

**ASSESSING THE EFFECTIVENESS OF DISCIPLINARY PROCEDURES ON
TEACHER'S WORK BEHAVIOUR: THE CASE OF CENTRAL WEST
EDUCATION DIVISION OF THE MINISTRY OF EDUCATION**

**MASTER OF ARTS (HUMAN RESOURCE MANAGEMENT AND
INDUSTRIAL RELATIONS) THESIS**

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UNIVERSITY OF MALAWI

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By

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Submitted to the Department of Management and Leadership Studies, School of Law,
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of Master of Arts (Human Resource Management and Industrial Relations)

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DECLARATION

This thesis is my own original work and it has not been submitted to any other institution for similar purposes. Where other people's work has been used, acknowledgements have been duly made. I bear the responsibility for the contents of this paper.

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Signature

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CERTIFICATE OF APPROVAL

The undersigned certify that this thesis represents the student's own work and effort and has been submitted with our approval.

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DEDICATION

To my wife Gladys and my children, Tadala, Remember and Praise.

You people did not have to do anything for me this time around, but you did it anyway.

You may not have been escorting me to school, and had no obligation to, but you did so simply on your own journey in my direction. That was an inspiration to me. May God bless you abundantly.

However, I owe it all to my Good God. Thank You for unearthing the wisdom and knowledge in me. I attribute everything to You.

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ABSTRACT

The main objective of this research study was to assess the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education (MoE) with a special focus on the Central West Education Division in Malawi. The study's objectives were to identify the common disciplinary problems teachers are involved in, examine the disciplinary measures followed to resolve disciplinary cases of teachers, evaluate the benefits of disciplinary procedures on teacher's work behavior and to explore the challenges school managers face when employing disciplinary measures on errant teachers. The research study is qualitative in nature and the target population of this study was obtained from the Ministry of Education, Ombudsman, Central West Education Division officers from the human resource management section and those from the disciplinary committee and selected secondary school managers. It adopted the cross sectional design where the researcher only interacted with the respondents once due to time constraints. The study also used purposive sampling, in-depth interviews and document reviews. In addition, the researcher used Nvivo to analyze qualitative data. The study found out that the disciplinary procedures followed in the Central West Education Division are not effective because of lack of expediency in their handling. The other reason was loss of important documents from personal files due to length of time as officers refer to them every time they discuss the case and end up misplacing them, inconsistency and lack of ownership of the decision made on one's case. The research recommended that disciplinary processes and procedures in the Central West Education Division be decentralized. Teachers should have their own council which should regulate their conduct. It should borrow a leaf from the way Nurses, Doctors, Pharmacists, Lawyers and Accountants and the private sectors do. They stripe off membership of those doing contrary to the regulations of their regulatory body. This will bring sanity to the teaching profession.

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LIST OF ABBREVIATIONS AND ACRONYMS

ADC	Appointment and Disciplinary Committee
BoG	Board of Governors
CWED	Central West Education Division
EDM	Education Division Manager
GTSCA	Government Teaching Service Commission Act
GTSR	Government Teaching Service Regulations
MDA	Ministries, Departments and Agencies
MoE	Ministry of Education
MPSCR	Malawi Public Service Commission Regulations
MPSR	Malawi Public Service Regulations
PSA	Public Service Act
PTA	Parent Teacher Association
TSC	Teaching Service Commission

CHAPTER ONE

INTRODUCTION

1.1 Introduction

This chapter presents the introduction and background of this study. The chapter also provides the statement of the problem, objectives and questions of the study. It has to be noted that the study was basically designed to provide an assessment of the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education (MoE) with a special focus on the Central West Education Division. The study was embarked on to identify the common disciplinary problems teachers are involved in, examine the disciplinary measures followed to resolve disciplinary cases of teachers, evaluate the benefits of disciplinary procedures on teacher's work behaviour and to explore the challenges school managers face when employing disciplinary measures on errant teachers.

The Malawi Government through its Ministries, Departments and Agencies is the largest employer in the country with slightly over four hundred and ninety-six thousand (496, 000) employees (Malawi Education Statistics Report, 2022a). The Ministry of Education has more of these employees than any sector as it has over seventy-seven thousand, seven hundred and fifty-seven (77, 757) teachers. Out of these numbers, sixteen thousand, seven hundred and fifty-seven (16, 757) are secondary school teachers as of the year 2022. (Malawi Education Statistics Report, 2022b), while the remaining are for the primary school. The Central West Education Division has over four thousand and twenty – three 4023 teachers on its payroll, (Malawi Education Statistics Report, 2022c). Due to this size in terms of numbers of employees, the Division registers the highest number of disciplinary cases as compared to the Northern Education Division (NED)

which has three thousand and ninety – two (3092) teachers (Malawi Education Statistics Report, 2022d), Central East Education Division (CEED) which has two thousand, two hundred and ninety – four (2294) teachers (Malawi Education Statistics Report, 2022e), South East Education Division (SEED) which has two thousand, three hundred and sixty – seven (2367) teachers (Malawi Education Statistics Report, 2022f), South West Education Division (SWED) which has two thousand, nine hundred and twenty – six (2926) teachers, (Malawi Education Statistics Report, 2022g) and Shire Highlands Education Division (SHED) which has two thousand and fifty – five (2055) teachers (Malawi Education Statistics Report, 2022h). These cases range from male teachers behaving immorally with school girls to absenteeism, abscondment, drunkenness, insubordination, late coming and many other acts of misconduct (CWED Teacher Disciplinary Logbook, 2021). The problem is that teachers keep on repeating all kinds of acts of misconduct despite being disciplined throughout. Apart from the repeated acts of misconduct, the Ministry of Education losses most of the cases against errant teachers because of flouting the proper disciplinary procedures.

This motivated the author to conduct a research study to assess the effectiveness of disciplinary procedures followed in Government in general and the Ministry of Education with a special focus on the Central West Education Division in particular, on teacher's work behavior. The paper constitutes the background to the study, the statement of the problem, the overall and specific objectives, justification of the study and the literature review. It also reviews the methodology, which details how this paper is presented by highlighting the study design, study sites, population of the study, sample and sampling methods, data collection methods and its analysis, ethical considerations and limitations of the study. It finally provides the conclusions and recommendations.

1.2 Background to the Study

Teacher misconduct is a concerning issue globally, as indicated by Wang and Eccelles, (2012) in their study with numerous cases reported in various countries.

They indicate that instances of teacher misconduct can range from verbal and emotional abuse to sexual misconduct and physical assault.

This kind of behavior not only harms students but also undermines the integrity of the education system. Roords et al. (2011) laments that in the United States of America, there were more than nine thousand (9000) cases of teacher misconduct reported between 2001 and 2005 while in the United Kingdom, the BBC report of 2019 indicates of a teacher misconduct found guilty of making inappropriate sexual comments to students on social media. Koomen, Spilt and Oort (2021) concur with Cresswell (2020) about ABC report of 2018 in India and 2019 Times report of India about teacher's misconduct.

The same is the case regionally where the South African Council of Educators (SACE) conducted a study and found out that there were over four hundred (400) cases of teacher misconduct reported in 2018 while Centre for Crisis Prevention and Peace Advocacy (CCPPA) found out that cases of teacher misconduct are on the rise in Nigeria particularly in rural areas where there is less oversight.

In Malawi, teacher misconduct is a serious issue that has been reported in various instances. Some common forms of misconduct include physical abuse, sexual exploitation, absenteeism, late coming, insubordination, negligence among others.

In Malawi, one of the biggest Ministries is that of Education, apart from that of Health and Agriculture and other slightly bigger ministries. The Ministry of Education is the custodian of Malawi's education sector and is responsible for providing policy guidance on all education matters as indicated in the Teaching Profession in Malawi Handbook, (2018). Its mandate is to educate the Malawian citizens irrespective of race, ethnicity, gender, religion, disability or any other discriminatory characteristics (Education Act, 2013). It is part of the main Civil Service while the Teaching Service Commission is a subsidiary to it. Its mission or reason for its existence is to provide quality and relevant education to the Malawian nation, (Teaching Profession in Malawi Handbook, 2018a). Such education is to enable people acquire relevant knowledge, skills, expertise and competencies to perform effectively as citizens, workforce and as leaders of Malawi thereby reducing poverty amongst the people of Malawi, while its vision is to be a catalyst for social – economic development,

industrial growth and instrument for empowering the poor, the weak and the voiceless, (Teaching Profession in Malawi Handbook, 2018b).

This Ministry is divided into three sectors; that of the District Education Management which are thirty-six (36) in total and look after all primary schools in the districts. These are under the District Councils because of the decentralization drive and fall under the Local Government Commission, the Education Division Management which are six (6) in total, one in the Northern region, two in the Central region, two in the Southern region and one in the Eastern region. These Education Divisions look after all secondary schools while the higher education oversees all public and private universities and teacher training colleges.

The Central West Education Division, which is the Division under discussion, has its headquarters in Lilongwe and looks after Secondary schools in educational districts of Ntcheu, Dedza, Lilongwe Urban, Lilongwe Rural East, Lilongwe Rural West and Mchinji. It has over 198 Secondary schools which are divided into National, Conventional, District and Community Day Secondary schools. All teachers in this Division, like other teachers in other Divisions and District Education Management Offices fall under the main Civil Service Commission in general and the Teaching Service Commission for secondary schools and Local Government Commission for primary schools in particular. As such, they are guided by labour laws of the country, from the Malawi Republican Constitution, to the Employment Act, Labour Relations Act and all other labour regulations such as the Malawi Public Service Commission Regulation (MPSCR), Public Service Act (PSA) and the Malawi Public Service Regulations (MPSR). Apart from these Books, there are some Books of law specifically for teachers. This is because of their special relationship with the student and the learner. These Books are the Government Teaching Service Regulations (GTSR), the Government Teaching Service Commission Act (GTSCA) and recently the National Teacher's Code of Conduct, 2022 and regulatory circulars which are released from time to time.

The large numbers of secondary school teachers in the Central West Education Division make it inevitable for it to register high numbers of disciplinary cases as compared to the other five (5) Education Divisions as discussed in the introductory

section. This is coupled with the fact that most school managers have not been fully oriented or equipped with disciplinary handling techniques as will be discussed in detail in the chapters to follow.

Apart from the repeated acts of misconduct, the Ministry of Education losses most of the court cases against errant teachers because of flouting the disciplinary procedures. This is despite the Attorney General, (2016) issuing a circular informing the Chairperson of the Public Sector Reform, all Cabinet Ministers, The Chief Secretary to Government, The Solicitor General and Secretary for Justice, all Principle Secretaries and The Inspector General of Police of the change in mode of settlements of compensation claims arising from the court determinations that the Treasury will no longer settle any court bills arising from not following proper disciplinary procedures but that individual Controlling officers who mess up with the procedures will be settling the compensation claims to teachers who sued and won the case.

1.3 Statement of the Problem

It is the wish of every parent and the Government to see to it that all teachers conduct themselves in a way that creates a positive and productive learning environment for students. As Gomez – Mejia, Balkin and Cardy (2016) put it, teachers who demonstrate professionalism, respect and empathy towards their students can greatly impact their educational experience and overall well – being. This is collaborated in a study by Carrell and Heavrin, (2017) which emphasized the importance of teacher – student relationship in creating a positive learning environment, with teacher support and care being significantly related to student motivation and academic achievement.

However, the Ministry of Education has been grappling with many disciplinary cases either at source level, Division level, Ministry level, Teaching Service Commission level or court level. This is because of the cases and repeated cases of work behaviour by teachers and losing in courts of such cases by Government to errant teachers. For example, in 2021, the Nyasa Times reported of a male teacher in Kasungu who was allegedly arrested by the Police for impregnating a 16 – year old girl student while in Mzuzu it was a female teacher caught engaging in sexual relationship with a male student as reported by Times 360, Malawi (2021). Lilongwe district was not spared

either as a teacher was arrested for physically assaulting a student by beating him with a cane, causing severe injuries in the process as was reported by Nyasa Times, (2021).

The Misconduct and Disciplinary Procedures for the Teaching Profession in Malawi Handbook (2018) discusses that due to the large number of teachers, the Ministry of Education registers the highest number of disciplinary cases of absenteeism, abscondment, immorality, drunkenness, insubordination and tardiness (Mintah, 2011). It will be noted that there has been an increase of indiscipline cases in the Central West Education Division from 2016 where two (2) cases of immoral behavior were reported while seven (7) of absenteeism were reported and two (2) about insubordination. In 2017, one (1) case of immorality, three (3) cases of absenteeism and three (3) of insubordination were reported (CWED Disciplinary Cases Logbook, 2021a). Three (3) cases of immorality, eight (8) cases of absenteeism and two (2) cases of insubordination were reported in 2018 while in 2019, four (4) cases of immorality, nine (9) cases of absenteeism and six (6) cases of insubordination were reported (CWED Disciplinary Cases Logbook, 2021b). All these are cases that were reported by school managers. There might have been more cases happening in most schools but were never reported to the Division by the School managers. All these forms of acts of misconduct have a direct impact on the learner, the teacher and the Ministry in terms of ensuring the high quality of education (Stredwick, 2005). On the teacher, there may be consequences like dismissal from work, criminal charges or civil lawsuits where students or parents might sue the teacher for damages resulting in misconduct while the student might undergo emotional and psychological trauma with long time effects, loss of trust which can impact their academic performance and overall well – being, (npr, 2016).

Dzimbiri, (2016) found out that there are problems with how disciplinary procedures are handled in the Civil Service let alone the Ministry of Education. He cited lack of expedience; lack of fairness, inconsistent handling of disciplinary issues and failure to keep disciplinary records properly (Dzimbiri, 2016). This is what is leading to the ineffectiveness of the whole disciplinary procedure even in the Central West Education Division, making teachers not fear misconducting themselves or even repeating the acts of misconduct they were disciplined on already. This has motivated the researcher to conduct this research study as there are continued cases of acts of

misconduct by teachers in the Central West Education Division. This research study, therefore, seeks to analyze the effectiveness of the disciplinary procedures followed in the Central West Education Division since previous researchers dwelt much on fairness and consistency of the disciplinary procedures in the main Civil Service. The problem which is to be addressed in this research is echoed by Mintah (2011) who is of the opinion that the primary objective of discipline is to bring an employee back, where possible, to an acceptable standard of performance and behaviour rather than punishing them by following the best well laid down disciplinary procedures. These teachers are supposed to understand that the most unpleasant task for school managers and the Education Managers is the task of disciplining them. Stredwick, (2005) opines that an inevitable consequence of employing people is that there must be a set of rules laid down and penalties for not abiding to the rules, which, to a large extent, regulate their behaviour.

