

Local Government (Teachers' Service) Scheme

GOVERNMENT NOTICE NO. 311 published on 25/11/2016

THE PUBLIC SERVICE ACT
(CAP. 298)

NOTICE

(Made under section 7 (2))

THE LOCAL GOVERNMENT (TEACHERS' SERVICE) SCHEME 2016

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THE PUBLIC SERVICE ACT
(CAP.298)

NOTICE

(Made under section 7(2))

THE LOCAL GOVERNMENT (TEACHERS' SERVICE) SCHEME, 2016

PART I
PRELIMINARY PROVISIONS

Citation and
construction
Act No. 25
of 2015

1.-(1) This scheme may be cited as the Local Government (Teachers' Service) Scheme, 2016.

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

Application

2. This Scheme shall apply to Mainland Tanzania in respect of Primary and Secondary School teachers employed in the Public Service.

Interpretation
Cap 298

3. In these Regulations unless the context otherwise requires-

“Act” means the Public Service Act;

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

“appointment” means recruitment of teachers in the teachers' service and shall include:

- (a) appointment on contract;
- (b) temporary appointment;
- (c) acting appointment;
- (d) permanent appointment; and
- (e) appointment on promotion;

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- “Assistant Secretary” means a staff of the Commission designated as such in terms of Regulation 40 of the Teachers Service Regulations, 2016;
- “Chief Executive Officer” means the Permanent Secretary, Head of Independent Department, Regional Administrative Secretary and Director of Local Government Authority;
- “Chief Secretary” means a public servant appointed by the President under Section 4 of the Act to assist the President on the administration of the public service;
- “Commission” means teachers service commission established under section 4 of the Teachers' Service Commission Act;
- “Council” means a District Council a Town Council, a Municipal Council or a City Council;
- “criminal offence” means an offence chargeable in the Criminal Court as defined under the Criminal Procedures Act;
- “Department, Division or Unit” means an Educational Department, Division or Unit within the Ministry responsible for Education, Regional Administration and Local Government;
- “dependant” means a member of the family of teacher who is wholly or partially dependent on the earning of the teacher;
- “disciplinary offence” means any act or omission or misconduct or failure to take responsible care or failure to meet set targets or to discharge duties in a reasonable or satisfactory manner by or on the part of a teacher which warrants disciplinary proceedings under these Regulations being taken against that teacher, and includes-
- (a) any of the offences specified under regulation 7; and
 - (b) contravention of the Code of Ethics and Conducts for Teachers;
- “district authority” means a District Council, a Township Authority, Municipal or City Council;
- “district office” means the district office established pursuant to section 11 of the Act;
- “employee” for the purpose of this scheme, means any person termed by the Act as a public servant;
- “employer” for the purpose of this scheme, means any person whom a teacher enters into a contract of service and who is responsible for the payment of salaries of such a teacher;

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- “head of school” means head of Pre-primary, Primary School, Secondary School and under the ministry responsible for primary and secondary school;
- “interdiction” means a temporary removal of a public servant from exercising the duties of his office;
- “leave” means an authorized absence from duty and shall include, annual leave, maternity leave, paternity leave, study leave, sabbatical leave, sick leave, leave pending retirement, leave without pay and convalescent leave;
- “Minister” means the Minister for the time being responsible for local government;
- “parliament” means the National Assembly including the President;
- “promotion” means the appointment of a teacher to a higher grade with an immediate or potential increase in salary;
- “public servant” means a person holding or acting in the public service office;
- “public service” means the system or organization entrusted with the responsibility of overseeing the provision or directly providing the general public with what they need from their government or any other institution on behalf of the government as permissible by laws, and include the service in the Civil Service, the Immigration and the Fire and Rescue Service, the Executive Agencies and the Public Institutions Service and the Operational Service;
- “public service regulations” means Public Service Regulations, made under Section 34 of the Act;
- “public service scheme” means the Public Service Scheme, made under Section 7 (1) of the Act;
- “pupil” means a person who is enrolled at any school for the purpose of receiving education save those in teachers colleges;
- “secondment” means the attachment of a member of service to any other public or private institution or post having different terminal benefit scheme for the period not exceeding one year;
- “sector ministry” means a ministry whose policy is being implemented by this scheme;
- “school” means Pre-primary, Primary or Secondary School;

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Act No.15 of 2015 “teacher” has the meaning ascribed to it under the Teachers’ Service Commission Act;
“teacher” service scheme” means a government administrative legal document administrative legal document stipulating a formal or official order or way of doing things for the purposes of enabling teachers to serve the public in and orderly and accountable manner;
“teachers service” means unified service of all Primary and Secondary School teachers in the public service.

