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SUPPLEMENT TO THE SWAZILAND GOVERNMENT GAZETTE

VOL. XXI]

MBABANE, Friday, May 6th., 1983

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PUBLISHED BY AUTHORITY

LEGAL NOTICE NO. 28 OF 1983

THE TEACHING SERVICE ACT, 1982

(Act No. 1 of 1982)

THE TEACHING SERVICE REGULATIONS, 1983

(Under section 7)

In exercise of the powers conferred upon him by section 7 of the Teaching Service Act, 1982, the Minister for Education hereby makes the following Regulations—

Citation and commencement.

1. These Regulations may be cited as the Teaching Service Regulations, 1983 and shall come into force on the 2nd May, 1983.

Interpretation.

2. In these Regulations unless the context otherwise requires:

“Act” means the Teaching Service Act, 1982;

“Headmaster” includes headmistress or principal;

“Manager” means any person or body responsible for the management of a school and includes the National Education Board established under the Education Act, 1981;

“Medical practitioner” means a person practising as a medical practitioner in a Government hospital, clinic or other Government establishment;

“school” means a school as defined in the Education Act, 1981;

“Register” means the register to be kept by the Commission under these Regulations;

“Teacher” means a person registered as such under these Regulations.

Functions of the Commission.

3. (1) The functions of the Commission shall be to:—

- (a) keep a register of teachers in the service;
- (b) maintain a service adequate to the needs of all schools in Swaziland and shall in liaison with the Director keep a record of the number of teachers in each school;
- (c) review the standard of education, training and fitness to teach of persons in the teaching profession;
- (d) advise the Minister on matters affecting the teaching profession from time to time;
- (e) compile and publish a code of conduct binding on all persons in the teaching profession;
- (f) pay the wages of all persons in the teaching profession at the times when the wages shall be deemed to be due.

(2) Subject to the approval of the Minister the Commission may seek the advice of an existing Teachers' Association on matters affecting the teaching profession with a view to improving and promoting the conditions of service for all teachers.

Registration of teachers.

4. (1) Every person employed or intending to be employed as a teacher in Swaziland shall apply to be registered as such with the Commission.
- (2) A person shall qualify to register if he—
 - (a) has successfully completed a course for teachers and has been awarded a qualification approved by the Director for purposes of teaching; or
 - (b) is in possession of a University degree, diploma or other similar qualification approved by the Director for teaching purposes; or
 - (c) holds an honorary teacher's certificate or has been awarded an honorary teacher's certificate by the Minister; or
 - (d) is a teacher to whom the Unified Teaching Service Act, 1962 applies in terms of section 3 of the said Act.
- (3) An application to register shall, in the case of persons not in training be in accordance with Form TS 1 in the First Schedule hereto and, in the case of persons in training be in accordance with TS 2 in the First Schedule hereto.
- (4) An application in terms of subregulations (1), (2) and (3) shall be accompanied by such proof as the Commission may require and such proof shall be sufficient if an applicant produces —
 - (a) a birth certificate or an affidavit of birth to prove the applicant's date of birth or a presumed date of birth;
 - (b) a certificate of registration or naturalization issued under the Citizenship Act, 1967 to prove nationality;
 - (c) original certificates of educational and professional qualifications to prove educational and professional qualifications.
- (5) Where the Commission is satisfied that the proof required under regulation 4 cannot be provided it may in its discretion accept other forms of evidence as proof.

Medical examination.

5. (1) The Commission may in its discretion require a person registered or applying to register as a teacher to submit to medical examination by a medical practitioner registered under the Medical and Dental Practitioners Act, 1970.

(2) The Commission may refuse to register a person applying to register or terminate the appointment of a person already registered, on medical grounds or upon the recommendation of a medical practitioner.

Expatriate teachers.

6. An expatriate teacher shall—
 - (a) be employed on contract terms not exceeding two years per contract provided that the Commission may extend or renew the contract;
 - (b) not be admitted into the permanent and pensionable establishment;
 - (c) be entitled to free education for his children at primary and high school level in a school in Swaziland to be approved by the Commission or to an education allowance to be determined by the Commission for his children at primary and high school level in a school of his choice;
 - (d) be entitled to such inducements and gratuities as the Commission may prescribe from time to time;

- (e) be entitled to free passage for himself, his wife and children under the age of eighteen years;
- (f) be entitled to repatriation, at the expense of the Commission to his place of origin at the end of his appointment;
- (g) if he is from the United Kingdom, in addition be entitled to paid compassionate leave.