1.4 Overall Objective

The overall objective of this study is to analyze the effectiveness of disciplinary procedures on teacher's work behaviour in the MoE.

1.5 Specific Objectives

The study was guided by the following specific objectives:

- a) To explore the common disciplinary problems teachers are involved in.
- b) To analyze the existing disciplinary procedures followed to resolve disciplinary cases by teachers.
- c) To evaluate the benefits of disciplinary procedures on teacher's work behaviour.
- d) To explore the challenges School managers face when employing disciplinary measures on errant teachers.

1.6 Main question for the study

This research intended to address the following main question: how effective are existing disciplinary procedures on teacher's work behaviour? The case of Central West Education Division of the Ministry of Education was used.

1.6.1 Specific questions for the study

The following were the specific questions for the study:

- 1) What work behaviors are teachers usually involved in?
- 2) What are the existing disciplinary procedures being employed to mitigate such work behaviors?
- 3) What benefits do such disciplinary measures have on teachers?
- 4) What challenges does School management face when employing or trying to employ such disciplinary measures?

1.7 Justification of the Study

The Ministry of Education is one of the biggest employing Ministries in the Civil Service as it has over 77, 000 employees, mostly teachers. In view of this, it is important that it operates rules and procedures which will promote order, fairness and standard practices in the treatment of teachers and in settling of standards of conduct, (Misconduct and Disciplinary Procedures for The Teachers Profession in Malawi, 2018). This should be the case so that when a teacher is procedurally disciplined and he is satisfied with the whole process, he or she can give quality education to learners as espoused in the Sustainable Development Goals of 2030 where inclusive and equitable quality education and promotion of lifelong learning opportunities for all are ensured.

It has to be noted that the teacher's job purpose is to teach, mentor and help students to achieve their highest potential while their responsibilities are to identify and prepare learning and teaching materials, devise methods and resources of teaching and assessing students, create and maintain a conducive teaching and learning environment, prepare, mark tests and maintain all records, and attend to all school

activities as may be required (Secondary School Management Handbook, 2014). This is in line with the African Union Agenda, 2063 which dreams of well-educated citizens and skills revolution underpinned by science, technology and innovation in the process transforming their country's economy with an engaged and empowered youth and children.

The Ministry of education is failing to understand why teachers continue displaying acts of misconduct despite being disciplined. This study was very important because it revealed how the disciplinary procedures are followed by heads of educational institutions like Secondary schools, Education Division and the Ministry of Education that result in repeated acts of misconduct by teachers and continued loss of cases in courts to errant teachers. This calls for human capital development in school managers as enshrined in Malawi Vision 2063 Agenda where their mindset has to change on how they perceive misconduct and how they handle disciplinary cases so that Malawi can have an inclusively wealthy and self – reliant nation. The study has added knowledge to literature since most studies conducted previously did not have the current issues of repeated acts of misconduct and continued losing of court cases by Government to errant teachers. They also did not tackle issues of effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education. It has also revealed some weak areas of the disciplinary procedures followed in the Ministry which are negatively impacting on a conducive teaching and learning environment.

1.8 Organisation of the Chapters

The study comprises five main chapters. This first chapter laid the foundation for the study by providing an introduction, background to the study, the problem provoking the study, the study objectives comprising both the overall and specific objectives, study justification and how the chapters are arranged. The second Chapter discusses and critically reviews the relevant literature with much emphasis on disciplinary procedures, common disciplinary problems or issues, the common disciplinary problems teachers are involved in, benefits and challenges associated with these disciplinary procedures. Chapter three gives a detailed methodology used in assessing

the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education. The chapter has also outlined ethical considerations and study limitations. Chapter four presents the findings of the study and discusses them in line with the objectives of the study and the literature. The final chapter concludes the study and makes recommendations in relation to the findings of the study and proposed areas for further studies.

1.9 Conclusion

This chapter has discussed the introduction of the study and presented the study's problem statement that motivated the author to conduct this research study. This chapter has indicated the overall objective of the study where specific objectives have derived from, coupled with questions answered by the study. Further, the chapter has highlighted the study justification and how the chapters are organized.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This chapter reviewed relevant literature in relation to the proposed topic of the study. The review was mainly based on empirical studies on disciplinary procedures in the Ministry of Education. The review of literature started by defining the concept of discipline followed by a review on common disciplinary problems/issues experienced in the Ministry of Education and then a discussion on disciplinary procedures. The benefits of disciplinary procedures on teacher's work behaviour were also reviewed ending with the review on the exploration of the challenges school managers face when employing disciplinary measures on errant teachers. All this was put in detail in order to contextualize the study and identify the gaps which ought to be filled.

2.2 Definitions: Staff Discipline

The term discipline has been defined differently by different authors depending on the context of the situation warranting the definition. For starters, Torrington *et al* (2002) paint a bigger picture that discipline is regulation of human activity to produce a controlled performance, and that discipline is in three fold; managerial discipline, where everything depends on the leader from start to finish; team discipline where the perfection of the performance derives from the mutual dependence of all and finally self – discipline where a solo performer is absolutely dependent on training, expertise and self – control. This is exactly what is espoused in the Secondary School Management Handbook (2014) where it is also looking at levels of causes of indiscipline as emanating from management level, teacher level, parent/community level and Ministry of Education level.

This strongly agrees with Cohen, (2011) who suggested that these levels play pivotal roles in as far as the effectiveness of disciplinary procedures are concerned. Similarly, Thompson and Heron, (2005) argued that the moment these four levels of managers regulate human activity in teachers, controlled behaviour and performance will be produced. The only way to regulate human behaviour is making sure that even disciplinary procedures are followed to the book to avoid inconsistencies in their application (Goldman, 2003).

The United States Marine Corps, (2009) concur with Torrington on the regulation of human activity to produce a controlled performance. They define discipline as the ability to do the right thing even when no one is watching or suffer the consequences of guilt which produces pain in our bodies. In their study, Grogan, (2009) agreed with Bouwen and Salipante, (2005) that it is incumbent upon individual teachers to bring peace in the organization or at their schools by conducting themselves according to the dictates of the organization even when the School manager or teachers in management team are not around.

The above definitions share the same school of thought with what Costly, (2007) states in his definition about discipline. He defines it as a state of employee self-control and orderly conduct present within an organization. This definition agrees with what DeCenzo and Robbins (1999) say about discipline as the condition in the organization where employees conduct themselves in accordance with the organization's rules and standards of acceptable behaviour.

On the contrary, Dessler, (2004) and Byars and Rue, (1991) give discipline a definition sounding more or less punitive and negative in nature when Dessler defines discipline as a procedure that corrects or punishes a subordinate because a rule or procedure has been violated while Byars and Rue define it as an action taken against an employee when the employee has violated an organization's rule or when the employee's performance has deteriorated to the point where corrective action is needed. In the views of Dessler, (2004) and Byars and Rue, (1991), discipline in this case is being initiated by management and not self-initiated by employees, as opposed to the definitions of Costly, (2007) and DeCenzo and Robbins (1999).

This indicates that discipline is one of management's prerogative instigated by the Unitarist approach to industrial relations. According to Salamon (2000), the Unitarist view assumes that management is what manages and makes decisions in an organization regarding discipline. For this reason, discipline is typically based on little or no employee participation (Salamon, 2000). This thinking has potential consequences on employees' perception of discipline and may trigger adverse effects on those employees who have not yet been disciplined. This reinforces the observation made by Coxton, (2019) that being disciplined may be a source of considerable stress for the employees and can posit adverse effects on their attitude and work behavior. However, the definition by Costly, (2007) defies all that as individuals too can discipline themselves without management.

Following the above definitions, it is clear that to keep the meaningfulness and effectiveness of the disciplinary procedure, employees have to abide by management dictates from within, like taking responsibility of their own actions. In these definitions, it is not clear if these employees are aware of their mistakes before they are 'punished' as it sounds. An observation on the definitions by Dessler who includes '*punishes a subordinate*' and Byars and Rue who include '*an action taken against an employee*' gives an impression that discipline is there to shame or belittle subordinate employees. This is why a definition by Mathis and Jackson, (1988) is very important in this case where they define discipline as a form of training that enforces organization's rules. This definition by Mathis and Jackson is relevant to this study in that it paints crystal clear picture that discipline is there to change ones conduct from bad to good while taking lessons in the process. Likewise, management is obliged to take part in the training of these employees when it comes to disciplining them so that they take discipline as a way of getting trained to change from the current status to the new required status and that they are able to realize that any deviation from the training will call for disciplinary action.

It has to be noted that training is one of human resource management functions. When employees are trained on how to conduct themselves properly, there is always good relationship between them and the employers, an important element in industrial relations which creates a harmonious and productive work environment (Budd, 2017).

2.3 Common Disciplinary Problems/issues

It is vital to note that Torrington, (2008, p. 605) argued that every workplace has rules that have to be clear and readily understood and that employees should have ready access to them through employee handbook and noticeboards. According to the study conducted by Torrington, (2006) on *'Procedures as a way of handling capacity problems in the teaching profession and implications for more general application'*, it was found out that some of the disciplinary problems faced in several workplaces, are negligence, which is failure to do the job properly. The second one is unreliability which is failure to attend to work as required such as being late or absent. The third disciplinary problem, which is concurred by Hook, Rollings, Foot and Handley, (1996) is insubordination which is refusal to obey lawful instructions, or deliberate disrespect to someone in a position of authority. This was cited to be very common in most work places.

Then he cites interference with the rights of others, theft and safety offences as some of the disciplinary issues workplaces are faced with. This is also reflected in the study by Coxton (2019) who argued that there are multiple offences that occur in organizations. The most common ones being insubordination, theft and safety offences.

However, the Misconduct and Disciplinary Procedures for The Teaching Profession in Malawi, (2018), supported by Cropanzano and Mitchell, (2005) explain that all the above mentioned disciplinary problems do not usually just come from nowhere or do not happen in a vacuum. It cites that this could be a response or a reaction to management failure to manage. It could be a reaction to unfair management practices, absence of effective leadership, communication barriers, varying disciplinary measures, defective supervision, inadequate attention to personnel problems, absence of code of conduct, divide and rule policy, deferring settlement of employee grievances and misjudgment in promotion and placements. For example, on the absence of code of conduct, apart from the regulations that have guided teacher's conduct previously, it is only in 2022 when a tailor - made National Teacher's Code of Conduct was published. Meaning teachers were not guided by any code of conduct specifically for them.

Apart from that, as of now it is mostly school managers who are in possession of this code of conduct, making it difficult for the bigger number of teachers to have access to its contents because only few teachers have full access to this document.

As discussed above, teachers fall under the Teaching Service in particular and the Civil Service in general and are guided by labor laws which apply to all civil servants with some exceptions in labor Books specifically pertaining to the teaching profession because of the special relationship of teachers with the learners or students that they teach. For example, all acts of misconduct in the MPSR, (1983) Book One, which is for civil servants, also apply to teachers. In this Book One, it has twenty six (26) Acts of Misconduct while in Book Six (6) of the MPSR, which is for the Government Teaching Service only, has an addition of One (1) act of misconduct specifically for teachers which says *“a teacher shall be guilty of misconduct if he behaves immorally with any pupil in his charge”* while the Teaching Service Commission Regulation 77(x)(y) words it thus *“.....a teacher shall be guilty of a misconduct if she/he behaves immorally with any pupil or student of any educational institution in the country”*. Not surprisingly, a question has risen in the definition of *any education institution in the country*. Many have asked if this includes private and public universities and colleges where students are regarded as adults.

According to the Teaching Profession in Malawi Handbook, (2018), which is collaborated with Torrington, et al (2003) in his article *‘Tackling Underperformance in Teachers’*, its contents are not far from what some authors have outlined as disciplinary problems. Only that it is looking at the causes of indiscipline from teacher’s perspective. It cites that indiscipline emanates from different sources. It may originate from behaviors of management as discussed above, teachers, students, parents and the Ministry itself. This strongly agreed with National Teachers’ Code of Conduct, (2022) that teacher related causes are outlined as poor class management, poor lesson preparation, limited knowledge of subject matter, absenteeism, lack of assessment and feedback, gossiping, failure to observe social distance, reporting late for work, poor dressing, poor teacher and student relationship, ineffective communication, immorality leading to sexual relationship within and outside school, drunkenness, provocative remarks leading to conflict, being negative about students, overstaying of teachers at one institution, teachers concentrating on open school

learners at the expense of regular learners, mismanagement of school funds and excessive punishment not matching with an offense.

It is vital to note from the Civil Service point of view that there is not much difference between the MPSR and those disciplinary problems outlined by Torrington (2008). Apart from the 27th additional act of misconduct in the MPSR, some common disciplinary problems in the MPSR, which are also echoed by Dzimbiri, (2010) include absenteeism, negligent performance of duties, display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit- forming drugs during the normal hours of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit- forming drug/s to excess, conducting him or herself on any one or more occasions in a disgraceful, improper or unbecoming manner, or while on duty, is grossly discourteous to any person, failure to take reasonable care of any Government property in his or her custody or on charge to him and bribery, theft, theft by false pretense, forgery.

These problems are just complementing other more disciplinary problems identified by other writers. In the teaching service, these are mostly the issues that take much of management's time and resources to deal with, (Teaching profession in Malawi Handbook, 2010). Because of the big number of cases and the procedures that are followed, most of these cases are just piled up in the offices without being attended to. Based on the above discussion about common disciplinary issues, empirical evidence from both practitioners and academic literature reveals that they are all in agreement that those outlined above are the most common disciplinary problems in most work places that usually call for disciplinary action and procedures. This is one of the critical reasons this study was undertaken, to understand the effectiveness of the disciplinary procedures on teachers work behaviour in the Central West Education Division of the Ministry of Education.

2.4 Disciplinary Procedures/Measures

Mathis and Jackson, (1988) are of the opinion that the disciplinary system can be viewed as an application of behaviour modification to a problem or unproductive employee.

This reinforces the observation made by Thompson and Heron, (2005) that positive discipline approach builds on the philosophy that violations are actions that usually can be corrected constructively without penalty. In agreement with Thompson and Heron, (2005), ACAS, (2000) provides three (3) objectives for disciplinary procedure. The first is to point out to the employee the error of his or her ways. The second is to set the employee on the path of improvement and lastly to come to decision on a fair sanction for the offense committed.

