



NATIONAL TEACHERS' CODE OF CONDUCT

JANUARY 2022

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FOREWORD

The Ministry of Education's (MoE) mandate is to educate the Malawian citizens irrespective of race, ethnicity, gender, religion, disability or any other discriminatory characteristics (Education Act 2013). As such, the ministry formulates policies and plans to ensure that education is offered according to the law. The teacher is one of the key stakeholders in education. The ministry expects teachers to conduct themselves in a responsible manner so that teaching and learning is effective and students achieve intended learning outcomes.

The National Education Standards (NES) clearly stipulates what is expected of teachers. Specifically, NES 8 says teachers should cultivate a positive climate for learning and make each classroom and the school as a whole safe and stimulating places for students to learn. Teachers should be role models from which students should copy attitudes, values and behaviours which are expected of the students. In order to do that, teachers should be guided by the National Teachers' Code of Conduct on how best they can conduct themselves when discharging their duties. There have been serious indiscipline cases and scandals committed by teachers in the public on the pretext of ignorance. These cases have portrayed a bad image of the teaching profession and the ministry at large. The overall objective of the guidelines is to facilitate professionalism among the teachers and promote a positive teaching and learning environment.

This Code of conduct is not meant to be punitive and placing sanctions on the teaching cadre. It is meant to be a composite of rules and norms of behaviour to create a safe, conducive, positive

learning and work environment. It is expected of every teacher and education officers to abide by this code of conduct.

I sincerely wish to thank all stakeholders who, through several consultations, have contributed to the development of the code.

A handwritten signature in black ink, appearing to read 'Agnes NyaLonje', with a stylized flourish at the end.

Agnes NyaLonje
Minister of Education

PREFACE

The Constitution of Republic of Malawi recognizes the right to education for all people. The Ministry of Education is entrusted with the responsibility of providing quality and relevant education to all manner of people in Malawi. Teachers are very key to the provision of accessible, quality and relevant education. For teachers to perform their duties professionally, they must be guided by a code of conduct: hence the development of the National Teachers' Code of Conduct. The observance of the code of conduct by the teachers will assist the Ministry of Education achieve its mission.

The development of the National Teachers' Code of Conduct has come at an opportune time. The code of conduct will assist to regulate the professional conduct of teachers in the country. The code of conduct shall apply to all teachers and student teachers teaching in public and private primary and secondary schools as well as tutors in teacher training colleges.

The code of conduct is not an isolated entity as it complements existing education policies, laws, the Malawi Public Service Regulations (MPSR), the Teaching Service Regulations and other official regulations applicable to all members of the teaching profession and Civil Servants.

Specifically, the code will address the following objectives:

1. Guide and support education practitioners in their execution of service;

2. Protect both students and teachers;
3. Achieve and maintain a high degree of professionalism in the education profession; and
4. Promote public trust for the education profession.

Lastly, I wish to request the support of MOE directorates, Education Divisions, District Education offices, the Inspectorate at all levels, head teachers at all levels in both public and private schools and all other stakeholders in effective implementation of the code conduct. I would to make a special appeal to DQAS to intensify monitoring the adherence to the code of conduct by teachers in schools.



Chikondano C. Mussa
Secretary for Education

ACKNOWLEDGEMENT

The development of this National Teacher Code of Conduct could not have been possible without the participation and assistance of many stakeholders. The stakeholders consist of representatives from various educational institutions such as District Education Offices, Division Education Offices, both Public and Private Primary and Secondary Schools, Teachers' Training Colleges, Primary and Secondary School Inspectors, Private School Associations, NGOs' working in Education sector, school governing structures and students.

However, the ministry would like to express gratitude particularly to the following: The Danish Union of Teachers (DLF) and UNESCO's Norwegian Teacher Initiative (NTI) project and Equity with Quality Learning in Secondary (EQUALS) project for their financial and technical support in the development of the National Teachers' Code of Conduct.

The ministry would also like extend gratitude to the Department of Human Resource Management and Development (DHRMD) for their input and guidance on issues of human resource management. Special thanks go to the Teachers Union of Malawi (TUM) for being part of the coordination team in the development of the code of conduct.

Finally, thanks should also go to officials in the Ministry of Education for their technical support towards the development of the code conduct; particularly the Directorate of Quality Assurance Services (DQAS) for taking a leading role.