Point of entry into the service.

7. (1) A person appointed as a teacher under these Regulations shall be appointed on probation for a period of two years calculated from the date of his appointment.

(2) The Commission may in its discretion reduce or extend the probationary period.

(3) A probationer may be confirmed in his appointment at the end of the probationary period if in the opinion of the Commission he is a suitable person to keep in the service.

(4) It shall be the duty of a manager to supervise and assess the progress of a probationer and, at the end of the probationary period, to make a report to the Commission on the progress of a probationer with such recommendations as the Manager deems merit the case.

(5) The Commission in forming its opinion on whether or not a probationer is a suitable person to keep in the service shall be guided by the report made to it by a Manager.

(6) The Manager shall, where he is of the opinion that the progress of a probationer is not likely to merit confirmation to the service at the end of the probationary period, warn the probationer in writing of the fact and give the reasons for such an opinion.

(7) An appointment to a probationer made under these Regulations shall be in accordance with Form TS 5 in the Second Schedule hereto.

(8) An appointment into the service made under these Regulations to a person other than a probationer shall be in accordance with Form TS 6 in the Second Schedule hereto.

Confidential reports.

8. (1) A Manager shall, in a form to be prescribed by the Commission, compile a confidential report on the performance by a teacher in the service of his duties.

(2) A report compiled under subregulation (1) shall be submitted annually by the Manager to the Commission.

(3) The Commission may at any time request the Manager to submit a confidential report on the performance by a teacher in the service of his duties.

(4) In considering whether or not a teacher in the service qualifies for an increase in salary or for a promotion, the Commission shall be guided by a report made under subregulation (1).

Leave—General.

9. (1) An application for leave shall be made by a teacher to a Manager in such manner as the Commission may prescribe from time to time.

(2) A Manager may grant leave to a teacher during a school term if such leave is required for —

- (a) attending a church conference;
- (b) writing an examination recognised by the Commission;
- (c) compassionate reasons;

Provided that such leave shall not be granted without the approval of the Commission if it will exceed seven days in one calendar year.

Maternity leave.

10. (1) Subject to subregulations (2) and (3) every female teacher who has been in the service for twelve months or more continuously, shall be entitled to paid maternity leave for a period not exceeding sixty (60) calendar days.

(2) All unmarried female teachers shall be granted leave in terms of subregulation (1) in respect of a first child and subsequently only unpaid maternity leave shall be granted.

(3) All female persons employed in the service on a temporary basis shall not be entitled to paid maternity leave.

(4) Maternity leave granted in terms of subregulation (1) shall be granted at intervals of not less than two years calculated from the date of birth of each child.

(5) An application for maternity leave shall be made in accordance with Form TS 3 in the First Schedule hereto.

Sick leave.

11. (1) A person in the service shall be granted sick leave as follows —

(a) up to six months sick leave on full pay;

(b) up to six months sick leave on half pay thereafter.

(2) The Commission may grant an extension of sick leave on half pay for a period not exceeding thirty days.

(3) A further extension of leave with no pay may be granted by the Commission for a period not exceeding three months if it appears to it that a teacher will be fit to resume his duties within a reasonable period after his sickness.

(4) If after the expiry of an extension made under subregulation (2) a teacher is certified by a medical practitioner registered under the Medical and Dental Practitioners Act, 1970 unfit to resume duty and it appears to the Commission that the teacher will not be able to resume his duties within a reasonable period, the Commission may terminate the appointment of such teacher.

(5) An application for sick leave made under subregulations (1) and (2) shall be accompanied by a certificate of incapacity covering the period of sick leave claimed signed by a medical practitioner.

(6) An application for sick leave be made in accordance with Form TS 3 in the First Schedule hereto.

Study leave.

12. A person in the service shall be entitled to paid study leave for a period not exceeding twelve months.

Resumption of duty.