However, other scholars have contradicted Thomson and Heron, (2005) and ACAS, (2000). For instance, Douglas McGregor, (1960) has shown that for a disciplinary procedure to be deemed fair, it should be used consistently as espoused in his Red – Hot – Stove Theory. In this theory, Douglas propounds that administering discipline is more like touching a hot stove which is the same as giving out a penalty. He suggests that disciplinary action should be immediate, impartial and consistent with the red color signifying a warning like the results of touching a red hot stove. The rule draws an analogue between touching a hot stove and undergoing discipline. This concurs with a study by Lookman (2021) who found that in most organizations, the hot stove discipline management approach is used to a large extent.

Much as this theory dwells much on immediacy, consistency and impersonality, there is a lot to be considered in as far as administration of discipline is concerned. At the age of employability, one is old enough not to be threatened by a whip as illustrated by the red hot stove. The approach sounds intimidating and not employee friendly. Much as disciplinary action has to be immediate, it has to be borne in mind that there are procedures to be followed when disciplining an employee (Malawi Employment Act, 2000). Speed thrills but also kills. The red color signifies warning. To be disciplined, employees have to be trained of rules and regulations of the organization if they are to go by the original meaning of discipline, which was associated with training and study – to be a disciple (Stredwick, 2005). Let warning come after the

training is conducted, the way Mathis and Jackson, (1988) look at discipline as a form of training that enforces organization's rules. In his study, Cohen, (2011) agreed with Lenny and Chang (1999) that employees become trained because they change from the undesirable conduct to that which is desirable and part and parcel of the organization's terms and conditions of employment.

On consistency and impersonality, Grogan, (2009) collaborates with the observation made by Bouwen and Salipantem (1990) that there are times when before making a decision on what kind of penalty to be meted out, there are some factors that are considered about a person. Employment history comes in by considering if the employee has ever been warned in any way or not. The same applies to courts when they consider first offenders. First offenders receive preference as compared to habitual offenders of the same case.

Armstrong, (2010) agrees with Costly, (2007) and warn that disciplinary procedures should be taken on an errant employee only in cases where good reason and clear evidence exist, where it is appropriate to the nature of the offense that has been committed, where it is demonstrably fair and consistent with previous action in similar circumstances, where it takes place only when employees are aware of the standards that are expected of them or the rules with which they are required to conform, where it allows employees the right to be represented by a representative or colleague during any formal proceedings, where it allows employees the right to know exactly what charges are being made against them and to respond to those charges and finally where it allows employees the right of appeal against any disciplinary action.

The Human Resource Procedure Manual, (1999) outlines almost the same steps as those given by Armstrong, (2010) and Costly, (2007) in how a fair procedure is to be followed when wishing to discipline an employee. It starts with notifying the employee of the allegations leveled against him or her in a language he understands and this is in compliance with section 43 (b) of the Constitution of the Republic of Malawi which says that every person shall have the right to be furnished with reasons, in writing for administrative action where his or her rights, freedoms, legitimate expectations or interests are affected. Secondly, the employee is given an opportunity to respond to those allegations before making a decision to discipline or to an extreme

extent, dismiss him. This is the principle of natural justice that no person shall be condemned unheard (also known as right to a hearing). Then the employee is allowed to be represented in the disciplinary proceedings by a workplace union representative or a co-employee or indeed a lawyer of his choice. Fourthly, he or she is given reasonable time to prepare for the hearing.

Where possible, finalize the hearing within a reasonable time and give an employee written reasons for the decision to dismiss him and this is in compliance with section 43 of the Republic of Malawi Constitution. Finally, the employee is advised where to refer the dismissal for appeal if he is dissatisfied with it.

As might be observed, Finnemore, (2006) asserts that the bottom line is that when handling a disciplinary case, principles of natural justice must be followed as outlined in section 43 of the Constitution of the Republic of Malawi which provides for “*Administrative Justice*” and have uniform standards in the approach to disciplining employees. This is agreed by Grossett, (1999) that it helps avoid confusion and possible legal implications caused by inconsistent and sometimes harsh disciplinary decisions that are deemed unfair and unjust. Stone, (2005, p.2) argues that an inconsistent and unplanned approach to imposing discipline leads to legal action being taken against the organization.

The same Human Resource Procedure Manual (1999) in agreement with the Republic of Malawi Constitution, (2010) continues to outline that the only way to adhere to human rights in processing a disciplinary case of an employee is by observing rules or principles of natural justice, not taking into account irrelevant facts, using evidence and not suspicion or speculations because suspicion or mere speculations, however strong, are not evidence, treating the employee as a mere suspect till proven guilty for every accused person is presumed innocent until proven guilty, serving the employee with the intended disciplinary charges in advance and in the language he understands so that he can prepare for disciplinary hearing, giving the employee a chance to be heard or to state his side of the story, allowing for witnesses, allowing representatives, for example, a Union Member representing the employee, processing the disciplinary case within a reasonable time as such cases will usually encroach on the livelihood of the employee and communicating the decision of the case to the employee in writing and with reasons for the particular decision.

Still countering on what McGregor, (1960) suggested in his Red Hot Stove theory, where the assumption is that there is only one way of meting discipline, Coxton, (2019) is of the view that there are so many ways of administering discipline to errant employees.

The most common ones and which are deemed appropriate are the progressive and non-progressive disciplinary procedures. In progressive procedure, the case is handled by the Ministry's Appointments and Disciplinary Committee or appropriate Commission and goes through a number of stages before it is concluded. This is in the case of the main civil service but the same approach is taken by the Teaching Service Commission as well. An example would be the case of absenteeism. A letter of interdiction is issued to pave way for investigations; then disciplinary charges are prepared and sent to Ministry of Justice for vetting; then the officer is formally charged and given a period within which he has to respond to the charges (i.e. usually 21 days); then upon receipt of the officer's representation, a submission of the case is made to the Appointments and Disciplinary Committee or appropriate Commission with a recommendation of a possible penalty; and then the officer is informed of the Appointments and Disciplinary Committee's or Commission's decision. In non – Progressive Disciplinary case, the case involves court processes, for example, theft by public servant. After issuing an interdiction order to the officer, you wait for the judgment and court proceedings of the case. You may also seek the advice of the Director of Public Prosecutions.

In the Ministry of Education, the procedures vary depending on the nature of offence that has been committed. The National Teachers' Code of Conduct, (2022) agrees with Teaching Profession in Malawi handbook that the general procedure is that when an employee has gone on the wrong side of the law, he or she has to be given a formal verbal reprimand. Torrington, (2003) supports this proposition in his *'Tackling Underperformance in Teachers'*, and argued that this verbal reprimand is noted in the supervisor's records and not in the teacher's personal file for reference sake. If there is no improvement, the first warning letter is written to set a record in the personal file. The third written warning letter is usually followed by a recommendation from the Controlling Officer advising the Secretary for Education of the appropriate kind of penalty to be given to such an employee. All this is in agreement to what Torrington,

(2003) highlighted earlier. The recommendation is usually that of interdiction to pave way for investigations and consequent dismissal if it was gross misconduct. The Secretary for Education forwards the submission to the Teaching Service Commission with the same recommendations. This is more or less the progressive disciplinary case as noted by ACAS, (2000).

In very rare circumstances, this procedure is not followed. Some employees can be dismissed summarily, meaning termination of the contract of employment by the employer without notice or with less notice than that to which the employee is entitled by any statutory provision or contractual term. This, according to the Employment Act, (2000) is when the employee is guilty of serious act of misconduct inconsistent with the fulfillment of the expressed or implied conditions of his contract of employment such that it would be unreasonable to require the employer to continue the employment relationship. However, Hook, Rollinson, Foot and Hanley, (1996) opine that even in this case, some procedure has to be followed before a final decision is made.

In his disciplinary procedure, Armstrong, (2010) begins with the informal warning which is given to the employee in the first instance or instances of minor offences. This warning is administered by the employee's immediate supervisor. Secondly, a formal written warning letter is given to the employee in the first instance of a serious offence or after repeated instances of minor offences or when the employee is in habitual or substantial neglect of his duties, when there is lack of skill that the employee expressly or by implication holds himself to possess, when there is willful disobedience to lawful orders given by the employer or when the employee is absent from work without permission of the employer and without reasonable excuse.

On the administration of warnings by the immediate supervisor, this is very contrary to what happens in the Central West Education Division. All the work of warning teachers is left in the hands of the Human resource officers at the Education Division Manager's office. This makes them forget doing strategic activities but concentrate much of their time deciding on disciplinary issues. It also distances the immediate supervisor from the final decision making, which is a very important aspect in as far as disciplinary procedures are concerned.

Stredwick, (1998) indicates that disciplinary procedures should be in writing, specify to whom they apply, provide for matters to be dealt with quickly, indicate the disciplinary actions that may be taken, specify the levels of management which have the authority to take the various forms of disciplinary action, ensuring that immediate supervisors do not normally have the power to dismiss without reference to senior management; provide for individuals to be informed of the complaints against them and to be given the opportunity to state their case before decisions are reached; give individuals the right to be accompanied by a trade union representative or fellow employee of their choice; ensure that, except for gross misconduct, no employees are dismissed for a first breach of discipline; ensure that disciplinary action is not taken until the case has been carefully investigated; ensure that individuals are given an explanation for any penalty imposed and finally, provide for the right of appeal and specify the procedure to be followed. Then further, disciplinary action is given to an employee if, despite previous warnings, an employee still fails to reach the required standards in a reasonable period of time. This disciplinary action could be dismissal. Armstrong, (2009) concurs with the Civil Service procedure on summary dismissal. He says an employee can be summarily dismissed only in the event of gross misconduct as defined in the company rules.

It will be noted from the above discussion that all authors have the same line of thinking when it comes to the procedures to be followed when disciplining an errant employee. All authors draw their authority from different legal instruments which advocate for fair application of disciplinary procedures. Cohen – Charash and Spector, (2011) attested that the disciplinary procedures insinuated by the authors have been tested time and again and have been an instrumental gauge of organizational disciplinary procedures.

2.5 Benefits of disciplinary procedures on teachers' work behavior

According to Bethea, (2015), his research study indicated that discipline in every organization ensures productivity and efficiency. The same applies to the teaching profession where any member of the teaching profession is expected to demonstrate highest professional competence, accountability, transparency, impartiality and selflessness whilst upholding the highest integrity and displaying honor of the

teaching profession, (National Teachers' Code of Conduct, 2022a). In addition to that, the Ministry of Education expects teachers to conduct themselves in a responsible manner so that teaching and learning is effective and students achieve intended learning outcomes, (National Teachers' Code of Conduct, 2022b). According to Fenly (1998), management of work place discipline remains a key problem in employee relations, and is one of the most discernible sources of conflict at work. It has to be borne in mind that schools are workplaces where teachers come from different backgrounds and work together to achieve one common goal. In the process of this interaction, conflicts are inevitable. Robbins et al, (2003) opine that people enter the workplace with their own unique attitudes, abilities, values and perceptions, and this can in itself bring conflicts which may end up getting people on the wrong side of the law calling for disciplinary action which should be seen to bring more benefits than problems (Dzimhiri, 2010).

Torrington, Earnshaw, Marchington and Richie, (2003) as cited in Greenberd and Baron, (2007) note that discipline occurrences are seen differently by managers and employees. Whereas managers may see discipline as part of changing worker's behavior, employees see discipline as unfair because it can affect their jobs and careers. That is why as Dzimhiri, (2010) puts it, there has to be a disciplinary procedure which is seen to be fair and consistent when it comes to its application on employees because it brings more benefits to both the employer and the employee.

In that line of thinking, Lind, (2008) discusses that a disciplinary procedure enables employees to know what standards of behaviour are expected from them, what constitutes acts of gross misconduct, what the disciplinary procedure involves, what possible sanctions can be imposed and the appeal process, and it can also help avoid big mistakes and defend claims. This entirely agreed with the view proposed by Finnemore, (2006) who outlines some of the benefits of disciplinary procedure in that it increases efficiency and productivity, employees are treated fairly and consistently, therefore reducing potential discrimination claims, reduced turnover, recruitment time and costs, reduced absence and time managing such absence, employees who perceive their employer to be fair, proactive and not reactive will be more loyal and dedicated than those who believe their employer fails to invest in them.

In the same vein, Dzimbiri, (2010) says disciplinary procedures enable to ensure that employees keep to the rules and regulations. This has further been echoed by ACAS, (2000) who noted that disciplinary procedures enable an employer to ensure that all breaches of the rules are dealt with fairly and consistently. If disciplinary rules and procedures are written correctly and used effectively, not only should the workplace be a happier working environment but also the business owner will minimize the potential of being taken to an Employment Tribunal in the process avoid paying for lawsuits (Goldman, 2003).

The above observations collaborate with the results of the survey conducted by Cropanzano et al (2007) that to have more of these benefits, disciplinary procedures should be seen as an aid to effective management, to be used primarily as a means of modifying people's behaviour in line with the organisations aims, not just as a mechanism for imposing sanctions. A disciplinary procedure is sometimes the best way for the employer to tell when something is wrong. It allows them to explain clearly what improvement is needed and should give you an opportunity to put your side of the situation (Stone, 2005)

Creswell, (2002) gives other benefits like saving time which could have been lost for preparing and attending to court cases. These are called lost man hours. On time lost, the disciplinary process usually takes time and may require a lot of energy. One would not concentrate on the job while preparing for the whole process and it brings emotional impact due to the length of time cases take to complete. This ends up in reduction in productivity. However, when all the disciplinary procedure is followed at office level, all this becomes history. In a similar vein, Lookman, (2021) observed that another benefit is that costs associated with replacement of staff are reduced if not out rightly avoided, especially when the final decision was dismissal. Mathis & Jackson, (1988) share this view by explaining that recruitment is an expensive exercise and process, and the talent that is lost by dismissal may have an impact to the organization. Research findings by Coxton, (2019) correlate with a research study conducted by Saunders et al (2007), which depict that in addition to the above benefits, there will be no feeling of conflict and hatred in the workplace especially when employees feel they were not treated as guilty during the disciplinary process.

When employees feel they were treated fairly by their superiors, they feel secure during the disciplinary process. Finally, disciplinary procedures promote and ensure productivity and efficiency while encouraging harmony and cooperation among employees as well as act as a morale booster for the employees (Monnapa, 2000). It modifies and controls behavior, (Odigagbe, 1998) and contributes to the stability of the workforce. Effective use of discipline can result in realization or accomplishment of organizational goals (Harris, 1976) while minimizing labor turnover.