ACRONYMS

ADC	Appointment and Disciplinary Committee
CEO	Chief Education Officer
CPD	Continuous Professional Development
DEM	District Education Manager
DEYS	District Education, Youth and Sports
EDM	Education Division Manager
GTSR	Government Teaching Service Regulation
GTSCR	Government Teaching Service Commission Regulations
MPSR	Malawi Public Service Regulations
PEA	Primary Education Advisor
PSA	Public Service Act
PTA	Parent Teacher Association
TSC	Teaching Service Commission

INTERPRETATION OF TERMS

1. **Breach:** violation of the code of conduct
2. **Child Labour:** is any work likely to be hazardous, interfere with child's education or harmful to child's health, physical, mental, spiritual or social development.
3. **Co-curricular activities:** activities, programs and experiences that compliment what students learn in class.
4. **Code of Conduct:** these are guidelines outlining professional requirement or a set of guidelines produced by public authorities or by professional organizations, which details the set of recognized ethical norms (or values) and professional standards of conduct to which all members of a profession must adhere.
5. **Extra-curricular activities:** are activities and programs performed by a student that falls outside the realm of normal curriculum of school
6. **Detention:** a temporary state of confinement of a student being punished.
7. **Duty:** moral or legal obligation
8. **Employer:** Any person, institution or entity that engages the services of a teacher
9. **Illegal drugs:** substances which have limitations on their ownership or use by the government.
10. **Professional organization:** an organization with the legal mandate seeking to further the teaching profession, the interest of individuals engaged in the profession and the interest of the public
11. **School-related gender based violence:** Is any form of violence that is based on gendered stereotypes or that targets students on the basis of their sex. It may include: bullying, corporal punishment, verbal harassment, sexual comments, sexual touching, defilement and rape.

- 12. Student:** a person of any age for whom education is provided or is required to be provided under the Education Act 2013 and any person enrolled on any register enrollment of persons in attendance at a school/college maintained in a school/college.
- 13: Teacher:** a person who is authorized to teach in primary and secondary school as well as teacher training colleges.
- 14. Ward:** a person who is under the protection or in the custody of another

PART 1: DUTIES OF A TEACHER

The duties of the teacher as stipulated by the detailed job description specific to each post/grade shall include but not limited to:

1. Prepare lesson plans, schemes and records of work.
2. Prepare teaching and learning materials adequately.
3. Ensure conducive learning environment for students.
4. Teach and assess students using appropriate methodologies.
5. Maintain teaching and assess records effectively.
6. Complete the curriculum/syllabus within the allocated time as stipulated in the curriculum/syllabus.
7. Supervise and invigilate examinations when need arises without displaying any form of cheating and malpractice or be a conduit to any form of leakage of public examination, school/college- based examinations/tests and assignments.
8. Ensure the safety and good health of all students at all times.
9. Identify and respond to students' needs.
10. Provide guidance and counseling to students within their limits.
11. Maintain students' discipline.
12. Involve students in co-curricular/extra-curricular activities.
13. Attend departmental, sectional and staff meetings as well as general assemblies at school/college.
14. Prepare budget requirements for the class.
15. Attend Continuous Professional Development Programs.
16. Take care of school/collegematerials and/or resources.
17. Supervise manual work.
18. Follow up on students' performance and behavior and report to parents, guardians and relevant authorities.

PART 2: CONDUCT OF A TEACHER

A. *Conduct of a Teacher in General*

Any member of the teaching profession is expected to demonstrate the highest professional competence, accountability, transparency, impartiality and selflessness whilst upholding the highest integrity and displaying honour of the teaching profession. The teacher shall:

1. Use any school/college resources/property for the intended professional and educational purpose and not for personal benefit.
2. Keep with strictest secrecy all privileged or classified information without divulging it to unauthorized personnel.
3. Maintain sober habits during working hours.
4. Abide by lawfully constituted authority and the laws of Malawi.
5. Be of exemplary behaviour and maintain a role model spirit to students and the community.
6. Comply with any of the regulations, financial orders or stores regulations as amended from time to time.
7. Observe proper dress code¹ and etiquette during working hours.
8. Always represent the school/college and government in a dignified manner.
9. Discharge their duties efficiently, objectively and honestly.