PART II
ADMINISTRATION OF THE SERVICE

Powers of the President

4. (1) The executive functions of the Government of the United Republic of Tanzania are vested in the President by virtue of Article 35 of the Constitution.

(2) The executive functions pertaining to the Teachers’ Service shall be performed through the Public Service by public servants on behalf of the President.

(3) Any Authority in the Teachers’ Service vested with powers under the Act, shall exercise the powers on behalf of the President and shall act with obedience abiding to the directives issued in that respect.

Power of the Minister responsible for Local government

5.-(1) The Minister responsible for Local government shall ensure effective implementation of this scheme and policies governing the Teacher’s Service.

(2) Without prejudice to the generality of sub clause (1), the Minister responsible for Local government shall-

- (a) formulate policies and guidelines for in service teachers training and development so as to secure the growth and development of, and effective and efficient system of education;
- (b) advise the Teachers' Service Commission on issues concerning the constitution and abolition of offices in the teachers Service;
- (c) formulate, promulgate, monitor, evaluate, review and interpret administrative and personnel policies for the

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teachers service;

- (d) conduct investigations and studies concerning development and improvement of the efficiency of Teachers' service employees and shall take appropriate steps to ensure the attainment of quality Teachers service;
- (e) facilitate Teachers' service employees to improve their capacities toward being effective and efficient in delivery quality teaching service to the pupils or students; and
- (f) to establish and review the staffing levels for the Teachers' service.

(3) In consultation with Sector Ministries, the Ministry responsible for local government shall implement education and training policies formulated by the Ministry responsible for Education.

(4) The Minister responsible for Local government shall coordinated and monitor the performance of the Teachers' Service in compliance with applicable written laws, national policies, guidelines and standards.

Power of the
Chief
Secretary

6.-(1) The Chief Secretary as the Head and Chief Executive Officer of the Public Service shall have the overall powers of the service.

(2) The Chief Secretary may exercise all or any of the powers delegated to a disciplinary authority in relation to any teacher.

Role of the
Teachers
Service
Commission

7. Save as otherwise provide in the Teachers Service Teachers Service Commission Act shall have the role of managing and controlling of staff levels in the teachers service.

Role of
Ministry
responsible
for Education

8. The roles of the Ministry responsible for Education in relation to the Teachers' service shall be to formulate policies and guidelines for teachers' training and development.

Role of other
Ministries

9. The roles of other ministries in relation to the Teachers' Service shall be to provide-

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- (a) technical assistance on various matters related to teachers whose profession or duties are related to those ministries;
- (b) training to teachers whose profession or duties are related to those ministries where appropriate or advise on proper and accurate training; and
- (c) technical input and liaise with the teacher's authorities on matters relating to the scheme of service whose profession or duties are related to those ministries.

Role of the permanent secretary responsible for Local government

10. The role of the Permanent Secretary responsible for local government shall be to-

- (a) supervise the implementation of policies and guidelines for in service teachers training and development so as to secure the growth and development, and effective and efficient system of education;
- (b) advise the Permanent Secretary (Establishments) on issues concerning the constitution and abolition of offices in the Teachers' Service;
- (c) advise the Permanent Secretary (Establishments) on the formulation, promulgation, monitoring, evaluation, review and interpretation of administrative and personnel policies for the Teachers Service;
- (d) conduct investigations and studies concerning development and improvement of the efficiency of Teachers' service employees and shall take appropriate steps to ensure the attainment of quality Teachers' service;
- (e) facilitate Teachers' service employees to improve their capacities toward being effective and efficient in delivery quality teaching service to the pupils or students; and
- (f) to supervise the establishment and review of staffing levels for the Teachers' Service.