2.6 Challenges faced by school managers when employing disciplinary measures

In his research, Lathan (2007) reveals that there is a lot that is involved when it comes to disciplining an employee. Most managers do not feel comfortable to be part of the disciplinary team because most of those who met discipline to workers are not trained to do this. Greenberd and Baran, (2007) opine that usually, employees see disciplinary procedure as fair when given by a trained supervisor who bases their responses on procedural justice. This argument is agreed by Goldman, (2003) in his article titled *'The application of reference cognitions theory to legal – claiming by terminated workers. The role of organizational justice and anger.'* In their research findings, Mathis and Jackson (1988) highlight some of the challenges faced by managers when employing disciplinary measures. The first one is organizational culture of avoiding discipline. Grossett, (1999) echoes this to say if the organizational “norm” is to avoid penalizing problem employees, then managers are less likely to use discipline or dismiss problem employees. However, this could not be the case with secondary school managers. They are forced to avoid disciplining errant teachers because of understaffing. They are afraid that the moment a teacher is transferred from their school to another as is the case with how teachers are disciplined by being transferred, there will be no replacement thereby putting more work pressure on the remaining teachers.

The second challenge is lack of support. Many managers do not want to use discipline because they fear that their decisions will not be supported by higher management. The degree of support is also the function of the organizational culture as discussed by Monnapa, (2000).

This usually happens with the time cases take to be concluded. The errant teacher feels insulated because there comes a time when everybody forgets someone was being disciplined because at Division level, the case stalled. At school level, the school's disciplinary committee might take an issue of an errant teacher to the school manager who may end up not proceeding with the issue because of friendship with the errant teacher. Edwards, (2000) gives guilt as the third challenge. Some managers realize that before they became managers they were doing the same things their juniors are doing currently. However, the Teaching Profession in Malawi Handbook, (20210) counters this argument to say at the managerial level the school manager is currently, he or she has to differentiate between himself as an individual and wear the shoes of a manager when attending to disciplinary issues.

The Secondary School Management Handbook, (2014) notes that most managers fear loss of friendship or damaging personal relationships if they discipline employees. As time goes by in every institution, people begin to bond. De Cenzo and Robbins, (1999) substantiate this and note that managers and employees become friends to the point that it becomes difficult to take each other to task when it comes to disciplinary issues. Another challenge which was noted by Grogan, (2009) is fear of lawsuits. He postulated that managers are increasingly concerned about being sued for disciplining an employee, particularly in regard to the ultimate disciplinary step of recommending for termination. This could be because an employee is heavily protected nowadays. For instance, when wanting to quit employment, an employee is only required to give notice according to the type of contract he or she was contracted on while the same is not with an employer, who needs to give all the reasons and fulfill so many obligations to terminate employment (Employment Act, (2000) Sections 25 to 35). Another and seemingly biggest challenge managers are facing is lack of expediency. Brent, (2010) explains that cases take forever to come to the conclusion and by the time judgment is made, it does not carry the meaning of discipline since by that time a person might have changed for the better. Apart from that, the Misconduct and Disciplinary Procedures for the Teaching Profession in Malawi Handbook, (2018) complains that very important records get lost in the process due to movement of personal files from one office to another in trying to attend to the disciplinary documents which are in the file, and some key witnesses in the case might have moved or transferred or indeed passed on.

This makes the whole process difficult to come to conclusion. This also makes the coming managers become inconsistent in handling disciplinary issues.

Finally, Majid, (2018) espouses that sometimes favoritism becomes a challenge again. Most managers would like to play it good to some workers and end up shielding them when they are in the wrong. It would actually show that not all employees are receiving the same treatment for similar offenses. This causes anger, apathy, resentment and frustration on workers and they become unhappy leading to the suffering of interpersonal relationship between managers and employees, eventually the overall productivity of the company drops, (Cropanzano et al., 2007).

Based on empirical evidence from the literature, it is evident that disciplinary procedures in the Central West Education Division are typically taken in the quest to improve firm performance, work behaviour and competitiveness in teachers. However, research studies to date have been equivocal in supporting the efficacy of the disciplinary procedures in most organisations and increasingly, the procedure has been associated with mixed variations. There have been mixed variations on the effectiveness of disciplinary procedures because some rate them the best in the running of the organization while others are of the opinion that there could be some factors to be considered when it comes to the smooth running of the work place. An interested reader would find studies suggesting that disciplinary procedures are not applied consistently and that they create unnecessary panic on the side of those errant employees as the processes followed are so involving and tedious. This reveals great controversy among theoreticians.

This is well collaborated by Torrington, (2008) and Armstrong (2012) who suggest that it is not easy to generalize the effectiveness or non-effectiveness of disciplinary procedures since some studies were conducted within a particular organization where cultural and contextual factors were not considered. The two writers here also consider lack of clear guidelines on what constitutes misconduct and the appropriate consequences for such behavior. This leads to inconsistencies in how disciplinary issues are handled, which can undermine the credibility and effectiveness of the disciplinary procedure.

On another note, research study findings on the effectiveness of disciplinary procedures as suggested by different scholars above have been inconclusive. Scholars found that disciplinary procedures either negatively or positively affected employees as was noted on its benefits and challenges. Scholars' conclusions leave questions as to how employees or teachers work behaviour was found to be affected by disciplinary procedures.

Therefore, in view of the gaps underlined in the literature, like limited scope of the organizations studied, cultural and contextual issues of disciplinary issues in particular organizations and lack of guidelines of what constitutes misconduct, the study interrogated and assessed the effectiveness of the disciplinary procedures on teachers work behaviour in the Central West Education Division of the Ministry of Education.

2.7 Theoretical framework

It attempts to outline, evaluate and provide logical and consistent means of understanding and interpreting realities (Kothari, 2004). Theoretical framework draws its inspiration from the writings of other authors and it contains theories that explain the reasons for the existence of the problem under study. This research paper critically intended to assess the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education with a special focus on the Central West Education Division. As such the theories that benchmarked this study were those that explained disciplinary procedures.

This research study discussed the Progressive Discipline Theory by Brent (2010). This Theory signified an approach to modify undesirable employee behaviour through the use of a range of disciplinary consequences that were applied depending on the nature and history of the particular employee's misconduct. Brent (2010) cites verbal warning, written warning, suspension without pay and termination as some of the disciplinary actions. He says under verbal warning, the supervisor informs the employee of the concerns and listens to any information the employee provides in

conformity to the rule of natural justice as espoused in Section 43 of the Republic of Malawi Constitution, while under written warning, it is issued when the employee repeats the behavior that led to the verbal warning or commits a new, more serious offense.

Under suspension without pay, which is contrary to the current Malawi labor laws, where errant and interdicted employees are getting full pay, Brent says the supervisor should first consult the legal counsel before proceeding because it requires hearing from the employee's side as well. Finally, under termination, much as the desired outcome of progressive discipline is to allow employees self – correct poor behavior and to retain productive workers, sometimes the best outcome is termination which is done in consultation with the legal counsel prior to it.

Another theory underpinning this study was the Negative discipline theory (Torrington, 2015). The theory states that there is no need to transform behavior of employees. All that matters is to deal decisively with staff indiscipline.

The theory does not emphasize on rehabilitation but it focuses on punishing indiscipline. The third important theory that underpinned this study is Red Hot Stove discipline theory. This theory states that discipline is immediate and impartial in nature (Douglas, 1960). The theory is similar to the negative discipline theory in that they both emphasize on punishing and not correcting indiscipline. The clear difference is that the hot stove discipline theory is instant whereas negative discipline is not.

2.8 Conceptual framework

The paper will be underpinned by progressive discipline theory which aims at transforming employee's behavior through multiple disciplinary measures. This is representative and reflective of what happens in most Malawian organizations. Based on the literature review and the theoretical review, the following was the conceptual framework that underpinned this study.

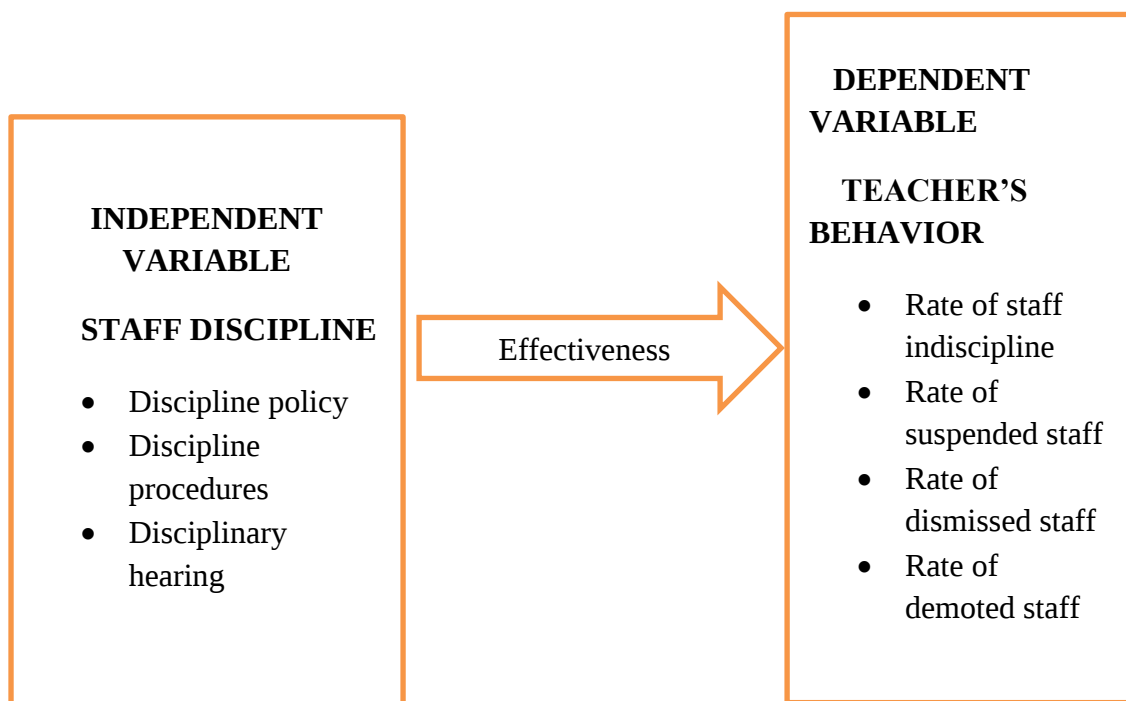


Figure 1: Illustration of Progressive Discipline Theory: Brent, (2010)

The independent variable in this study is staff discipline and the dependent variable is teacher's behavior.

The researcher wanted to find out if staff disciplinary procedures were effective on teacher's behaviour in the Central West Education Division of the Ministry of Education.

2.9 Conclusion

This chapter critically reviewed and discussed the literature based on empirical evidence with much emphasis on disciplinary procedures followed in the Civil Service specifically in the Central West Education Division of the Ministry of Education. The common disciplinary problems were reviewed and compared and contrasted to what other scholars discussed about them. Then the disciplinary procedures or measures were also reviewed including their benefits and challenges when employed by managers. Finally, the theoretical and conceptual frameworks were discussed too.

CHAPTER THREE

RESEARCH METHODOLOGY

3.1 Introduction

This chapter gives details about the research methodology adopted by the study in answering the research questions. It outlines the study design and indicates the population targeted by the study. Additionally, the chapter explains how the sample was obtained from the population with the sampling techniques used in selecting the sample and what tool was used in collecting the data. The chapter gives a description of how raw data was analyzed to give it a meaning. Further, the chapter discusses the ethical considerations and limitations encountered in the course of the study.

3.2 Study design

Majid, (2018) defines study design as the use of evidence-based procedures, protocols, and guidelines that provide the tools and framework for conducting a research study. Kothari, (2004) discusses research design as a conceptual structure within which research is conducted and it constitutes the blueprint for the collection, measurement and analysis of data. This study contains clear objectives, derived from the research questions and specifies the sources from which data was collected. This research used the qualitative method and data was analysed qualitatively. The qualitative method is selected because the study assessed the effectiveness of the disciplinary procedures in the Ministry of Education by understanding the human behavior, attitudes and experiences encountered during disciplinary procedures using in – depth face – to - face semi – structured interviews. Data was collected based on words from a small number of individuals so that the participants' views are obtained (Kvale, 1996).

Qualitative method was chosen in comparison to quantitative method which is usually related to statistics and for one to answer quantitative questions, has to typically follow some experimental design (Morrell & Carroll, 2010, p.29). When collecting and analyzing quantitative data, it requires large sample populations. Likewise, the mixed methods where the researcher collects, analyzes and mixes both quantitative and qualitative data in a single study or a multiphase program of inquiry, (Johnson et al., 2007, p. 119)

The study used a cross- sectional design. This is the type of observational study where data is collected at a single point in time from a sample of individuals (Neuman, 2014). This research design is efficient as it allows researchers to collect data from a large number of study participants in a relatively short period of time (Trochim, 2006). One of the problems as noted by Babbie, (2016) is that it is difficult in capturing change as it only captures data at one point in time making it challenging to track changes or trends over time. Cross – sectional design was used since the specific population was visited once and data analysis and interpretation was made on a one-off contact. Another reason of using cross – sectional design was that the research study was done for academic purposes which is time constrained in most cases and could not go back to the study participants to make follow – ups on the emerging trends.

It is important to note that the research intended to assess the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education particularly in Central West Education Division. That being the case, face to face interviews were used to get different views and suggestions from different purposively selected population to obtain in-depth information about the study as complemented by Kothari (2004). To achieve this goal, the study interviewed Human Resource Officers, who form part of the disciplinary committees from the Ministry of Education headquarters and others from the Central West Education Division. Another population was drawn from the office of the Ombudsman. Apart from the above, School managers from selected secondary schools were involved. And finally, some teachers who were once involved in disciplinary cases were also contacted.

3.3 Study Sites

The study targeted at least five (5) secondary schools from each educational district in the Central West Education Division making a total of thirty (30) secondary schools out of one hundred and eighty – eight secondary schools. These are the districts of Ntcheu, Dedza, Lilongwe Urban, Lilongwe Rural East, Lilongwe Rural West and Mchinji. This was so because there was high likelihood that all these districts had one or more schools with disciplinary issues. These selected secondary schools would make a good representation of the remaining schools. In Lilongwe district, the offices of the Central West Education Division, the Ministry of Education and the Ombudsman were also visited. Apart from that, the author lives in Lilongwe and these districts are not very far away from Lilongwe. This provided easy accessibility to data for the study and facilitated efficient use of time and financial resources for the study.

