

No. S 3

EDUCATION ORDER, 2003

**EDUCATION (MANAGEMENT OF EDUCATIONAL INSTITUTIONS)
REGULATIONS, 2004**

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In exercise of the power conferred on him by section 128 of the Education Order, 2003, the Minister, with the approval of His Majesty the Sultan and Yang Di-Pertuan, hereby makes the following Regulations —

Citation.

1. These Regulations may be cited as the Education (Management of Educational Institutions) Regulations, 2004.

Interpretation.

2. In these Regulations —

"Board" means a Board of Governors ;

"designated subject" means a subject in the National Curriculum that is taught by a teacher nominated by the Minister;

"instrument" means an instrument of government of an educational institution.

Application.

3. (1) These Regulations shall not apply to government educational institutions.

(2) These Regulations shall not apply to higher educational institutions.

Responsibility for management.

4. The Board shall be responsible for the proper management of the educational institution in accordance with the Order, and the Regulations made and directions given thereunder, and the provisions of any other written law applicable thereto and the instrument of the educational institution.

Type and character of educational institution not to be altered without approval.

5. The Board shall not, without the approval of the Minister in writing, alter the type or educational character of the educational institution.

Control by head teacher or principal.

6. Subject to any lawful direction given by the Board in the discharge of its duty under these Regulations, the head teacher or principal of a school shall have control of the organisation of that school and shall ensure that the discipline of its pupils are maintained in accordance with the Order and the Regulations made thereunder and for these purposes shall have authority over other teachers, pupils and employees of that school.

Attendance at Board meetings by head teacher or principal.

7. The head teacher or principal shall attend meetings of the Board for the purpose of advising it upon matters under his control.

Teaching vacancies.

8. (1) Whenever a vacancy occurs in any teaching post in the teaching staff of an educational institution, the Board shall —

- (a) inform the Minister if the vacancy is for a teaching post for a designated subject; or
- (b) cause the vacancy to be advertised in accordance with such directions as the Minister may issue from time to time if the vacancy is for a teaching post for a non-designated subject.

(2) Upon being informed of the vacancy in the teaching post as in paragraph (a), the Minister shall nominate a person for the vacancy and the Board shall appoint that person.

(3) Notwithstanding sub-regulations (1) and (2), the Board may, with the consent of the Minister, appoint a teacher on a temporary basis pending the making of an appointment under these Regulations.

Vacancies for the post of head teacher or principal.

9. Whenever a vacancy occurs in the post of head teacher or principal in an educational institution, the Board shall inform the Minister and —

- (a) if the Minister has a person to nominate for the vacancy, the Board shall appoint that person; or
- (b) if the Minister has no person to nominate for the vacancy, the Board shall cause the vacancy to be advertised in accordance with such directions as the Minister may issue from time to time.

Selection committee.

10. (1) For the purpose of advising the Board upon the appointment of a teacher, there shall be established a selection committee of the Board which shall consist of —

- (a) a governor nominated by the Board to be the Chairman of the committee;
- (b) 2 governors nominated by the Board;
- (c) the head teacher or principal.

(2) The head teacher or principal shall not attend any meeting of the selection committee at which his own appointment is under consideration.

Appointment of teachers.

11. (1) The Board may, after considering a list of all applicants together with a report and recommendations submitted to it by the selection committee, appoint any teacher to a vacancy.

(2) If the vacancy is for a head teacher or principal or the holder of any other post designated by the Minister as a post of special responsibility to which this sub-regulation applies, the appointment shall not be made except with the Minister's approval, and if the Board is unable to designate for the appointment a person approved by the Minister, the Minister may nominate a person for it to appoint.

Appointment or dismissal of non-teaching staff.

12. The Board may, after consultation with the head teacher or principal, appoint or dismiss staff other than teachers.

Suspension of teacher.

13. (1) The head teacher or principal may after consultation with the Chairman of the Board suspend a teacher who, in his opinion, is guilty of misconduct or who fails to perform his duties in a satisfactory manner, and in such event the head teacher or principal shall forthwith make a report in writing to the Board setting out his reasons for the suspension.

(2) The Board may after consultation with the Registrar General suspend the head teacher or principal if, in its opinion, is guilty of misconduct or fails to perform his duties in a satisfactory manner, and in such event the Board shall

forthwith make a report in writing to the Registrar General setting out its reasons for the suspension.

Salary etc. during suspension.

14. Where a head teacher or principal or a teacher is suspended from duty his salary and allowances shall continue until the procedure for his dismissal under these Regulations has been concluded.

Teacher may be required to show cause.

15. Whenever it appears to the Board that the head teacher or principal or a teacher is guilty of misconduct or is performing his duties in an unsatisfactory manner, the Board may, in the manner hereinafter provided, require the head teacher or principal or teacher to show cause why he should not be dismissed.

Service of notice.

16. When the Board considers it necessary to require the head teacher or principal or a teacher to show cause why he should not be dismissed it shall issue and cause to be served upon him a notice containing a statement of the reasons why the notice was issued and such notice shall specify a date, not earlier than 21 days after the service of the notice, on which the Board intends to consider the matter.

Manner of showing cause.

17. (1) The head teacher or principal or a teacher served with a notice under these Regulations may, for the purpose of showing cause why he should not be dismissed —

- (a) deliver to the Board, within 14 days of the date of the service of the notice, a statement in writing ; and
- (b) attend and be given a hearing at the meeting of the Board on the date specified in the notice.

The Board shall consider any statement made by the head teacher or principal or teacher under this Regulations and may make such enquiry as it thinks fit.

(2) The head teacher or principal or teacher may if he so desires be accompanied by a serving teacher selected by him, and in such case the Board shall permit that serving teacher to be heard in defence of the head teacher or teacher.

Report in writing to Minister.

18. Where the Board is of the opinion that the head teacher or principal or teacher should be dismissed the Board shall make a report in writing to the Registrar General upon the circumstances of the case, and, with the approval of the Minister, dismiss him.

Additional employment.

19. The head teacher or principal or a teacher may, with the written consent of the Board, and subject to any directions on the matter issued by the Minister from time to time, undertake for consideration any employment in addition to his duties at the school.

Provided that in no case shall the Board consent to the private tuition for consideration of a pupil by the head teacher or principal or teacher when such pupil is receiving paid instruction from him at the educational institution.

Teacher who is a public officer.

20. Regulations 13 to 19 shall not apply to a teacher who is a public officer.

Made this 13th. day of Zulkaedah, 1424 Hijriah corresponding to the 6th. day of January, 2004.

PEHIN ORANG KAYA LAILA WIJAYA DATO SERI SETIA
HAJI AWANG ABDUL AZIZ BIN BEGAWAN PEHIN
UDANA KHATIB DATO SERI PADUKA HAJI AWANG UMAR
Minister of Education,
Brunei Darussalam.