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Powers of the head of department, division or unit

11. The Head of Department, Division or Unit shall have powers to-
- (a) supervise
 - (b) coordinate; and
 - (c) ensure proper performance of the education activities in his area of jurisdiction.

Duties of the head of school in relation to the service

- 12.-(1) The Head of school shall supervise teachers under his school and shall give directives and ensure proper performance of the public service obligations and accountability in his respective school.
- (2) The Head of school may institute disciplinary actions in respect of teachers in his jurisdiction;
- (3) In exercising his disciplinary powers, the Head of school shall observe the procedures governing institution of disciplinary action.

Role of the Council

- 13.-(1) The role of the Council in relation to the Teachers' Service shall be to supervise and administer the welfare of teachers in pre-primary, primary and secondary schools in their area of jurisdiction.
- (2) In administering the welfare of a teacher, the council shall-
- (a) have regards to the Teachers Service Schemes, applicable written laws, Regulations, directives and circulars in the Public Service;
 - (b) comply with the terms and conditions pertaining to employment welfare of the teachers' as shall be prescribed by the Teachers' Service Commission.

Role of teachers' service

- 14.- (1) The constitutional and practical role of the Teachers' Service is to assist honestly, impartially and with integrity the duly constituted Government of the United Republic of Tanzania, whatever its political complexion.
- (2) The Teachers' Service is responsible for implementation of national policies, programme and decisions on education matters to secure the growth and development of an effective and efficient system of education.

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PART III
THE SERVICE

Members of
the service

15. A person who has successfully undergone teacher training and registered in the register of teachers in accordance with the Teachers Service Commission Regulations shall be a member of the teachers' service.

Teachers'
duty to serve
the
Government

16.-(1) Teachers owe their loyalty to the government, and in particular to the authority in which they serve.

(2) Every teacher shall serve his government in accordance with the principles set out in this scheme recognizing:

- (a) the duties and rights of public servant to discharge public functions reasonably and according to the law;
- (b) the accountability of teachers to their leaders and to their supervisors;
- (c) the duty to comply with the law to uphold the administration of justice; and
- (d) ethical standards governing the teaching profession.

Terms and
conditions of
Service

17. The terms and conditions of the Teachers' Service shall be-

- (a) permanent and pensionable;
- (b) agreement or contract; or
- (c) temporary.

Appointment
s in the
teachers
service

18. Appointments in the Teachers Service by the Commission shall be governed by the Constitution, the Act, Teachers' Service Commission Act and Regulations made therein, Public Service Management and Employment Policy, Public service Act, Public Service Regulation, Public Standing Service Orders, Code of Conduct and Ethics of Public Service, Code of Ethics and Conduct for Teachers' Service, Instructions or Orders of the Commission.

Persons not
to be
appointed in
the Teachers'
Service

19.-(1) Subject to the provision of Regulation 120(d) of the Public Service Regulations, any person who is convicted of a criminal offence involving moral turpitude or dismissed from the Public Service previously, shall not be appointed to the Teachers'

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GN.NO. 168
of 2003

Service without prior sanction of the Chief Secretary.

- (2) Offences involving moral turpitude shall include:
- (a) an act or behavior that gravely violates the moral sentiment or accepted moral standards of the community; or
 - (b) the immorally culpable quality held to be inherent in some criminal offences as distinguished from others.

Approved
establishment

20.-(1) No appointments may be made in the Teachers' Service whether temporarily or otherwise for which no provision has been made in the estimates.

(2) No increase in the number of posts may be made above the authorized establishment without prior approval of the Permanent Secretary (Establishments).

The
appointing
authority

21.-(1) The authority in respect of appointments, promotions, discipline and registration of teachers shall be the appointing authority.

(2) The appointing authority in the Teacher's Service shall abide by the principles of fairness, meritocracy and impartiality when exercising their powers in respect of matters of recruitments, appointments, promotions and discipline of teachers.