3.4 Study Population

The population of interest is the study's target population that it intends to study or treat, (Majid, 2018) while Saunders *et al.*, (2007) opine that study population is the full set of cases from which a sample is taken. In other words, population refers to the complete set of individuals having common characteristics in which the researcher is interested. While disciplinary issues in the Ministry of Education are broad and that not all involved can be covered, the population of this study was identified from the Division officers from the Human resource management office and those from the disciplinary committee. Another population was drawn from the Ministry of Education disciplinary committee. Officers from the office of the Ombudsman were also involved. Apart from the above, School managers from selected secondary schools were involved. In short, those who were contacted are those who have experience in disciplinary issues in Government. And finally, some teachers who were once involved in disciplinary cases were contacted. In total, a sample size of forty – eight (48) participants was determined by saturation of data during the time of collection. By the time of this study, there were a total of one hundred and eighty-eight (188) secondary schools in Central West Education Division. Now there are two hundred and four (204) secondary schools (Malawi Education Statistics Report, 2022). This made the field of enquiry for the study large and resource consuming.

For a self-sponsored research study, the suggested population was ideal to meet budget allocation, time, and energy to collect data.

3.5 Sample and Sampling Techniques

Sample is a representative subgroup (Kvale, 1996) while sampling is any procedure for selecting units of observation (Babbie, 2010). Sampling techniques are there to provide a range of methods that enable the reduction of the amount of data to be collected by considering only data from a subgroup rather than all possible cases or elements, (Creswell, 2002). It is a process of selecting a few from a bigger group. The study used a purposive sampling technique. Babbie (2008) defines purposive sampling as a selection of a sample on the basis of knowledge of a population. This was appropriate to the study because the respondents are at the center of handling disciplinary issues and this helped the researcher to get the information that was really wanted from the respondents that he knew.

However, there was ambiguity in the specification of sample size in purposive sampling because it could not be determined how many participants would be involved before data collection. That being the case, the sample size was generated during data collection. This arrangement is echoed by Creswell (2016) who argued that sampling in purposive sampling is based on the researcher's judgment grounded on the expected heterogeneity of individuals. That is why the sample size was determined by the saturation of data during the time of collection, which was reached after interviewing forty – eight participants from the selected schools in the Central West Education Division. In this case, officers from the Central West Education Division, Ministry of Education and Ombudsman were approached. School managers from selected secondary schools were also approached. Finally, some teachers who were once involved in disciplinary issues were contacted.

3.6 Sample Size

Kothari, (2004) defines sample size as the number of participants or observations included in a study.

A purposive sample of three (3) officers was identified from the Central West Education Division offices where one (1) was from the Human resource management section and two (2) from other sections but form part of the disciplinary committee, making a total of three (3). This was because these three (3) officers belong to the Division disciplinary committee and all cases from Secondary schools are handled by this disciplinary committee of seven (7) where these three (3) are part of. Another sample of three (3) officers was drawn from the Ministry of Education disciplinary committee as well. The reason being the same as the one from the Central West Education Division. Three (3) officers were involved since their disciplinary committee consists of seven (7) people. Two (2) officers from the office of the Ombudsman were involved. This is because most teachers who feel aggrieved in terms of disciplinary issues or any other issues of their concern go to this office to launch their complaints. Apart from the above, thirty (30) school managers were involved. Five (5) from Ntcheu district out of thirty-six (36) school managers, five (5) from Dedza out of thirty-three (33) school managers, five (5) from Lilongwe Rural West out of forty-five school managers, five (5) from Lilongwe Rural East out of thirty-six (36) school managers, five (5) from Lilongwe Urban out of thirty (30) school managers and five (5) from Mchinji districts. The reason for 5 school managers in these educational districts is because they make a good representation of disciplinary cases from the remaining secondary schools and the data that was collected provided useful insight regarding common disciplinary procedure issues in all the secondary schools. Finally, ten (10) teachers who were once involved in disciplinary cases were contacted. All these figures are well illustrated in the table 1.

Table 1: Type and Number of Study Participants

TYPE OF STUDY PARTICIPANTS	NUMBERS INTERVIEWED
School managers	30
Teachers who were once disciplined	10
Disciplinary members from Central West Education Division	3
Disciplinary members from the Ministry of Education	3
Members from the Office of the Ombudsman	2
TOTAL INTERVIEWED	48

3.7 Data collection Methods and Instruments

3.7.1. Primary Data

There are two main methods, and these are primary and secondary methods and both methods were used. Two sets of data collection instruments were used in this study, in – depth face – to - face interviews and documentary sources. Interview schedules as tools were used to collect primary data while documentary sources as a tool were used to collect secondary data. Seidman, (2013) explains that interviews as a tool or instrument are used by researchers to gather qualitative data through face – to – face or virtual interviews with participants. This is agreed by Smith, (2009) who opines that this typically includes a set of questions or prompts that are designed to elicit specific information from the interviewees.

3.7.2. Secondary sources

On the secondary sources, ten (10) personal files from some teachers who were once involved in disciplinary cases were visited to appreciate what documents were contained in their files. This was done to find out if all procedures were followed to the final stage or if the procedure stopped along the way.

In – depth interviews were conducted with all the proposed participants and the questions were asked by the interviewer face to face with the interviewees and explained to them if there was any need. The researcher interacted with School

managers, Ministry of Education staff, Central West Education Division staff and once upon disciplined teachers. The researcher administered research instruments to these respondents. In addition, it must be noted that documentary sources were also reviewed. The documents which the researcher reviewed were court judgment reports, personal files of those teachers who were once disciplined; the disciplinary hearing reports, Malawi Public Service Regulations and Public Service Act, among others. These documents were very important to be visited because they are the hub or are at the center of all disciplinary handling processes.

3.8 Data Management Methods

The interviewer asked a set of questions to the study participants. In the process, data was being collected while in some instances audio – recording was done with their permission. The interview recordings were later transcribed into written texts which were later organized and analyzed easily. Special codes were attached to every data collected from each participant for identification and this was pass - worded into the laptop for safety. After the data were analyzed, they were stored in a personal hard drive and Google drive in case the one in the hard drive is lost.

3.9 Data Analysis

This is when the data collected are reduced to manageable bits. In this study, data was analysed thematically using the NVivo qualitative data analysis software. Use of NVivo gives ways to get a broad feel for what themes are in the data and helps to drill down into the material for deeper analysis. It also offers plenty of ways to speed up the coding process. Apart from that, NVivo helps make comparisons between participants based on attributes like age, gender or location then one can create a case for each person and assign the demographic attributes (Bethea, 2015). Saunders, Lewis and Thornhill (2016) opine that thematic analysis provides codes to qualitative data to identify themes or patterns for further analysis concerning research questions. This was used to help assess the effectiveness of disciplinary procedures on teacher's work behavior in the Central West Education Division of the Ministry of Education.

3.9.1. Disciplinary Problems

To identify the common disciplinary problems teachers are involved in, this study looked at what Torrington, (2008, p.605) highlighted in comparison to what the Malawi Public Service Regulations has. He has negligence, incompetence, unreliability, absenteeism, insubordination, interference with the rights of others, fighting, harassment and intimidation, theft and safety offences as some common disciplinary offenses usually committed while the Malawi Public Service Regulations has absenteeism, negligent performance of duties, display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit- forming drugs during the normal hours of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit- forming drug/s to excess, conducting him or herself on any one or more occasions in a disgraceful, improper or unbecoming manner, or while on duty, is grossly discourteous to any person, failure to take reasonable care of any Government property in his or her custody or on charge to him and bribery, theft, theft by false pretense, forgery as common disciplinary issues teachers are mostly involved in.

3.9.2. Disciplinary Measures

Secondly, to examine the disciplinary measures followed to resolve disciplinary cases by teachers, The Human Resource Procedure Manual, (1999) gives a fair procedure that is followed when wishing to discipline an employee. It starts with notifying the employee of the allegations against him in a language he understands and this is in compliance with section 43 (b) of the Constitution of the Republic of Malawi which says that every person shall have the right to be furnished with reasons, in writing for administrative action where his or her rights, freedoms, legitimate expectations or interests are affected. Secondly, the employee is given an opportunity to respond to those allegations before making a decision to discipline or to an extreme extent, dismiss him. This is a principle of natural justice that no person shall be condemned unheard (also known as right to a hearing). Then the employee is allowed to be represented in the disciplinary proceedings by a workplace union representative or a co-employee or indeed a lawyer of his choice. Fourthly, he or she is given reasonable time to prepare for the hearing. And where possible, finalize the hearing within a reasonable time and give an employee written reasons for the decision to dismiss him and this is in compliance with section 43 of the Constitution. Finally, the employee is advised where to refer the dismissal for appeal if he is dissatisfied with it.

3.9.3. Disciplinary Procedures

Additionally, to evaluate the benefits of disciplinary procedures on teacher's work behavior, this study echoed with Stone, (2005) and Monnapa, (2000) on the benefits of disciplinary procedures. Monnapa, (2000) looks at the positives of disciplinary procedure as it ensures productivity and efficiency while encouraging harmony and cooperation among employees as well as act as a morale booster for the employees. He says it also modifies and controls behavior, and contributes to the stability of the workforce. Stone, (2005) highlights the negative part of disciplinary procedure as legal costs in payment of lawsuits, cost in time lost for preparing and attending to court cases, reduction in productivity, replacement of staff, especially when the final decision was dismissal (Mathis & Jackson, 2010)

3.9.4. Disciplinary Challenges

Finally, to explore the challenges that managers face when employing disciplinary measures on errant teachers, this study dwelt much on what Mathis & Jackson, (2010) discussed. They discussed organizational culture of avoiding discipline, lack of support from managers, guilt, fear of loss of friendship or damaging personal relationships if they discipline employees, fear of lawsuits, and lack of expediency as some of the challenges faced.

3.10 Ethical considerations

Blumberg *et al.*, (2005: 92) define ethics as the moral principles, norms or standards of behaviour that guide moral choices about our behaviour and our relationships with others. This study touched on some sensitive issues more especially looking at the nature of information that was being sought for. So to ensure that respondent's privacy and rights were considered during the data collection process, the introduction and identity cards were presented to participants for confirmation. Prior to the interviews, participants were provided with information about the study for preparation and confidentiality assurance. Participants were assured that the findings of this study were solely for academic purposes and that their confidentiality was guaranteed.

They were also given a choice either to participate in the process or not. This ensured that those involved gave out their consent, a thing which is necessary in an investigation. Apart from that, Ethical Certificate was obtained from the University of Malawi which was given to participants. This certificate contained details about the purpose of the research, assurance of confidentiality, expected duration of the research and the procedure. Lastly, the researcher made sure that the anonymity and confidentiality of responses were honoured to protect the participant's privacy as espoused by Kummar (2011).

3.11 Limitations of the Study

The following limitations were encountered during the study. In the first one, the study was conducted in one Educational Division only out of the six. This could have made the results not generalized. However, the researcher made sure that the data collected provided useful insight regarding common disciplinary procedure issues in all the educational divisions.

In the second place, the information being sought for was sensitive in nature and not all involved were very willing to share the information, especially those who are more senior to the author. The study was also affected by staff's reluctance to provide some crucial information, especially during the interviews. However, the researcher assured the respondents of confidentiality and that the findings were solely for academic purposes.

In the third place, most of the officers interviewed were senior officers who usually are wanted by many people either physically or on line. With these interruptions, the information sought might have been inadequate. In such circumstances, the researcher made sure to let the participant suggest the appropriate time for the meeting that was convenient to both the researcher and the participant. In case of serious interruptions, the researcher was comfortable to reschedule the meeting.

3.12 Conclusion

The chapter presented the methodology adopted by the study. Sample size of 48 was selected from a population of 4023 employees. Purposive sampling techniques were used in selecting the sample. Interviews were used in collecting data from the respondents. Raw data was analyzed using the NVivo software.

CHAPTER FOUR

FINDINGS AND ANALYSIS

4.1 Introduction

This chapter presents and discusses the findings of the research study in relation to the research questions raised from the study objectives. In view of this, the chapter discusses an assessment of the effectiveness of disciplinary procedures on teacher's work behaviour in the Central West Education Division of the Ministry of Education by paying much attention to key components that enhance the understanding of these dependent variables. In respect of this, the chapter has been arranged in four main sections based on the objectives of the study. It presents and discusses findings pertaining to the identification of the common disciplinary problems teachers are involved in, the examination of the disciplinary measures followed to resolve disciplinary cases by teachers, the evaluation of the benefits of disciplinary procedures on teacher's work behavior and the exploration of the challenges that managers face when employing disciplinary measures to errant teachers.

4.2 Demographic Data of Respondents

Table 2 below presented demographic data to provide a background to the study. The demographics were provided to depict the kind of people that were interacted with as respondents. This agrees with the views of Strauss (2016) who stated that demographics are important in both qualitative and quantitative studies in that they provide a credible background of the study. Understanding the composition of the respondents in relation to their position or level in the organisation, length of service and level of one's education is quite significant as far as the study is concerned.

Typically, this forms the foundation to enhance the understanding of how they understand or not understand disciplinary issues in respect of these demographic variables. Further, understanding the study participants' length of service is imperative because this demonstrates that the data collected for the study were reliable and valid as all subjects in the study witnessed how disciplinary procedures are handled from different levels of management in the education sector. Suffice to say all respondents in the study had the capability to provide reliable and valid information pertaining to the effectiveness of disciplinary procedures on the teachers' work behavior.

Presentation and discussion of the research findings is based on the responses derived from the semi – structured interviews which were administered to a purposively sampled size of 48 employees working with the Ministry of Education at headquarters' level, the Central West Education Division and the Ombudsman out of a population of 4023 employees. The population is composed of eight (8) officers from the disciplinary committees of the Ministry of Education, the Central West Education Division and the office of the Ombudsman, thirty, (30) secondary school managers from the selected six (6) educational districts and ten (10) once upon disciplined teachers as shown in Table 2 below:

Table 2: Representation of sample according to position/employee levels

Population	Population Size	Size interviewed	Percentage
Secondary School Managers	30	30	100
MoE Staff	3	3	100
CWED Staff	3	3	100
Ombudsman Staff	3	3	100
Once upon disciplined teachers	10	10	100

Source: Personal Files.

