six [6] months of the date of the decision after an earlier appeal may be admitted if the authority considering that second appeal is satisfied that there appears in the second appeal, new and material facts which have affected the former decision and adequate reasons for the non-disclosure of those facts at an earlier date have been given.
- 8.5** An appeal from an aggrieved staff shall be addressed to the next level of Disciplinary Authority, who shall appoint a panel to consider the appeal and submit a report for consideration.

- 8.6** If the aggrieved employee is not satisfied with the outcome of the appeal to the next higher level specified above, that employee may appeal to the GES Council through the Director-General.
- 8.7** A decision taken on a petition shall be communicated to the petitioner not later than one [1] week from the date of the decision.
- 8.8** The GES Council shall be the final appellate body within the Service.
- 8.9** An Employee shall have recourse to outside bodies such as National Labour Commission, Commission for Human Rights and Administrative Justice after exhausting all processes within the GES.
- 8.10** An appeal shall not lie against a decision taken, or confirmed by the President of the Republic of Ghana unless the complainant considers it necessary to seek redress in court of competent jurisdiction.

PART 9:

9.0 MISCELLANEOUS

9.1 There shall be disciplinary committees at the School, District, Regional, Divisional and National levels;

9.2 Composition of the School level Disciplinary Committee:

9.2.1 Basic Level

- Headteacher or his/her Representative
- SMC Member
- Union Representative of the Alleged Offender
- Secretary/Recorder

9.2.2 Secondary Level

- Headmaster/Headmistress or his/her Representative
- Assistant Head
- Departmental Head of the Alleged Offender
- Representative of the Governing Board
- Union Representative of the Alleged Offender
- Secretary/Recorder

9.3 Composition of the District Level Disciplinary Committee

- The District Director of Education or a Representative not below the rank of Deputy Director [Chairman]
- The Union Representative of the alleged Offender

- Representative of Education level of the Alleged Offender [COHBS, APTI, CHASS, COMEU]
- District Social Welfare Officer or his/her Representative
- Representative of Parents in the District [Parent member of the PTAs]
- Representative of DEOC
- Secretary

9.3.1 Secretary

An officer in the District Education Office not below the rank of Assistant Director II shall serve as Secretary to the Committee.

9.3.2 Quorum

Five members of the Committee, including the District Director or his/her Representative, shall form a quorum for a transaction of the Committee's business. Decisions shall be by simple majority.

9.4 Composition of the Regional Level Disciplinary Committee

- The Regional Director of Education or his/her Representative not below the rank of Director II.
- Union Representative of the alleged offender
- One representative of the Education level of the alleged offender [COHBS, APTI, CHASS]
- Representative of COMEU
- Regional Social Welfare Officer or his/her Representative
- Representative of Regional Coordinating Council
- Representative of the Attorney-General's Department
- Secretary

9.4.1 Secretary

An officer in the Regional Education Office not below the rank of Assistant Director I shall serve as Secretary to the Committee.

Where the alleged offender comes from a Unit school, the Unit Head shall attend.

9.4.2 Quorum

Five members of the Committee, including the Regional Director or his/her Representative, shall form a quorum for a transaction of the Committee's

business. Decisions shall be by simple majority.

9.5 Composition of the National Disciplinary Committee

- The Director-General or his/her representative – Chairman
- Director, HRMD or his/her representative
- Union Representative of the alleged offender
- Head of Legal Unit of GES/Lawyer
- Secretary

9.5.1 Secretary

An officer at the HRMD not below the rank of Deputy Director shall serve as Secretary to the Committee.

DEFINITIONS

In this Code, unless the context otherwise requires:

“Code of Conduct”: – the rules with which Employees are required to comply.

“Conversation”: – includes but not limited to use of mobile phones.

“Director-General”: – includes any person authorized to act or who generally acts on behalf of the Director-General.

“Disrepute”: – bringing the Service into disrepute – officers shall not conduct themselves in a manner that interferes or appears to interfere with the performance of their duties, engage in any activity that may influence or give the appearance of impropriety or that may undermine the integrity of the Service.

“Employee/Staff/Member”: – any person who is employed by Ghana Education Service Council other than a Consultant.

“Employer”: – Ghana Education Service Council.

“Gift”: – something of value given out with the expectation of receiving something in return.

“Gross Misconduct”: – any act or omission classified under major misconduct.

“Level of Authority”: – refers to either Head of an Institution, District Director, Regional Manager, Regional Director, Divisional Director, General Manager, and Director-General, Ghana Education Service Council.

“Pupil/Student”: – in the Ghanaian school system a “pupil” is used to refer to a learner in the primary school up to Primary 6 while “student” is used for the learner in the Junior High or Senior High School and the tertiary Institutions.

“Privileged or Classified Information/Document”: – document available to a particular employee which is not intended to be made available to anybody except those who, as a right, are entitled to it.

“Reduction in Rank”: – removal from the current grade to a lower rank or grade of the staff, with reduction of salary and other benefits.

“School-Related Gender-Based Violence [SRGBV]”: – school-related gender-based violence refers to all forms of gender-based violence perpetrated against school going girls and boys, which results in their sexual, physical or psychological harm.

It includes any form of violence that is based on gender stereotypes or that targets students on the basis on their sex. It includes, but is not limited to: bullying, corporal punishment, verbal harassment, sexual comments, sexual touching, defilement and rape. Violence can take place in the school, on the school grounds, going to and from school, or in school dormitories and may be perpetrated by teachers, students or community members. Both girls and boys can be victims as well as perpetrators.

Such violence can affect the well-being of students, putting them at greater risk of educational failure through absenteeism, dropping out and lack of motivation for academic achievement. It also impacts their mental and physical health, resulting in physical injury, pregnancy, sexually transmitted infections (including HIV & AIDS) or emotional/psychological ill-health.

Surcharge – Requesting the employee to make good any consequential loss to the Organization as a result of the misconduct.

Posting/Transfers

Postings:

No staff shall refuse to accept posting. Posting within the Service means change of location of work or job, or in the case of first appointment being deployed to a specific workstation.

Transfers:

A staff shall not refuse to go on transfer. Transfer within the Service means a change in the job or location of work of the staff.

Contact Hours – duration of instruction reckoned in hours as determined by the Ghana Education Service and the Teacher Unions.

School Hours – duration of instruction reckoned in hours as determined by the Ghana Education Service and the Teacher Unions.