Appointment
principles

22.-(1) All appointments in the Teachers' Service shall be governed by the overriding principles of-

- (a) selection based on-
 - (i) merit, fairness and open competition; and
 - (ii) the well informed choice of individuals who through their abilities, experiences and qualities, their prescribed qualifications match the need of the vacant post concerned;
- (b) equality and shall be appropriate for the nature of the post, the size and weight of responsibility; and
- (c) selection and actual appointment that is free from religious beliefs, gender or political partiality.

(2) Save as provided under sub clause (1), the principles of selection for appointments of teachers shall be as provided for in the Public Service Recruitment Code of Good Practice.

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Relationship
between a
teacher and
his
supervisors

23.-(1) Every teacher like any other public servant shall be loyal to the President of the United Republic of Tanzania and shall perform his duties with regard to the requirements of the Constitution, Laws, Regulations, Orders, Directives and lawful Instructions.

(2) In performing duties every teacher shall comply with lawful instructions of his supervisor, strive to serve with loyalty, respect and cooperate with his fellow teachers and other public servants at work place and elsewhere within the public service in order to achieve the objectives of the Public Service.

(3) Subject to the laid down procedures, a teacher shall have a right to claim and inquire on any issue pertaining to his service and his employer or supervisor shall grant the right claimed or avail him with the appropriate or necessary information inquired.

Relationship
between a
teacher and a
political
leader

24.-(1) The relationship between a teacher and a political leader while performing their duties and functions, shall be governed by the Constitution and the relevant laws conferring powers on them.

(2) There shall not be any political interference with the teacher while performing his executive duties and functions and where necessary it shall be through the appropriate supervisors.

Teachers'
Service
working
documents

Act No.25 Of
2015

25.-(1) The necessary Teachers Service working documents shall include-

- (a) the Constitution of the United Republic of Tanzania, 1977;
- (b) the Public Service Act;
- (c) the Teachers Service Commission Act,
- (d) the Executive Agencies Act;
- (e) the Regional Administration Act;
- (f) the Teachers' Service Commission Regulations;
- (g) the Public Service Regulations;
- (h) the Public Service Scheme;
- (i) the Public Service Code of Ethics and Conduct;
- (j) the Teacher Service Code of Ethics and Conduct;
- (k) the Labour institution Act,

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- (l) the Employment and Labour Relations Act,
- (m) the Standing Order for the Public Service
- (n) the Public Service Recruitment Code of Practice;
- (o) the Public Service Disciplinary Code of Practice;
- (p) the Public Service Arbitration and mediation code of practice;
- (q) the Public Service Retrenchment and Redundancy code of Practice;
- (r) the Public Service Management and Employment Policy;
- (s) the Education Act, and Regulations made there under;
- (t) the Education and Training Policy,
- (u) the Local government Teachers' Service Scheme;
- (v) the Public Service Retirement Benefits Act;
- (w) the Political Leaders Retirement Benefit Act;
- (x) the Local Authorities Pensions Fund Act, and
- (y) any other laws and documents relevant for reference in relation to specific matters.

(2) Every employer shall ensure the availability and accessibility of all necessary public service working documents for teachers under his jurisdiction.

(3) Every teacher shall make sure that he has all necessary public service working documents, understands them and makes use of them.

(4) Every teacher shall make correct interpretation and reference of the working documents in order to reach proper decisions.

(5) Where a teacher fails to interpret or wants to confirm the interpretation of a provision of any law or document, he shall seek assistance of any government legal expert available in his area, and as a final resort, the office of the Attorney General through the appropriate administrative channels.

Termination
of
appointment

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

- (a) removal or retirement in public interest;
- (b) retirement on medical grounds;
- (c) retirement on abolition of office or reorganization of

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department;

(d) termination upon by age of retirement;

(e) termination upon contesting constitutional leadership or elective political posts;

(f) retrenchment or redundancy by reason of:-

(i) re-organization of office;

(ii) employer's incapability to remunerate a public servant and;

(g) termination on disciplinary grounds and;

(2) Save as provided in the Teachers' Service Commission Regulations, 2016, procedures for termination of appointments shall be as provided for in the Public Service Regulation, 2003.

Performance
review
appraisal
system

27. There shall be operated an Open Performance Review Appraisal System within the Teachers' Service as stipulated under the Public Service Act.