13. A person resuming his duties after leave shall fill in and submit to the Commission through his Manager Form TS 4 in the First Schedule hereto.

Discipline.

14. (1) Subject to these Regulations a person in the service who absents himself from duty for a period exceeding forty-eight hours without either the permission of his headmaster or a certificate signed by a medical practitioner certifying that he was unfit for duty for that period shall forfeit such portion of his salary as covers such period of absence.

Misconduct.

15. (1) A teacher who:—

- (a) conducts himself in a way which interferes to a material extent with the efficient operation of a school;
- (b) uses or attempts to use for purposes unconnected with the service information which he may have gained in the course of his duties;
- (c) is disobedient or insolent in the course of his duties;
- (d) is negligent or lazy in the performance of his duties;
- (e) renders himself unfit for duty by reason of the use of intoxicants or drugs;
- (f) is guilty of immoral conduct;
- (g) does or attempts to do anything which is likely to bring the service into disrepute;
- (h) uses or attempts to use his position in the service to further the ends of a political party;
- (i) uses or attempts to use his position in the service to encourage hatred or contempt towards the Government of Swaziland; or
- (j) for any other reason which entails for the service similar detrimental consequences to those set out in this Regulation.

shall be deemed to be guilty of misconduct.

(2) A Manager of a teacher who has misconducted himself in terms of subregulation (1) shall—

- (a) inform the teacher in writing of the misconduct alleged against him;
- (b) allow the teacher an opportunity to present his defence in writing.

(3) If the Manager is not satisfied with the defence presented by the teacher, he shall forward to the Commission a written complaint and a copy of the teacher's defence for consideration by the Commission.

(4) If, a Manager considers the misconduct alleged against a teacher to be of a serious nature, he may suspend the teacher from service pending a decision by the Commission thereon.

(5) A teacher suspended in terms of subregulation (4) shall receive a portion of his salary not exceeding one-half of his full salary as the Commission may determine.

(6) If after consideration of his case by the Commission, a teacher is found not guilty of misconduct, he shall be entitled to receive the portion of his salary withheld during the suspension period.

Inefficiency.

16. (1) If, in the opinion of the Manager, a teacher is not performing his duties in an efficient or satisfactory manner, the Manager shall—

- (a) inform the teacher in writing of his opinion and reasons for such opinion;
- (b) give the teacher a period not exceeding three months within which to improve his performance.

(2) If, after the expiry of the said period the Manager is of the opinion that the teacher has failed to improve the performance of his duties, the Manager shall inform such teacher in writing of his opinion and shall allow the teacher an opportunity to make any representations in writing as might explain his failure to improve his performance.

(3) The Manager shall forward to the Commission a copy of his opinion made under subregulation (2) together with any representations made by the teacher for consideration by the Commission.

(4) The Commission shall after giving the teacher sufficient time to make any representations to it, appoint an officer in the Ministry of Education to investigate the performance of such teacher and to report his observations to it.

Liability for misconduct and inefficiency.

17. (1) A teacher found guilty of misconduct under Regulation 15 or inefficiency under Regulation 16 by the Commission may —

- (a) be dismissed from the service;
- (b) be reduced in rank if he holds the position of headmaster or vice headmaster;
- (c) have any allowance he might be receiving by virtue of his office withdrawn;
- (d) have his increment stopped for a period as the Commission may determine;
- (e) be given a written reprimand.

(2) If a teacher has had his increment withheld, the Commission shall review his case at intervals not exceeding three months and shall, where appropriate restore such increment.

(3) The withholding of a teacher's increment shall not where the increment is restored, prejudice a teacher's entitlement to future increments.

Suspension following a criminal charge.

18. (1) If a teacher is remanded in custody, a Manager shall suspend such teacher from duty and shall refer the matter to the Commission for its consideration.

(2) A teacher suspended in terms of subregulation (1) shall receive a portion of his salary not exceeding one half of his full salary as the Commission may determine.

(3) Where a teacher is subsequently acquitted of the charge for which he was placed in custody, the suspension shall be withdrawn and he shall be entitled to receive the portion of his salary withheld during the suspension period.