All the 48 study participants responded to the interview questions representing 100% response rate. Out of the 30 school managers, 15 have worked as school managers for 5 years, 10 for 15 years while 5 for more than 20 years. Out of the 8 members from the Ministry of Education, Central West Education Division and the office of the Ombudsman, 3 have worked in the disciplinary committee for 3 years, 3 for 5 years while 2 for more than 10 years and out of the 10 once upon disciplined teachers 5 have worked as teachers for 7 years while the other 5 for more than 15 years (Personal Files), as reflected in Table 3 below.

Table 3: Representation of sample according to length of service

Participants	No. of Participants	Length of Service	Remarks
School Managers	15	5 years	Little experience
	10	15 years	Experienced
	5	More than 20 years	Vast experience
MoE, CWED and Ombudsman Staff	3	3 years	Little experience
	3	5 years	Not much experience
	2	More than 10 years	Vast experience
Once upon disciplined teachers	5	7 years	Enough experience
	5	More than 15 years	Vast experience

Source: Personal Files

Among the respondents that participated in this study, one was studying for a PhD, 11 have Masters Degrees while 36 have Bachelor's Degrees as revealed by Table 4 below.

Table 4: Representation of sample according to level of education

Qualification held	Number with that qualification	Remarks
PhD	1	Highly educated
Masters	11	Very educated
Bachelor's Degree	36	Well educated

Source: Personal Files

4.3 Common disciplinary problems teachers are involved in

According to the responses gotten from the interviews with respondents responding to the question ‘what common disciplinary problems are teachers involved in?’, they all mentioned the most common disciplinary problems most teachers are involved in as highlighted in the Malawi Public Service Regulations as illustrated in Table 5 below.

Table 5: Common Disciplinary Problems Teachers Are Involved in

Respondents	Type of Disciplinary Problem Known	Frequency of Responses
CWED, MoE and Ombusdman staff	Absenteeism, reporting late for duties, negligent performance of duties, display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit- forming drugs during the normal hours of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit-forming drug/s to excess and male teachers having sexual relationships with girl children under their charge.	8
School managers	Absenteeism, reporting late for duties, negligent performance of duties,	30

	display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit- forming drugs during the normal hours of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit-forming drug/s to excess and male teachers having sexual relationships with girl children under their charge.	
Teachers who were once disciplined.	Absenteeism, reporting late for duties, negligent performance of duties, display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit- forming drugs during the normal hours of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit-forming drug/s to excess and male teachers having sexual relationships with girl children under their charge.	10
TOTAL		48

All respondents mentioned absenteeism, reporting late for duties, negligent performance of duties, display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit- forming drugs during the normal hours of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit- forming drug/s to excess and male teachers having sexual relationships with girl children under their charge. While having a face to face interview, one of the respondents stated,

‘Most teachers come to work very late or they do not come at all. They do this without giving any reason. This makes the school manager choose one teacher who did not prepare for the lesson to cover up for the absent or late coming teacher. This impacts negatively on the learner’s examination results. I am not surprised our Division has been rated poorly for the past five (5) academic years’.

None of them mentioned disciplinary issues like conducting him or herself on any one or more occasions in a disgraceful, improper or unbecoming manner, or while on duty, is grossly discourteous to any person, failure to take reasonable care of any Government property in his or her custody or on charge to him, bribery, theft, theft by false pretense and forgery. This could be because these acts of misconduct are not very common in most schools. This finding concurs with Coxton, (2019) who argued that organizations face multiple common problems which differ from one organization to the other. The same point is underscored by Lookman, (2021) who stated that there are common problems that organizations face. These problems can vary from one organization to the other.

It is vital to note that some respondents, especially school managers had some disciplinary issues of teachers that were not directly captured as such in the MPSR but were the ones which are very common on the ground and sounded related in a way. One of the respondents stated,

‘Some of the disciplinary issues are not covered by the MPSR. I think it is high time the MPSR was revised and changed to reflect present realities. This is the reason why most school managers are not able to handle trending disciplinary events because the MPSR has outlived its shelf– life’.

Some of those issues not covered in the MPSR are; not signing in the time book, poor dress code which could be related to insubordination, members of staff reprimanding each other in the presence of learners and some teachers, not writing lesson plans and schemes and records of work, late dispatch of school reports, taking library and laboratory materials and not returning them, unpreparedness, teachers wanting to receive allowances at any activity they do apart from teaching, theft of library books

sold to learners. What came out high on the discussion were absenteeism without permission, late coming, negligent performance of duties, insubordination, drunkenness, teachers having sexual relationships with learners and to a lesser extent, theft as indicated in Figure 2 below:

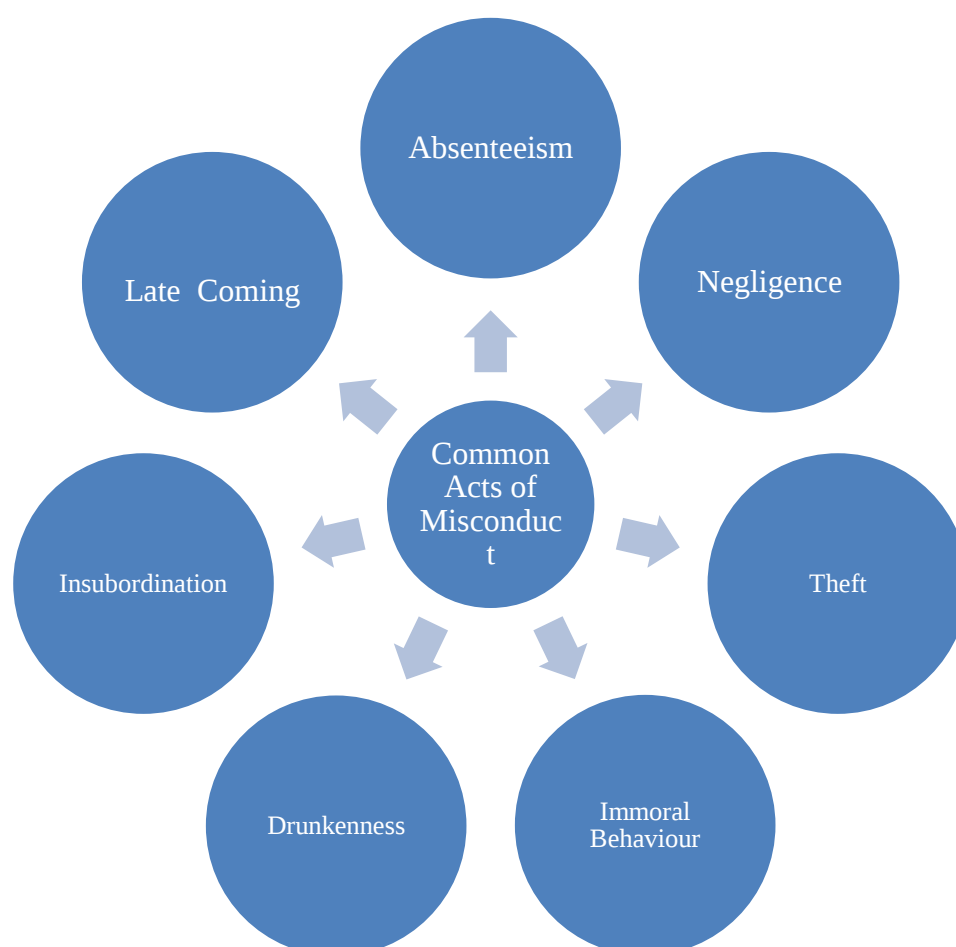


Figure 2: Common Acts of Misconduct (The MPSR, 1983)

4.3.1 Absenteeism without permission

School managers collaborated well with the Malawi Public Service Regulations as might be observed from Figure 2. They cited absenteeism without permission as one of the most and highest common acts of misconduct by teachers. This was echoed by Central West Education Division and Ombudsman members because usually teachers report to these offices when they have been disciplined at school level. One member stated;

'Most teachers make themselves absent without the authorization of the school manager. They usually inform the school manager by calling him or texting him on WhatsApp. This means they do not leave hand – over notes to the Head of department to give the care taker teacher'.

Another respondent asserted,

'Absenteeism is a general problem among teachers. Most teachers are absent from work without reasonable excuses. It would appear they are mostly involved in personal errands that bring them extra income much as others get absent with genuine reasons'.

This point is highlighted in the work of Lookman, (2021) who argued that absenteeism remains a huge disciplinary issue in most organizations. This is a rising and serious problem for managers and organizations. Findings from teachers indicate that they themselves are not present on a daily basis for work. They cited several reasons, ranging from not having a class on that particular day, taking care of a sick child or spouse, this being very common with female teachers, in some schools and particular areas male teachers going to drink beer from early in the morning making them fail to attend to classes. Some cited having no incentives hence going for other duties to make ends meet. Lack of accommodation was cited as another reason which made them travel long distances and end up not coming the days they have no classes. Concurring with lack of accommodation was that they stay far away from the work place; it becomes expensive using public transport from their bases.

4.3.2 Late coming

On the issue of late coming, the reasons are almost the same as those under absenteeism without permission as indicated above. Most teachers who were once on the wrong side of the law had something different from what authorities thought on late coming. They said it sometimes happens that a teacher has classes starting from noon hours. Usually they report for work at that particular time. They do not miss the class, neither do they report late for such a class.

All school managers see is a teacher coming to work in the afternoon not minding of the time his or her class is starting. However, teachers being part of the main civil service, are guided by the policy that each and every civil servant reports for work at half past seven in the morning and knock – off at half past four in the afternoon. One respondent stated during a face to face interview;

‘Teachers do not usually come late for duties. Teaching is different from other professions. We work on shifts. One shift could be in the morning, the other day in the afternoon. We report for duties according to one’s shift’. Another respondent stated, *‘Yes, we understand some teachers play advantage of this arrangement and absent themselves or report late for duties. That, we cannot dispute’.*

This is also underscored in the views of Coxton, (2019) who argued that late coming is another worrisome problem among many employees in organizations.

4.3.3 Negligent performance of duties

School managers complained of teachers performing their duties negligently and not following the rules and regulations as they teach. Some perform their duties negligently just to undermine authority while others it is all about misunderstanding of policies. Again, because of not having incentives, some go for other duties to make ends meet ending up performing their duties negligently while some teachers are just frustrated. According to Strauss, (2016) negligence is a serious disciplinary issue. It normally leads to disciplinary action being taken against the errant teachers. One of the respondents confided in the researcher by saying, *‘Most negligent teachers are sternly warned and some are dismissed in case of no change in conduct’.*

4.3.4 Display of insubordination by word or conduct

On display of insubordination by word or conduct, school managers lamented that most teachers do not show respect to authorities.

This usually happens from teachers who have overstayed at one place or in some cases the school manager is of a lower grade but holds the position of school manager than some teachers who are of higher grade and could have been on that headship post but are not. According to Coxton (2019), insubordination is a serious offence that leads to disciplinary action.

4.3.5 Habitually taking liquor or habit-forming drug/s to excess

Much as it was not many school managers complaining about this, some had this as a big problem. One (1) school manager lamented that communities brew beer very close to their school twice a week and that most male teachers go by the place to drink first before coming to work. They cite this as part of their culture and that they have done this since they joined the school and that the community sees no problem with this.

4.3.6 Sexual relationships with girl learners

This is one of the most happening issues in most secondary schools especially male teachers doing this with female learners. It was spelt out that this is becoming common with the open school program where most of those who report are mostly married or they once wrote their Form four examinations and are repeating. One respondent stated,

‘Immorality with a school learner, either a girl or a boy is a serious offence. The moment there is enough evidence a teacher actually did it, there are many interested organisations that get involved and that errant teacher does not survive the wrath of the law’.

This is highlighted in the work of Strauss, (2016) who stated that some cases of indiscipline are summary dismissible offences. However, some of the teachers who were once accused to have allegedly had a relationship with a girl child countered to say girls nowadays have several sexual relationships with either their fellow learners or men from outside the school campus and male teachers just become victims of circumstances because of the proximity which is there between them and the girl learners.

4.3.7 Theft

Basically, on theft, all school managers reported that theft happens usually in the library and science laboratories where teachers take books on the pretext that they would like to prepare for next class periods and lab assistants take some apparatus for the same reasons and never return these to either the library or the laboratory. These materials end up being found with some students or at some private secondary schools. According to Lookman (2021), theft is a serious offence and it culminates in summary dismissal. This agrees with what three respondents who stated;

'Some teachers were caught stealing in this Division. They were called for hearing and they were dismissed after being found guilty'. Another respondent stated, 'Theft is not tolerated not only in this division but all the divisions. Anyone one who commits theft is brought to courts and if found guilty, is dismissed'.

4.3.8 Gender mostly involved in disciplinary issues and why

On the issue of which gender is mostly involved in which kind of work behaviour, out of the seven (7) above discussed acts of misconduct, School managers said both genders are involved in most of the disciplinary issues but were quick to say it depends on the type of misconduct one is involved in. This agrees with the views of Costly, (2007) who argued that indiscipline is not gender specific. All genders are related to disciplinary issues. One respondent stated, *'Both female and male employees are involved in acts of indiscipline'*. Another respondent stated that, *both genders in the division are connected to acts of indiscipline at some point*. This means that both male and female employees are involved in acts of indiscipline.

Talking of absenteeism and late coming for duties, female teachers were high on the list because of their motherly roles at home. Issues like preparing their children for school and husbands for work and finally preparing themselves for work too. This makes it a bit difficult for them to keep time, let alone report for duties in extreme cases while insubordination, negligent performance of duties, drinking intoxicating things, immoral behavior with school learners and theft was high on male teachers because naturally men are connected to drunkenness, insubordination, negligent performance of duties, theft and immorality.

Based on the above findings on the most common disciplinary issues most teachers are involved in, they summed it all to lack of motivation either at the work place or the whole Division in general. In this case motivation is being referred to the strength and direction of behaviour and the factors that influence people to behave in certain ways, (Armstrong, 2014). One would see that lack of housing or proper housing is forcing teachers to stay far away from schools hence reporting late for work or being absent all together. On some teachers performing their duties negligently, it is the same issue of monetary motivation. They choose to go and do other businesses somewhere to get much income as compared to what they are getting from Government. On some teachers being insubordinate and drinking beer during working hours, it is all about frustrations. Most of them have been on one position for more than ten (10) years or more. Some teachers have just joined the profession but are promoted in no time. This makes them become frustrated and not respect the authorities. The overall factor under these findings is lack of motivation.