Performance
Contract

28. Every teacher shall sign a performance contract with his supervisor in accordance with the procedures provided for by the employer.

Secondment

29.-(1) The Permanent Secretary (Establishments) may second a teacher who is employed on permanent and pensionable terms in the teachers service to any institution (public, private or parastatal organization) approved by the Minister responsible for local government, for a period not exceeding three years, provided that the new employing authority shall have agreed to meet the cost of pension and other fringe benefits applicable to members of the service.

(2) Notwithstanding the provisions of sub-clause(1) of this clause, a teacher appointed to a service post on secondment, shall continue to enjoy the privileges he would have been entitled to, or eligible for as if secondment is misapplied.

(3) These provision of sub-clause (2) shall not preclude the new employer from awarding favorable terms to the teacher and in no circumstances may the employer deny the teacher's rights and privileges attached to such post.

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PART IV
TEACHERS' WELFARE AND DEVELOPMENT

Medical
service

30. Every teacher serving in whatever terms, his spouse and four children or dependants shall be entitled to free medical attention except where such provision is governed by the National Social Security Act, the National Health Insurance Act, or any other scheme.

Employers
duty to
protect the
health of
teachers

31.-(1) Every employer shall take all reasonable precautions to ensure occupational safety standards in order to avoid unnecessary causes of health hazards and shall facilitate annual medical checkup for teachers within his jurisdiction.

(2) Notwithstanding the provision of sub-clause (1) of this Clause every teacher shall take reasonable precautions in accordance with modern health practices for proper protection of his health.

Annual leave

32.-(1) A member who is a classroom teacher shall be entitled to twenty eight days leave in every academic year during school holidays, and a member other than a classroom teacher shall be availed with twenty eight days leave depending upon his leave cycle.

(2) Notwithstanding the provisions of sub-clause (1), a member may be granted at the discretion of the employer:

(a) an additional leave with pay for such a period as the employer may think fit to be taken during school holidays;

(b) an additional leave with pay up to a maximum of fourteen days per annum on urgent private affairs or compassionate ground in case of death or serious illness of a member of the teacher's family.

(3) The cash grant privilege granted to an officer traveling, may be either to travel to his home or any other named destination, provided that in the latter case, the cash grant is limited to what it would have cost the Government had he traveled to his place of domicile.

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Maternity
leave

33.-(1) A female teacher shall be granted a paid maternity leave of eight four days once in three years from the date she completed her last maternity leave. Where a teacher gives birth to more than one child at once, shall be granted a maternity leave of hundred days.

(2) Maternity leave shall not be carried forward and shall be exclusive of her annual leave for the calendar year in which maternity leave is taken.

(3) Where a female teacher has availed herself of the whole or part of her maternity leave in relation to any pregnancy and the pregnancy results in abortion or a child dies within twelve months of the delivery, the teacher shall be entitled to maternity leave in relation to the subsequent pregnancy notwithstanding the restriction referred to in sub-clause (1).

(4) A female teacher shall, within a period not exceeding six months after maternity leave, be allowed to leave office two hours before the end of the office hour's everyday to breast feed her child.

(5) Subject to sub-clause (4), leave shall only be granted to a female teacher who has a breast-feeding child.

Paternity
leave

34.-(1) A male teacher shall be granted a paid paternity leave of at least five days once in three years from the date his spouse gives birth to his child .

(2) The paternity leave of the male teacher shall be exclusive of his annual leave for the calendar year in which paternity leave is granted, and the leave shall be taken within seven days of the birth of the child.

Sick Leave
and
Convalescent
Leave

35.-(1) Subject to the recommendation of the Government or private medical practitioner, the appointing authority may grant a sick leave or convalescent leave provided that such approval shall be copied to the Permanent Secretary of the Ministry responsible for Local Government.

(2) Sick or convalescent leave shall be granted on conditions that it does not exceed six months on full pay and six months on half pay in any sick period.

(3) Where a teacher does not recover within such period, consideration may be given to the termination of the teachers'

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appointment on medical grounds in accordance with the Public Service Regulations, 2003.