(4) Where a teacher is subsequently convicted of the charge for which he was placed in custody the Commission shall—

- (a) where the teacher is convicted and sentenced to a fine not exceeding one hundred Emalangeni or imprisonment not exceeding three months or to both such fine and imprisonment, suspend such teacher without pay for the period he was in custody;
- (b) where the teacher is convicted and sentenced to a fine exceeding one hundred Emalangeni or to imprisonment exceeding three months or to both such fine

and imprisonment, terminate the appointment of such teacher and shall not re-employ the teacher into the service before the expiry of twelve months calculated from the day the sentence was passed on the teacher.

Resignation.

19. A teacher intending to resign from the service shall, if he is on probation give the Commission one month's notice in writing of his intention to resign and, if the teacher has been confirmed in his appointment, give the Commission three months notice in writing of his intention to resign.

Retirement.

20. (1) A teacher shall retire from the service upon attaining the age of sixty years.
- (2) A teacher may retire from the service upon reaching the age of fifty-five years by giving the Commission three months notice in writing of his intention to retire.
- (3) The Commission may on three months notice in writing retire a teacher —
- (a) any time after such teacher has attained the age of fifty-five years;
 - (b) for reasons of infirmity of mind or body certified by a medical practitioner to be likely to be permanent or render the teacher unfit for service;
 - (c) because the teacher is redundant.

Miscellaneous.

Subsistence allowance.

21. A person holding the post of headmaster or vice headmaster shall be entitled to a subsistence allowance in the same manner and at the same rates provided in the Swaziland Government General Orders as amended from time to time.

Other allowances.

22. (1) A teacher may be entitled to such allowances as the Commission may determine and in such manner as provided for in the Swaziland Government General Orders.
- (2) Such allowances may include a motor vehicle loan, a housing loan and a travel allowance.

Rent.

23. A teacher housed in school accommodation shall pay his rent in the manner and at the rates set out in the Establishment Circular No. 10 of 1980 as may be amended from time to time.

FIRST SCHEDULE

T.S. 1

(Under Regulation 4(3))

Application for entry to the Swaziland Teaching Service

(This form is to be used by applicants other than those in training in Swaziland Training Colleges.)

N.B. This form is to be submitted, (in duplicate) to the Education Department through the Grantee with whom the teacher is seeking employment.

1a. SURNAME..... 1b. Other Names.....

..... 1c. If Married: (Surname before marriage)

..... 1d. Chief

1e. Induna..... 1f. Headman.....

2. Full Postal Address

3. Home Language

(State Swazi, Zulu as the case may be)

4a. Sex..... 4b Graded Tax No.

5. Date of Birth (or if unknown, year of Birth).....

6a. State whether married or single.....

7. Religious Denomination

8. **Qualifications;**

(i) **Academic;**

(ii) **Professional;**

9a. Previous teaching Experience.

Name of School	Name & Address of Grantee or School Manager	From	Until

9b. Subjects and Standards taught.....

10. Have you ever been dismissed from a teaching post?.....

11. Name and address of your last employer.....

12. Name and address of one other person who knows you well.....

13. State when you will be free to commence duty:.....

I certify that the information given above is correct.

Date

Signature of Applicant

Permanet Secretary for Education,

I am prepared to offer this teacher employment, subject to his/her being admitted to the Teaching Service.

Signed

Principal Secretary

Date.....

Note: The following documents **MUST** accompany this application:

- (a) Birth or Baptismal Certificate or a affidavit of birth signed by a District Commissioner.
- (b) A Certificate of Health completed by Medical Practitioner.
- (c) The original Certificate of your last School or University.
- (d) Your original Teachers Certificate.
- (e) The original of one testimonial from a person other than those given at paragraph 12 above.
- (f) Record of service issued by Education Department or Headmaster(s) under whom you have been serving previously.

Checked and Certified Correct.

.....
DISTRICT EDUCATION OFFICER

Date:.....