B. *Conduct of A Teacher Towards Students*

When dealing with students, the teacher shall:

1. Not use “detention” as a form of punishment.

¹ A teacher should be properly groomed, modestly and inoffensively dressed

2. Refrain from giving punishment to a student outside classroom during class hours unless the student's actions are disturbing the progress of the lesson.
3. Refrain from giving harmful punishments to students and the punishment should relate to the offense.
4. Behave morally with students all the time.
5. Refrain from giving offensive remarks verbally or in a written form to students.
6. Promote proper moral behavior through guidance and counseling to the students.
7. Not inflict emotional harm or use corporal punishment on students.
8. Condemn teasing and bullying while promoting peace among students.
9. Remind students of their responsibility when exercising their rights.
10. Remain impartial in dealing with all students.
11. Refrain from any form of discrimination on the grounds of gender, race, age, religion, disability, health status, custom, ethnic background, socio-economic status or misunderstanding with parent or guardian.
12. Always use positive discipline when handling misbehaving students.
13. Not expose students to pornographic material.
14. Not subject students to child labour.
15. Not engage in all forms of harassment (sexual, verbal and physical) or indulge in any transactional sex.
16. Not collect fees illegally from students (e.g. For admission, exams, tuition etc.).
17. Not exert pressure on students to take additional paid lessons.

18. Not favor or disadvantage certain students in particular when marking their examinations.

C. *Conduct of a Teacher Towards Fellow Teachers*

When dealing with fellow teachers, the teacher shall:

1. Not criticize colleagues in presence of students.
2. Always promote team work.
3. Respect others views during school/college staff meetings and caucus and shall adhere to all resolutions made therein.
4. Use official channels to report complaints and not unduly speak publicly about colleagues or the school/college administration that may cause public resentment or outrage.
5. Promote professionalism among colleagues.
6. Promote students confidence in other teachers.
7. Not sexually, emotionally and physically harass fellow teachers.
8. Engage in constructive criticism with fellow teachers.

D. *Conduct of a Teacher Towards the Community*

When dealing with the community, the teacher shall:-

1. Act as a link between the school/college and the community on matters related to education.
2. Respect all stakeholders of the school/college and recognize their importance.
3. Maintain the confidence in the community as a professional.
4. Demonstrate commitment and integrity in performing expected roles of enhancing development in society.
5. Respect local cultural beliefs and practices that are lawful and not harmful.
6. Provide feedback to parents on student's conduct/behaviour.

7. Sensitize communities on all harmful² cultural practices that affect students.
8. Respect parents' rights or enquiry, consultation and information in the best interest of their wards

E. *Conduct of a Teacher Towards Professional Organizations*

The teacher shall:-

1. Strive to subscribe and belong to professional associations.
2. Showcase integrity in matters concerning the profession.
3. Take professional advice from a professional body³.
4. Protect and safeguard the image and status of the profession.

F. *Conduct of a Teacher Towards the Parents Teachers Association (PTA)*

The teacher shall:

1. Attend Parents Teachers Association meetings.
2. Give feedback on the performance of students to parents.
3. Engage parents on students conduct and behaviour.
4. Bring to the attention of parents, any developmental, disciplinary and other challenges being faced at the school/college, so that a mutually agreeable solution can be identified.

² Kusasa fumbi, Fisi, Chokolo and any other cultural practice that the government has advocated against

³ A professional body refers to a legally mandated body (Teachers Council of Malawi) provided for under Education Act 2013

PART 3: COMMON ACTS OF MISCONDUCT

If the conducts mentioned above are violated, they become misconducts. A misconduct can be described as improper or unacceptable behavior that does not conform to the prevailing standards of law, propriety or the terms and conditions of employment. According to the Employment Act (2000) Section 56 (3) & (4) as well as section 59(1), some of the misconducts that an employee may be guilty of include:

1. Absence from the office without authority
2. Damaging office property
3. Habitual or substantial neglect of work
4. Lack of skill that the employee expressly or by implication holds himself to possess
5. Willful disobedience of lawful orders given by the employer

Further, in addition to the above misconducts the Government Teaching Service Regulation (GTSR) has adopted all the misconducts under the MPSR and has added one more misconduct unique to teachers which is; a teacher shall be guilty of a misconduct if s/he behaves immorally with any pupil or student of any educational institution in the country.

Misconducts listed above are not exhaustive and have been thoroughly explained in the Misconduct and Disciplinary Procedures for the Teaching Profession in Malawi; a Handbook for the Ministry of Education, Science and Technology.

PART 4: DISCIPLINARY PROCEDURE

The Government Teaching Service Commission Regulation (GTSCR) clearly outlines the procedure for handling disciplinary cases. However, the steps below will offer guidance on how to conduct the disciplinary process for teachers who are suspected to have committed an act of misconduct.