Sabbatical
leave

36.-(1) A teacher may be eligible for the grant of sabbatical leave where necessary to broaden his experience and increase his potential value to the service if he is confirmed in his appointment.

(2) The sabbatical leave shall be approved by the Permanent Secretary of the Ministry responsible for Local Government.

(3) Applications for sabbatical leave shall be submitted to the Permanent Secretary of the Ministry responsible for Local Government through the appointing authorities who shall forward with recommendations indicating clearly the benefit expected there from.

(4) The sabbatical leave shall be limited to twelve months and granted once in every five years.

Leave
without pay

37.-(1) The permanent Secretary (Establishments) may grant a leave without pay to a teacher provided he is satisfied that it is in the public Interest so to do.

(2) Subject to sub-clause (1), the grant of such leave shall take into consideration the government policy.

(3) The application for leave without pay shall be made through the employer who shall forward it to the Permanent Secretary (Establishments) with his recommendations.

Leave
pending
retirement

38. A teacher shall be granted leave pending retirement which shall be taken a month before the date of his retirement.

Travel
Assistance

39.-(1) Free transport shall be granted when traveling locally:

- (a) on first appointment;
- (b) on duty;
- (c) on transfer;
- (d) on leave;
- (e) on termination of appointment;
- (f) to obtain necessary medical treatment; or
- (g) to attend seminars, conferences, in-service training

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courses;

(h) on retirement.

(2) Every teacher shall be granted once during the two years leave cycle, free transport in the form of a cash grant calculated on the basis of the prevailing fare rate by available public transport for himself, spouse and up to four children or dependants who are wholly dependent upon that teacher.

(3) Where a teacher is transferred he shall be entitled to free transport for himself, spouse and our children and or dependants as well as his personal belongings.

(4) A teacher shall be entitled to payment of subsistence allowance in accordance with the directives and at such rates and days to be determined from time to time by the Permanent Secretary.

Compensation for injuries or death

40. Where a teacher sustains injuries or dies in the course of his employment, he shall be entitled to compensation, which shall be paid in accordance with the procedures provided for under the Workers Compensation Act.

Disturbance Allowances

41.-(1) Where a teacher is transferred by his employer from one place to another and the transfer entails his moving of his household, he shall be eligible for disturbance allowance at the rate of ten percent of the teacher annual substantive basic salary one month's salary, provided that no disturbance allowance shall be paid where a teacher is transferred at his own request.

(2) Notwithstanding the provision in sub-clause (1), a teacher whose transfer on request is approved by the employer, shall be eligible for all the privileges usually accorded to a teacher on normal transfer provided that such a teacher shall stay at the same station for a period exceeding five years.

Teachers representation

42. The representation of teachers in the discussion with their employers on matters of employment welfare in general shall be through the-

- (a) workers' council; and
- (b) joint staff council.

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G.N. No. 311 (contd.)

Grievances Handling mechanism 43. It shall be the role of every head of school and every local government authority to establish a grievances handling mechanism and he shall receive, solve or seek solutions for the grievances to teachers under his jurisdiction.

Development of teachers 44.-(1) The responsibility for ensuring teacher's development shall vest in the respective Local government authority.

(2) Notwithstanding sub-clause (1) the Commission shall coordinate teachers' in-service training programs.

**PART V
TERMINATION OF SERVICE**

Retirement 45. The Appointing Authority may require a teacher to retire from his current post and from the service at anytime on the grounds that:

- (a) he has an infirmity of body or mind which in the opinion of a registered or licensed medical practitioner in the service of the United Republic is likely to be permanent; or
- (b) the post of such teacher is to be abolished or that the re-organization of establishment of the service posts of the employer makes such retirement desirable.

Age of Retirement Cap. 371 46.-(1) The teacher may at the age of 55 years voluntary or shall at the age of 60 years compulsory retire from his current post and from the service as provided for by the Public Service Retirement Benefits Act.

(2) Notwithstanding the provisions of sub-clause (1), Chief Secretary may approve the re-engagement of a teacher on contract terms after so to do.