FIRST SCHEDULE

T.S. 2

(Under Regulation 4(3))

APPLICATION FOR ENTRY TO TEACHING SERVICE

(Form to be used by Swaziland Students approaching the end of their teacher training)

1. Surname

Other Names

1a. Married or Single

2. Date of Birth 3. Graded Tax No.

4. Chief 5. Induna

6. Headman 7. Sex

8. Religious Denomination

9. I am attending the Lower Primary Course

Higher Primary Course

Domestic Science teacher's Course (two or three years)
Junior Secondary Teachers' Diploma Course (Delete whichever is
inapplicable)

..... Degree Course

at Teacher Training Centre/College

10. Preferred first posting

11. Reasons for choice given at paragraph 10

.....

.....

.....

12. My second choice of posting is

13. My home address is

I FULLY UNDERSTAND:

That under T.S. Regulations, I will be posted where I am needed and not necessarily to the school or District of my choice.

Signed

Date

I have checked the entries on this form with the student and I can certify that they are correct.

Signed

Principal

Date:

FIRST SCHEDULE

T.S. 3

(Under Regulation 10 (5) and 11 (6))

SWAZILAND MINISTRY OF EDUCATION
APPLICATION FOR SICK OR MATERNITY LEAVE(To be submitted to Ministry of Education in triplicate at least one month before
leave is required except in cases of emergency);I wish to apply for leave from to
for the following reasons:.....
.....**Note:** Medical certificate below must be completed*

TEACHER

SERVICE NO.

Above application recommended

Principal or Headmaster

Date of School

TO BE COMPLETED BY GRANTEE/D.E.O.Application is approved/not approved, notification of rate of pay during this period of
leave will be given to you when the decision of the Permanent Secretary has received.

Signature of Grantee

Date Signature of D.E.O.

MEDICAL CERTIFICATE

Maternity leave

I have examined the above teacher today. Confinement is expected on

or sick Leave is recommended for days from

Is the ailment: infestious/contagious?

YES/NO

Date Medical Officer/Nurse

NOTIFICATION TO GRANTEELeave as described above has been approved on the following conditions.....
.....
.....
.....
.....
.....

Date Principal Secretary for Education

***Note:** A form must be submitted even if medical certificate is not yet available. This must
however, follow as soon as possible.

S12

FIRST SCHEDULE

T.S. 4

(Under Regulation 13)

SWAZILAND MINISTRY OF EDUCATION
RESUMPTION OF DUTY

(One copy to be sent to the Permanent Secretary, Ministry of Education,
Mbabane through the D.E.O.)

Teacher's Name

T.S. No.

The above teacher, whose absence from duty from

has already been reported to you, resumed duty on.....

Total period of absence was
days (including week-ends).

.....
Date

.....
Principal/Headmaster

.....
Date

.....
Grantee

.....
Date

.....
District Education Officer

SECOND SCHEDULE

(Under Regulation 7 (6))

SWAZILAND MINISTRY OF EDUCATION

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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GRADED TAX NUMBER

New Appointment

☐

Teacher on TS Records

☐

TS 5

To:

Teacher's No.

Surname First Second
NAME OF TEACHER

School number

Establishment

Post Number

Address for return

District

if two copies of this form

LETTER OF APPOINTMENT TO BE ISSUED BY THE MANAGER TO A
PROBATIONER TEACHER

To BE COMPLETED IN 5 COPIES

CHECK HERE IF TEACHER IS A
RELIEF TEACHER☐COPY 1
PERSONAL FILE

PART 1

1. You are hereby offered appointment as a teacher on the staff of the

.....School with effect from

N.B. Your are liable to transfer to other aided or maintained Schools, and if you occupy Government quarters, rental will be payable in terms of the regulations in force from time to time.

2. You will remain on probation for a period of two years, after which, subject to satisfactory service and conduct you may be confirmed in your appointment.

3. You are expected, as long as you are in the service, to serve the youth of the country to the best of your ability and to uphold the highest standard of the profession.

4. If it is found that you are unable to perform efficiently the duties of your appointment, or, if you misconduct yourself, you may be discharged at one School term's notice or if the misconduct is serious you may be suspended from duty pending a decision by the Principal Secretary for Education.

5. If you wish to resign you must give one school term's notice.
6. Your salary grade is.....
7. Your starting salary is E.....Emalangeni..... cents per month.
8. Your incremental date is
9. The provisions of the Teaching Service apply to you and you are also expected to adhere to the code of professional conduct which is printed on the reverse side of this letter.
10. Your appointment is subject to the Rules governing the Swaziland Teaching Service as published by the Ministry of Education.