1. Handling misconducts

Misconduct by a teacher shall be reported to the head teacher either orally or in writing. The head teacher shall immediately institute an investigation before reporting to;

A. Primary school

The zonal Primary Education Advisor (PEA) shall be notified orally and in writing by the head teacher about the misconduct/incident who shall then report to the Director of Education, Youth and Sports (DEYS)/District Education Manager (DEM)/ Chief Education Officer (CEO). The DEM/CEO shall make a follow up with the zone PEA and report to the District Council who will report to Appointments and Disciplinary Committee (ADC) or Local Government Service Commission.

B. Secondary school

The head teacher shall report to the Education Division Manager (EDM). The EDM shall institute an investigation about the misconduct/incident before reporting to the Ministry of Education who shall refer the matter to the Teaching Service Commission (TSC) for appropriate action.

C. Teacher Training Colleges

The principal shall report to the Secretary for Education who will institute an investigation about the misconduct/incident before reporting to the Teaching Service Commission (TSC) for appropriate action.

D. Private schools and Private Teacher Training Colleges

In private schools/teacher training colleges, the procedure as outlined in section 56 and 59 of the Employment Act (2000) will be followed. However, the school/college authorities shall notify a body that governs the private school(s)/college(s) about the misconduct/incident leveled against a teacher under their charge.

In an event that the head teacher has committed an act of misconduct the deputy head teacher shall report to the relevant higher authorities.

2. Formal proceedings (i.e. Disciplinary hearing)

1. Disciplinary action shall not be taken until the case has been carefully investigated
2. Employer or his/her representative shall ensure the teacher is informed of the complaint against him/her and where possible, of all relevant evidence before the disciplinary hearing.

3. Employer shall accord the teacher a right to be heard before a decision is reached.
4. The teacher can be accompanied by a representative if he/she wishes.
5. Employer shall ensure that the teacher is given an explanation for any penalty imposed on him/her.
6. Accurate written records of every proceeding of the case shall be taken and may be made available to the teacher on request
7. The teacher shall have the right to appeal.

PART 5: PENALTIES

Acts of misconduct attract penalties depending on their gravity or seriousness. The penalties are highlighted under a number of laws and regulations such as Employment Act, GTSCR and Public Service Act (PSA). More on the penalties has been explained in the “Misconduct and Disciplinary Procedures for the Teaching Profession in Malawi; a Handbook for the Ministry of Education, Science and Technology”.

PART 6. ENFORCING THE CODE OF CONDUCT

The code of conduct will be enforced in various ways including;

1. Conducting sensitization
2. Circular letters
3. Regular supervision and inspection
4. Consistency in decision making based on the code of conduct

PART 7: RIGHTS OF A TEACHER

Every teacher is entitled to exercise and enjoy human rights as stipulated in the Malawi constitution section 15-46, while ensuring that the rights are not contravening the execution of their duties.

PART 8: RESPONSIBILITIES OF EMPLOYER

In order to promote maximum adherence by teachers to the code of conduct, the employer is expected to highly display the following responsibilities. The employer shall:

1. Provide favourable teaching and learning environment.
2. Ensure provision of adequate teaching and learning materials.
3. Ensure adequate provision of well trained teachers to match with the required ratio.
4. Conduct inspection of schools to ensure adherence to best educational practices
5. Conduct periodic supervision of classroom lessons and advise/counsel teachers accordingly
6. Ensure timely processing and payment of salaries, leave grants and entitled allowances to teachers.
7. Ensure provision of reasonable safety to teachers while on duty
8. Speed up handling of all disciplinary cases involving teachers and ensure rule of law.
9. Provide soft loans to teachers or act as a guarantor to loan providing institutions.
10. Provide Continuous Professional Development (CPDs) programmes
11. Facilitate educational and professional upgrading to teachers based on the needs.
12. Provide reasonable transport to all teachers on postings and those retired as well as the deceased.
13. Ensure that the individual teacher's workload matches the expected duties of the teacher
14. Ensure that all teachers are sensitized on the code of conduct and other teaching related regulations.

15. Issue a teaching license, authority to teach, letter of conditional appointment on probation (PSR 19) to all newly recruited teachers.
16. Consult teachers meaningfully in education policy formulation.
17. Develop and disseminate a teacher code of dressing to all teachers.
18. Ensure that newly recruited teachers are inducted to work.

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