(3) Where there is ambiguity on the date of birth of a teacher and where there is argument between the employer and teacher as to the accurate date of birth, the date on record disclosed by a teacher on his first appointment shall be recognized as the accurate dater of birth of such a teacher.

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(4) Where only the year and not the actual date of birth of a teacher have been recorded, his date of birth shall be deemed to be the first day of July of that year.

(5) Where only the month and year of birth has been recorded, the date of birth shall be deemed to be the 16th day of that month and the 15th in the case of February.

Termination
of Service

47. A teacher and the respective local government authority shall notify each other and thereafter the district office and the Commission on-

- (a) compulsory retirement of the teacher six months before the impending retirement, under regulation 72;
- (b) teacher's resignation; or
- (c) the death of a teacher immediately thereafter and shall submit all necessary information and documents for the computation of awards to teacher's dependants.

Grand of
Retirement
Benefits

48.-(1) Retirement benefits of teachers shall be granted in accordance with the following terms and conditions of service:

- (a) permanent and pensionable;
- (b) Contract or agreement.

(2) A teacher employed on permanent and pensionable or contract terms of service shall be granted retirement benefits as a right for the service he has rendered to the Government.

(3) A teacher in the contract or agreement terms of service shall be granted gratuity on termination of his service if he qualifies in accordance with the terms of contract he entered.

Terminal
Benefits
Scheme

49. The terminal benefits scheme available for teachers is contributory under the Public Service Pension Fund, Local Authorities Pension Fund, GEPF Pension Fund and National Social Security Fund.

Qualification
for Terminal
Benefits

50. Qualifications for terminal benefits for teachers shall be as provided for in the PSRB, Public Service Pension Fund, Local Authorities Pension Fund, GEPF Pension Fund and National Social Security Fund.

PART VI
DISCIPLINE OF TEACHERS

Conduct of
teachers

51.-(1) Every teacher shall conduct himself with integrity, impartiality and honesty, and shall give honest and impartial advice to the President or, as the case may be, to the Minister, to the Chief Executive Officer or to the Head of his Department or to his Supervisor without fear or favour and shall make all information relevant for decision available to them.

(2) No teacher shall deceive or knowingly mislead the President, Minister, Parliament, his Head of Department, his Supervisor or any member of the public.

(3) Every teacher shall be required not to conduct in a way which is-

- (a) Illegal;
- (b) Improper;
- (c) unethical;
- (d) in breach of constitutional convention or a professional Code of Ethics and Conduct;
- (e) inconsistent with the Public Service Code of Ethics and Conduct and the Public Service Leadership Code of Ethics and Conduct; or
- (f) involves possible maladministration.

(4) It shall be unethical conduct for a teacher to behave in a manner which is illegal, improper and including having sexual relations with a pupil.

(5) A teacher shall conduct himself in accordance with the provisions of the:

- (a) Public Service Codes of Ethics and Conduct;
- (b) Public Service Leadership Code of Ethics and Conduct;
- (c) Teachers Service Code of Ethics and Conduct; and
- (d) Public Service Regulations, the administrative directives or instructions and orders.

(6) Every teacher shall endeavour to deal with the affairs of the public sympathetically, efficiently, promptly and without bias and maladministration.

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(7) Every teacher shall display an attitude of responsibility to the public property and money and shall endeavour to ensure the proper, effective and efficient use of them.

(8) Every teacher shall not misuse his official position or information acquired in the course of his official duties to further his private interest or those of others and shall not receive benefits of any kind from a third party, which might reasonably be seen to compromise his personal judgment or integrity.

(9) Every teacher shall not seek to frustrate policies, decisions or actions of the Government by declining to take, or abstaining from, actions, which flow from decisions, made by political leaders, Chief Secretary, Chief Executive Officers or supervisors.

(10) Any teacher who is aware of any breach or who has been required by any other teacher, whether senior or junior, to act in a way which raises a fundamental issue of conscience for that teacher, may report that breach to his supervisor or his employer or the Secretary to the Commission.

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(11) Any teacher who contravenes the provision of this clause commits a disciplinary offence and shall be subject to disciplinary proceedings, which shall be conducted in accordance with the procedures provided for in the Public Service Regulations.