4.4 Disciplinary procedures followed to resolve disciplinary cases by teachers

4.4.1 School manager's knowledge on disciplinary issues

There were different responses from school managers on their knowledge on disciplinary procedures. Likewise, responses from Central West Education Division and Ministry of Education disciplinary committee members although they all settled for the procedures that are followed as spelt out in the National Teacher's Code of Conduct, (2022) as a blueprint. On the part of school managers, it appeared length of service and substantiveness on their posts played a big role in the knowledge of disciplinary issues. Ten (10) of out of the thirty (30) school managers were holding the posts administratively while the remaining ones substantively. Administratively meaning their grade is not that of a school manager but that because of lack of those teachers with grades of a school manager, the Education Division Manager appoints lower graded teachers to hold the post of school manager, while substantively means the posts they are holding are those of school managers. For example, Grade G, P7 as school manager Two or sometimes Head of Department and Grade F, P5 as school manager One. This means some were trained as school managers while others did not get school management training.

For example, ten of those school managers just use the Regulations as provided by the Ministry. Among the ten administrative school managers, some have had some orientations on leadership trainings specifically on disciplinary issues while others admitted they had some knowledge on how to handle disciplinary issues because the Ministry of Education released the Code of Conduct and the Division is conducting trainings on the same though at a very slow pace. Some senior school managers went to University of Malawi to do Code of Conduct trainings apart from those that went to do management trainings.

What became apparent was that all schools have disciplinary committees which are chaired by the Deputy School manager and membered by the Heads of department. When there is a case by a teacher, the issue is reported to the school manager who delegates the disciplinary committee to conduct the investigations. When there is enough evidence of a case requiring inquiry, the said teacher is invited for fact finding. When the issue is deemed real, the teacher is summoned to express his/her side of the story as required by section 43 of the Republic of Malawi Constitution. If the issue is beyond the scope of the school, it is referred to the Education Division Manager who institutes an investigation about the misconduct/incident through the Division's disciplinary committee before reporting to the Ministry of Education who shall refer the matter to the Teaching Service Commission (TSC) for appropriate action (National Teacher's Code of Conduct, 2022).

All in all, it appeared all the school managers had knowledge on disciplinary issues though at different levels depending on the type of trainings attended. Apart from that, all of them had lessons on disciplinary issues while in College and they admitted that these trainings are an ongoing thing in the Division.

However, most teachers responded that it is at this point of disciplinary process, at school level, where most cases are lost by the Ministry because of not following proper disciplinary procedures. Much as most school managers are aware of the procedure, most procedures are flouted at this level where they take the law into their hands. Most teachers have complained on how school managers handle disciplinary cases. They said school managers amass weird powers at this level to the point of intimidating the teachers even threatening them of harsh punishment. They make false

recommendations to the Education Division Manager who ends up making wrong decisions based on the wrong information fed by some school managers. This is because in most cases the EDM has more trust in school managers and does not give a listening ear to the allegedly errant teacher.

4.4.2 Rules and Regulations where Head teachers draw their authority from

Asked where the school managers take or draw their authority from when handling disciplinary issues, they all mentioned the regulatory tools like The MPSR Book 6, National Teacher's Code of Conduct, Secondary School Management Handbook, the Education Act, the Teaching Profession in Malawi Handbook, the Misconduct and Disciplinary Procedures for the Teaching Profession in Malawi Handbook and rules and regulations that are issued from time to time. However, a closer revelation from some teachers had it that most school managers do not consult these books but just do it the "way we do our things here". This is the "our culture" way. This makes the whole disciplinary procedure lose its good meaning since there is no consistency in the way same issues are handled and this brings resentment from errant teachers.

4.5 Benefits of disciplinary procedures on teachers' work behavior

All respondents were of the view that disciplinary procedures have more benefits in every organization as they ensure productivity and efficiency. They collaborated that the same applies to the teaching profession where any member of the teaching profession is expected to demonstrate highest professional competence, accountability, transparency, impartiality and selflessness whilst upholding the highest integrity and displaying honor of the teaching profession, (National Teachers' Code of Conduct, 2022a). In addition to that, the Ministry of Education expects teachers to conduct themselves in a responsible manner so that teaching and learning is effective and students achieve intended learning outcomes, (National Teachers' Code of Conduct, 2022b). According to Fenly (1998), management of work place discipline remains a key problem in employee relations, and is one of the most discernible sources of conflict at work. It has to be borne in mind that schools are workplaces where teachers come from different backgrounds and work together to achieve one common goal. In the process of this interaction, conflicts are inevitable.

Robbins et al, (2003) opine that people enter the workplace with their own unique attitudes, abilities, values and perceptions, and this can in itself bring conflicts which may end up getting people on the wrong side of the law calling for disciplinary action.

Whereas discipline occurrences are seen differently by managers and employees, managers see discipline as part of changing worker's behavior. That is why there has to be a disciplinary procedure which is seen to be fair and consistent when it comes to its application on employees because it brings more benefits to both the employer and the employee.

In that line of thinking, all respondents were of the view that a disciplinary procedure enables employees to know what standards of behaviour is expected from them, what constitutes acts of gross misconduct, what the disciplinary procedure involves, what possible sanctions can be imposed and the appeal process, and it can also help avoid big mistakes and defend claims. This is also echoed by Finneman, (2006) and Lind, (2008) who outlined some of the benefits of disciplinary procedure in that it increases efficiency and productivity, employees are treated fairly and consistently, therefore reducing potential discrimination claims, reduced turnover, recruitment time and costs, reduced absence and time managing such absence, employees who perceive their employer to be fair, proactive and not reactive will be more loyal and dedicated than those who believe their employer fails to invest in them (Stone, 2005) In the same vein, Creswell. (2002) says disciplinary procedures enable to ensure that employees keep to the rules and regulations. More importantly, they enable an employer to ensure that all breaches of the rules are dealt with fairly and consistently. If disciplinary rules and procedures are written correctly and used effectively, not only should the workplace be a happier working environment but also management will minimize the potential of being taken to an Employment Tribunal in the process avoid paying for lawsuits.

One teacher appreciated thus;

“a disciplinary procedure makes the work of School managers very easy in that it makes them apply the same judgment to same

acts of misconduct and that teachers do not usually complain of inconsistency in the application of decisions”.

School managers themselves responded that to have more of these benefits, disciplinary procedures should be seen as an aid to effective management, to be used primarily as a means of modifying people's behaviour in line with the organisations aims, not just as a mechanism for imposing sanctions. This was echoed by Dzimhiri, (2010) who said disciplinary procedure is sometimes the best way for the employer to tell when something is wrong. It allows them to explain clearly what improvement is needed and should give you an opportunity to put your side of the situation. (Stone, 2005)

School managers and teachers outlined more benefits of disciplinary procedure like saving time which could have been lost for preparing and attending to court cases. These are called lost man hours. On time lost, the disciplinary process usually takes time and may require a lot of energy. One would not concentrate on the job while preparing for the whole process and it brings emotional impact due to the length of time cases take to complete. They said this could affect learner's performance because more time would be spent addressing disciplinary issues. However, when all the disciplinary procedure is followed at office level, all this becomes history. Another benefit is that costs associated with replacement of staff are reduced if not out rightly avoided, especially when the final decision was dismissal (Mathis & Jackson, 1988).

As observed by Ministry of Education, Central West Education Division and Ombudsman officers, recruitment is an expensive exercise and process, and the talent that is lost by dismissal may have an impact to the organization. As pointed out, there will be no feeling of conflict and hatred in the workplace especially when employees feel they were treated fairly during the disciplinary process. There will be no feeling of insecurity, powerlessness and even depression during the disciplinary process. Finally, disciplinary procedures promote and ensure productivity and efficiency while encouraging harmony and cooperation among employees as well as act as a morale booster for the employees (Monnapa, 2000). It modifies and controls behavior, (Odigagbe, 1998) and contributes to the stability of the workforce. Effective use of

discipline can result in realization or accomplishment of organizational goals (Harris, 1976) while minimizing labor turnover.

4.6 Challenges that School managers face when employing disciplinary measures on errant teachers

School managers revealed that they face a lot of challenges when applying disciplinary measures. One of the respondents confided in the researcher by saying;

‘Managing discipline in schools is not easy. There are multiple challenges affecting discipline management in schools especially looking at difference in age that one is dealing with. A major problem is that all cases are referred to the Division and we lack ownership of the decision’.

The cited above sentiments were what all school managers said, that they are not sure of their boundaries, like how much they can go in disciplining a teacher since it appears the process goes to many offices from the school. They were worried that they lack ownership of the decision since they usually refer most of the cases to the Division and it becomes difficult for teachers to appreciate who has meted out the punishment on their fellow teacher. Even at Division level, all they do is refer the cases to the Ministry and wait for feedback from there. If they do not receive feedback, they rarely make follow – ups on the same. At Ministry level, all they do is refer the case to the Commission and wait for their determination. If it takes long, the Ministry rarely makes follow – ups too. This makes cases take forever to be concluded. This in agreement with the views of Strauss, (2016) who asserted that there are many challenges that affect discipline management process in organizations. Management must find ways and means of dealing with these challenges.

Another challenge is that as time goes by, school managers establish personal relationships with some teachers, a situation which makes them maintain the relationship than destroying it because of disciplinary issues. However, some teachers lamented that there seems to be age gap between the current league of teachers just graduating from colleges and the school managers who are about to retire now. They said these school managers are not getting updated with the current labor laws and

that they are using some archaic regulations which are not in tandem with the current generation.

The young teachers have very current and latest information about their rights as individuals while the school managers especially those close to retirement cling to very old regulations which have been modified through circulars released from time to time to fit the current generation. This explains why School managers find it difficult to apply disciplinary procedures on errant teachers.

School managers were of the view that only if there was involvement of some stakeholders like the Parent Teacher Association (PTA) and the Board of Governors (BoGs) who would interact much with the students empowering them to share their experiences with parents about the teacher's conduct in schools. Apart from that, they suggested of decentralization of the whole disciplinary procedure. They were of the view that there should be some punishments which should be meted by school managers while others by the Division. They observed that currently, the process takes too long to be concluded because of the steps that are followed to come to a conclusion.

Finally, the school managers were of the opinion that the Teaching Service Commission should have time or create some space to visit teachers in schools and update them on current rules and regulations. This came to light because they observed that much as the Teaching Service Commission is their mother body, it does not take time to see what is happening on the ground. Coupled to this, they suggested that the teaching profession should also have a regulatory body which should oversee teacher's conduct. This is the way Nurses, Doctors, Pharmacists, Lawyers and Accountants do so that any teacher who breaches the code of Conduct should be stripped off membership and not practice anywhere in the country. Much as there is the Teacher's Union of Malawi, it does not have such powers as those other regulatory bodies to strip off membership. If this happens, it will bring sanity to the profession.

The findings revealed that the first challenge school managers are faced with is that of not having the last say on errant teachers. They always have to refer all cases to the

Division meaning teachers have less respect for them. Secondly, they noted that teachers usually react in teams.

If a school manager thinks of disciplining one teacher, his or her colleagues, side with their friend and then the manager avoids proceeding with the process to avoid causing more harm to the school. Another point that was raised as a challenge was lack of support from either fellow school managers or the Division. Many managers avoid using discipline because they fear that their decisions will not be supported by higher management. The degree of support is also the function of the organizational culture. This usually happens with the time the case takes to be concluded. The errant teacher feels insulated because there comes a time when everybody forgets someone was being disciplined because at Division level, the case stalled. At school level, the school's disciplinary committee might take an issue of an errant teacher to the school manager who may end up not proceeding with the issue because of friendship with the errant teacher.

They also cited fear of loss of friendship or damaging personal relationships if they discipline employees. As time goes by in every institution, people begin to bond. They become friends to the point that it becomes difficult to take each other to task when it comes to disciplinary issues. Most school managers are also afraid of lawsuits. They are increasingly concerned about being sued for disciplining teachers, particularly in regard to the ultimate recommendation of termination. This could be because an employee let alone a teacher are heavily protected nowadays. As could be observed, when wanting to quit employment, an employee is only required to give notice according to the type of contract he or she was contracted on while the same is not with an employer, who needs to give all the reasons and fulfill so many obligations to terminate employment (Employment Act, (2000) Sections 25 to 35). Another and seemingly the biggest challenge managers are facing is lack of expediency. Cases take forever to come to the conclusion and by the time judgment is made, it does not carry the meaning of discipline since by that time the person might have changed for the better. Apart from that, very important records get lost in the process making the coming managers become inconsistent in handling disciplinary issues.

4.7 Conclusion

This chapter presented and discussed the findings of the study on the effectiveness of disciplinary procedures in the Central West Education Division of the Ministry of Education. The study's findings reveal that all School managers are aware of the common disciplinary issues teachers are involved in and that they are also aware of the disciplinary measures that are taken when disciplining errant teachers. The study also revealed that not only school managers but even CWED staff and teachers were aware of the benefits of disciplinary procedures. Apart from all this, School managers shared most challenges they face when employing the procedures on errant teachers.

CHAPTER FIVE

CONCLUSION AND RECOMMENDATIONS

5.1 Introduction

This chapter concludes the research and outlines the study's major conclusions as indicated in chapter four in the order of the layout of the objectives. In addition to this, the chapter makes some recommendations in light of the research findings and it makes propositions on areas of further study. The main purpose of the study was to assess the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education with a special focus on the Central West Education Division. The study identified the common disciplinary problems teachers are involved in, examined the disciplinary measures followed to resolve disciplinary cases by teachers, evaluated the benefits of disciplinary procedures on teacher's work behaviour and finally explored the challenges school managers face when employing disciplinary measures on errant teachers.

5.2 Study's major conclusions

On common disciplinary problems which teachers are mainly involved in, it became apparent that most school managers, Central West Education Division members, Ministry of Education members, the Ombudsman staff and teachers were much aware of those which were usually committed on the ground and not as exactly as stipulated in the MPSR and other regulatory books. However, knowledge of those in the MPSR and other regulatory books such as absenteeism, reporting late for duties, negligent performance of duties, display of insubordination by word or conduct, being under the influence of intoxicating liquor or habit-forming drugs during the normal hours

of attendance or during such other hours as he may be required to be on duty, habitually taking liquor or habit-forming drug/s to excess and male teachers having sexual relationships with girl children under their charge helped them to be consistent in the application of disciplinary action.