Date.....

Signed
Grantee

on behalf of

Signed
D.E.O.

PART II

I have received the original of this letter and a copy of the Teaching Service Regulations, both of which I understand and I agree to accept the terms thereon and to do my utmost to adhere to the code of professional conduct printed overleaf.

Date.....Signature of Probationer.....

PART III

Accepted for payment

.....
For Principal Secretary Ministry of Education

FOR INTERNAL USE ONLY

Date of action by Senior Executive Officer	Date of action by payroll	Date of action by despatch
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A MINIMUM STANDARD OF PROFESSIONAL CONDUCT FOR TEACHERS IN SWAZILAND

The acceptance and practice of Christian Principles by teachers is the best and surest foundation for a system of education.

This may be a counsel of perfection, but every teacher should at least be expected to recognise that he has certain responsibilities to—

the child under his care
the community in which he lives
his profession
his employer.

- (i) **To the Child.** A teacher agrees that his chief responsibility is towards the child under his care and that he has at all times a duty to guide each child in and out of school in the development of his personality and as a member of the community.
- (ii) **To the Community.** A teacher must therefore fully understand the community among which he works. He must at all times be ready to explain his pupils their place in their families and in the community of which the family forms such an important part. He must explain to them their duty to obey all lawful authority and he should, by his own personal life, set them an example in these matters.
- (iii) **To the Profession.** A teacher recognises that teaching is a vocation and more than mere gainful employment. He therefore undertakes to conduct himself according to the following rules:-
 - (a) To follow at all times the highest standard of profession conduct.
 - (b) To work conscientiously and with diligence and regularity.
 - (c) To set a good example in his conduct, his person and his dress at all times to the children under his care.
 - (d) To try continually to improve his standard of work and ability.
 - (e) To take an active part in all school activities both in and out of school.
 - (f) To acknowledge that failure to maintain a high professional standard may involve disciplinary penalty.
 - (g) To acknowledge that the Commission of an offence under regulation 19 of the Teaching Service Regulations Proclamation No. 34 of 1962, constitutes serious misconduct.
- (iv) **To the Employer.** A teacher agrees to serve according to the Conditions of Service laid down in the TS. Regulations.

1. HIGHEST ACADEMIC LEVEL ATTAINED:
2. PROFESSIONAL CERTIFICATE HELD:
3. ADDITIONAL CERTIFICATES HELD:
4. TEACHING EXPERIENCE:

SCHOOL	FROM MONTH-YEAR	TO MONTH-YEAR
TOTAL YEARS OF TEACHING EXPERIENCE		

5. MARITAL STATUS: SINGLE MARRIED NO. OF CHILDREN

THE ABOVE IS CORRECT:

Signature of teacher

SECOND SCHEDULE

(Under Regulation 7 (8))

SWAZILAND MINISTRY OF EDUCATION

U.T.S. 6

NOTICE OF APPOINTMENT

To: Principal Secretary,
P.O. Box 39,
MBABANE.

This serves to notify that, Mr/Mrs/Miss

..... T.S. No. has been appointed a
teacher at

school with effect from

and is held in the place of

T.S. No. whose services terminated
on

I attach a copy of the offer of appointment (TS 6) together with the teachers acceptance thereof.

Date

Manager's Signature

Date

District Education Officer

MBABANE,
20th April, 1983.

M.J. NSIBANDE
Principal Secretary

LEGAL NOTICE NO. 29 OF 1983

THE TEACHING SERVICE ACT, 1982

(Act No. 1 of 1982)

THE TEACHING SERVICE ACT (DATE OF COMMENCEMENT) NOTICE,
1983

(Under Section 1)

In exercise of the powers conferred by section 1 of the Teaching Service Act, 1982, the Minister for Education hereby issues the following Notice—

Citation.

1. This Notice may be cited as the Teaching Service Act (Date of Commencement) Notice, 1983.

Date of commencement of Act No. 1 of 1982.

2. The Teaching Service Act, 1982 shall come into operation on the 2nd May, 1983.

M.J. NSIBANDZE
Principal Secretary

MBABANE,
20th April, 1983.