Teachers'
integrity and
behavior

52.-(1) Every teacher shall serve with high standard of wisdom and integrity.

(2) A teacher shall behave as a public servant and show normal courtesy.

confidentiality

53. A teacher shall not, without authority, disclose official information, which is communicated confidentially within the administration or received confidentially from other teachers.

Political
leaders
intervention

54.-(1) A teacher shall not seek any political leader's intervention when pursuing matters of his service unless he proves that he has exhausted the executive administrative ladder.

(2) Where a teacher pursues any matter concerning his service he shall do so by starting from his supervisor before going to the higher level of the Teachers' Service or Public Service administration; provided that he shall not be bound to start from his

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immediate supervisor where he thinks that justice shall not be done.

(3) Where in any way, a teacher seeks any political leaders' intervention, a political leader whose intervention has been sought shall, before intervening, communicate the matter to the immediate supervisor, employer, or Secretary of the Commission

Political involvement of a teacher

55. A teacher has the right of being a member of any political party and can vote both for his political party and in general elections except where he is prohibited by any Law, Regulations, Administrative Directives, Instructions or Orders.

Political neutrality and impartiality of a teacher

56. A teacher has to be neutral and impartial while delivering services to the public without any bias due to his political affiliation and shall observe the following limitations:

- (a) shall not take part in political activities which can compromise or be seen to compromise his loyalty to government activities;
- (b) shall not pass information or documents availed through his position in the service to his political party

Political Influence

57. A teacher has the right to communicate with his political representative provided he shall not use such influence-

- (a) to intervene on matters affecting him, which are in dispute between the Government and him;
- (b) for furthering personal ends or interests, which are not part of the Government Policy.

PART VII
GENERAL PROVISIONS

Miscellaneous terms

58 A member of the service employed in a public service:

- (a) may be required to undertake duties other than teaching of kind usually undertaken by teachers:

provided that if teacher is given a duty that is not usually undertaken by teachers he shall be entitled to receive the appropriate remunerations and allowances related to such duty;

- (b) shall not, in any circumstances, undertake any private teaching for profit without the consent of the employer

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- who shall notify the Appointing Authority; or
(c) shall be required to maintain and promote his professional standards set by an authority responsible for teachers professionalism.

Employment
of Persons not
Trained to
teach

59.-(1) Employment of persons who have not been trained as teachers shall only be done after approval by the Permanent Secretary (Establishments).

(2) Upon approving employment of such persons, the Permanent Secretary (Establishments) shall on such special terms and conditions of employment subject such person to the teachers' service commission for recruitment.

Resignation

60. A teacher may resign from the current post on giving his employer three months notice or one month's salary in lieu thereof, provided that in the case of a member serving under any bond, he shall, prior to such resignation be required to meet the requirements of the bond and settle all liabilities with the employer.

Certificate of
Service

61. Where the appointment of a teacher is terminated or where he retires from the teachers' service cost his employer shall provide him with a certificate of service.

Burial Expense

62.-(1) An employer shall meet the cost of burial of a member of the service which shall include:

- (a) coffin;
- (b) grave
- (c) shroud;
- (d) wreath;
- (e) transport cost of the deceased employee from the point of death to the home place of the deceased or any other place as decided by the deceased himself prior to the occurrence of death or his relatives or his official representative(s) whichever is nearer.

(2) A teacher of the service to attend burial of a close relative may be granted up to fourteen days leave; such leave will be on full pay and not count against ordinary leave entitlement.

(3) Subject to sub-clause (2), a leave shall not carry not entitlement to transport privileges or allowance.

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(4) For the purpose of these Regulations, close relative means father, mother, spouse and child.

Promotion of
welfare of
teacher

63. Every employer shall promote the welfare of a teacher in his jurisdiction with regard to but not limited, to salaries, fringe benefits, housing, educational standards or any other matter connected thereto.

Honorarium

64. A teacher of the service who makes special contribution to the service which leads to economy or greater efficiency or enhanced reputation of the service may be eligible for payment of honorarium of an amount which the local government authority considers reasonable and justified under the circumstances.

Dodoma,
14th May, 2016

JOHN POMBE MAGUFULI,
President