It also dawned on the researcher that none of them mentioned disciplinary issues like conducting him or herself on any one or more occasions in a disgraceful, improper or unbecoming manner, or while on duty, is grossly discourteous to any person, failure to take reasonable care of any Government property in his or her custody or on charge to him, bribery, theft, theft by false pretense and forgery in that order as is written in the MPSR. This could be because these acts of misconduct are not very common in most schools.

Getting deep into the findings, it was concluded that most school managers had some disciplinary issues of teachers that were not directly captured as such in the MPSR but sounded related in a way. These disciplinary issues are what is actually happening on the ground and not as simply envisaged by people out there. Examples could be not signing in the time book, dress code which could be related to insubordination, late coming, members of staff reprimanding each other in the presence of learners and some teachers, not writing lesson plans and schemes and records of work, late dispatch of school reports, taking library and laboratory materials and not returning them, undermining the authority, unpreparedness, teachers wanting to receive allowances at any activity, theft of library books sold to learners, deliberately going out when they have a class. But high on the discussion were absenteeism without permission, late coming, negligent performance of duties, insubordination, drunkenness, teachers having sexual relationships with learners and to a lesser extent and theft.

Reasons for misconduct were found not to be gender selective. Both genders were prone to disciplinary issues depending on the circumstances of the day and that most of these disciplinary issues emanate from issues of lack of motivation ranging from financial motivation to frustrations because of overstaying at one school for long and not getting promoted after serving at one post for long.

Another conclusion was drawn from the second objective which was answering the second question about disciplinary measures followed to resolve disciplinary cases by teachers. It was discovered that all the respondents were aware of the procedures that are followed as spelt out in the National Teacher's Code of Conduct, (2022). What played the biggest role on the side of school managers was length of service and substantiveness of their posts in the knowledge of disciplinary issues. Those School managers who held the posts substantively had more knowledge as compared to those who hold the posts administratively. In this case, administratively means holding the post on instruction by the EDM and not after promotion while substantive means being on the post of School manager after being promoted to that post. It was also noted that all secondary schools have disciplinary committees which are chaired by the Deputy School manager and membered by the Heads of departments. All teacher cases are reported to the school manager who delegates the disciplinary committee to do the investigations. When there is enough evidence of a case requiring inquiry, the said teacher is invited for fact finding. When the issue is deemed real, the teacher is summoned to express his/her side of the story as required by section 43 of the Republic of Malawi Constitution. If the issue is beyond the scope of the school, it is referred to the Education Division Manager who institutes an investigation about the misconduct/incident before reporting to the Ministry of Education who shall refer the matter to the TSC for appropriate action (National Teacher's Code of Conduct, 2022). While being disciplined, teachers react differently. It depended on the teacher being disciplined. However, most of them felt remorse, felt sorry and promised to change for the better. They usually apologized through the Deputy School manager or Head of Department. Only one (1) school manager mentioned that they sometimes become hostile but this too was not common. Further findings revealed that most teachers kept on repeating their work behaviour even after being taken for disciplinary action. School managers complained that the disciplinary procedures that are followed are not strong enough to deter teachers from repeating the same mistakes. They pointed out that their salary is not affected in any way even if they are interdicted. They still enjoy full salary. When some teachers want to be moved from one school to another, the worst they do is just misbehave so that the school manager reports them to the Division because that is what the Division does as part of punishment, transferring the teacher to another school.

On if the disciplinary procedures are doing enough to address teachers disciplinary issues, school managers differed according to experience and length of service. Most of them were of the idea that the disciplinary procedures are not doing much to change teacher's conduct. They noted that most teachers start behaving well as they draw close to retirement, otherwise most teachers challenge the procedure as being too long to come to the conclusion. The only immediate punishment they see happening is that of transferring a teacher from one school to another. The remaining teachers who have served for few years did not have much to say on how good enough the procedure is. All they said was if the procedure was followed properly and the rules and regulations are followed too, they can bring change to errant teachers. This revelation had a major issue that required much discussion. The issue of generation gap between the school managers who hold their posts substantively and have served for fifteen years or more. It appears they are not moving with the current trends in what constitutes an act of misconduct or not. They do not usually update themselves with the rules and regulations that are issued from time to time. For example, they still maintain that a male teacher must have short and well kempt hair. Today, this is part of dressing which is protected in the Republic of Malawi Constitution as one thing that people have rights on. Common sight today in most work places is that of male teachers wearing long hairs if not dreadlocks and heavy beards. This raises borne of contention when the school manager sends back such teachers. By the end of the day, the procedures seem not doing enough in addressing pertinent issues.

However, some teachers lamented that there seems to be age gap between the current league of teachers just graduating from colleges and the school managers who are about to retire now. They said they are not getting updated with the current labor laws and that they are using some archaic regulations which are not in tandem with the current generation. The young teachers have very current and latest information about their rights as individuals while the school managers especially those close to retirement cling to very old regulations which have been modified to fit the current generation. This explains why school managers find it difficult to apply disciplinary procedures on errant teachers.

All school managers were of the view that only if there was involvement of some stakeholders like the Parent Teacher Association (PTA) and the Board of Governors who would interact much with the students empowering them to share their experiences with parents about the teacher's conduct in schools. Apart from that, they suggested of decentralization of the whole disciplinary procedure. They were of the view that there should be some punishments which should be meted by school managers while others by the Division. They observed that currently, the process takes too long to be concluded because of the steps that are followed to come to a conclusion. Finally, the school managers were of the opinion that the TSC should have time or create some space to visit teachers in schools and update them on current rules and regulations. This came to light because they observed that much as the TSC is their mother body, it does not take time to see what is happening on the ground. Coupled to this, they suggested that the teaching profession should also have a regulatory body the way Nurses, Doctors, Pharmacists Lawyers and Accountants do so that any teacher who breaches the code of Conduct should be stripped off membership and not practice anywhere in the country. Much as there is the Teacher's Union of Malawi, it does not have such powers as those other regulatory bodies to strip off membership. If this happens, it will bring sanity to the profession.

The study concludes that the first challenge school managers are faced with is that of not having the last say on errant teachers. They always have to refer all cases to the Division meaning teachers have less respect for them. Secondly, they noted that teachers usually react in teams. If a school manager thinks of disciplining one teacher, all of them side with their friend and then the manager avoids proceeding with the process to avoid causing more harm to the school. Another point that was raised as a challenge was lack of support from either fellow school managers or the Division. Many managers avoid using discipline because they fear that their decisions will not be supported by higher management. This usually happens with the time it takes to be concluded. The errant teacher feels insulated because there comes a time when everybody forgets someone was being disciplined because at Division level, the case stalled. At school level, the school's disciplinary committee might take an issue of an errant teacher to the school manager who may end up not proceeding with the issue because of friendship with the errant teacher.

The study also concluded that the fear of loss of friendship or damaging personal relationships if they discipline employees. As time goes by in every institution, people begin to bond. They become friends to the point that it becomes difficult to take each other to task when it comes to disciplinary issues. Another challenge is fear of lawsuits. School managers are increasingly concerned about being sued for disciplining teachers, particularly in regard to the ultimate recommendation of termination. This could be because an employee let alone a teacher are heavily protected nowadays. For instance, when wanting to quit the employment, an employee is only required to give notice according to the type of contract he or she was contracted on while the same is not with an employer, who needs to give all the reasons and fulfill so many obligations to terminate employment (Employment Act, (2000) Sections 25 to 35). Another and seemingly the biggest challenge managers are facing is lack of expediency. Cases take forever to come to the conclusion and by the time judgment is made, it does not carry the meaning of discipline since by that time a person might have changed for better. Apart from that, very important records get lost in the process making the coming managers become inconsistent in handling disciplinary issues.

5.3 Recommendations

This study was assessing the effectiveness of disciplinary procedures on teacher's work behaviour in the Ministry of Education with a special focus on the Central West Education Division by identifying the common disciplinary problems teachers are involved in, examining the disciplinary measures followed to resolve disciplinary cases by teachers, evaluating the benefits of disciplinary procedures on teacher's counterproductive work behavior and exploring the challenges School managers face when employing disciplinary measures on errant teachers. While addressing all these objectives, the overall finding was that the disciplinary procedures followed are not as effective as one would require them to be because of several factors ranging from the length of period it takes for a case to come to a conclusion, lack of support from management, lacking ownership of the decision taken among others to lack of consistency in the application of disciplinary procedures.

Therefore, the study makes a recommendation that the disciplinary process be decentralized the way it is done in some Government sectors like the Nurses, Pharmacists, Lawyers, Accountants. These sectors have regulatory bodies which stripe off membership if one of the members goes on the wrong side of the law regulating their sector. The same applies in the private sector where all the machinery which deals with disciplinary issues is at the office and starts and concludes the issues out rightly there and then. They do not refer the cases to some bodies which are not on the ground to appreciate what was actually happening that called for a disciplinary case to be started. This will help in avoiding legal costs that come because of faulty and flouted disciplinary procedures.

5.4 Areas for further study

This study has revealed that the disciplinary procedures followed by school managers to the errant teachers leave a lot to be desired. In fact, they cause more harm especially at school level than good. When the issues are referred to the Division or Ministry, they begin firefighting, making corrections of the flouted procedures. With this in mind, the study proposes that there is need for further research to be conducted to assess the effectiveness of disciplinary procedures taken especially at school level.

Similarly, in recent times, it has been noted with great concern that most dismissed and interdicted teachers have taken Government to court after realizing that there were some steps which missed during the disciplinary process. This has resulted in Government reinstating these teachers and paying them handsomely the salaries which were withheld during their interdiction. This leaves a grey area and the study proposes a need to conduct further research to investigate whether the Ministry of Education has equipped all Secondary school managers on how to professionally handle disciplinary issues or whether in fact all the school managers are aware of the very right and correct way of handling disciplinary issues to avoid legal litigation in future.

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APPENDICES

Appendix 1: Letter Seeking Permission to Conduct the Study in Secondary Schools

Alexander Namaombe
Central West Education
Division
P. O. Box 98
LILONGWE

14th April, 2023

The Education Division Manager
Central West Education Division
P. O. Box 98
LILONGWE

Dear Sir,

REQUEST FOR PERMISSION TO CONDUCT A RESEARCH STUDY

I am Namaombe, Alexander, a student doing Master of Arts in Human Resource Management and Industrial Relations, Registration No. MA/HRMIR/11/19. I would like to conduct a research study on the following topic; Assessing the Effectiveness of Disciplinary Procedures on Teacher's Counterproductive Work Behavior in the Central West Education Division of the Ministry of Education. The objective of the study is to assess how effective the procedures followed are on teacher's conduct.

I would want to assure you that any information provided by the respondents will only be used for academic purposes and this will be treated with the highest degree of confidentiality. Additionally, I am willing to disseminate results of the study to the management of CWED. Further, an approved copy of thesis will be shared with you at no cost.

Lastly, I will be so grateful if my request meets your favorable consideration.

Yours faithfully



Namaombe, Alexander

Appendix 2: Research Acceptance Letter

Ref: CWED/ACAD/RESEARCH/23

20TH APRIL 2023

FROM: THE EDUCATION DIVISION MANAGER, CENTRAL WEST
EDUCATION DIVISION, PO BOX 98, LILONGWE.

TO The Headteacher,

.....
.....
.....

**Re: PERMISSION TO COLLECT ACADEMIC RESEARCH DATA FROM
CENTRAL WEST EDUCATION DIVISION SECONDARY SCHOOLS.**

I write to introduce to you **Alexander Namaombe**, a student pursuing a Master of Arts in Human Resource Management and Industrial Relations at Chancellor College, University of Malawi.

Mr. Namaombe has been granted permission to conduct an academic research to collect data for his studies.

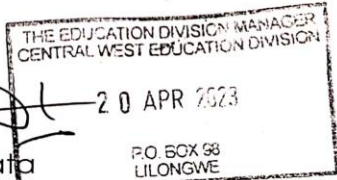
His area of study is: ***Assessing the Effectiveness of Disciplinary Procedures on Teacher's Counterproductive Work Behavior in the Central West Education Division of the Ministry of Education.***

Your school has been sampled for the purpose of data collection from respondents to be selected by the researcher.

However, the researcher will have to seek individual consent from the participants and that normal classes shall not be disrupted.

You are therefore requested to render to the researcher all the assistance required.


J.J. Nkhata
EDUCATION DIVISION MANAGER



Appendix 3: Data Collection Tool

Research Instrument for the CWED & MoE

The main objective of the study is to assess the effectiveness of disciplinary procedures on teacher's work behaviour (CWB) in the Ministry of Education (MoE) with a special focus on the Central West Education Division (CWED).

Specific Objectives

- a) To identify the common disciplinary problems teachers are involved in.
- b) To examine the disciplinary measures followed to resolve disciplinary cases by teachers.
- c) To evaluate the benefits of disciplinary procedures on teacher's work behaviour.
- d) To explore the challenges that managers face when employing disciplinary measures on erring teachers.

A. Research questions in order to identify the common disciplinary problems teachers are involved in.

- 1) Which common disciplinary issues or problems are teachers mostly involved in?
- 2) Why do you think they get themselves involved in these disciplinary issues?
- 3) Who gets mostly involved between male and female teachers? Why?

B. Research questions in order to examine the disciplinary procedures followed to resolve disciplinary cases by teachers.

- 1) Do teachers also fall under the Civil service when it comes to rules and regulations that govern their working conditions?
- 2) Which Books do you use specifically for teachers Rules and Regulations?
- 3) Are you of the view that the procedures provided are addressing issues of teacher's counterproductive work behavior? Explain.

- 4) Which disciplinary measures do you employ when disciplining the erring teachers?
- C. Research questions in order to evaluate the disciplinary procedure's benefits on teacher's work behavior.
- 1) After following the procedures in Question A, do teachers change for the better?
 - 2) In case of repeat of the same, why do you think teachers feel at ease to repeat a behavior they have been disciplined on already?
 - 3) Looking at the disciplinary procedures that are followed, are you of the view that they are doing enough to address teacher's disciplinary issues? Explain.
- D. Research questions to explore the challenges of the disciplinary procedures on management.
- 1) Looking at the disciplinary procedures that are followed, do you think they have any problems on their application on management? Explain.
 - 2) How best do you think these procedures can be applied?
 - 3) Any last word on the challenges?

Research Instrument for the Head Teachers.

The main objective of the study is to assess the effectiveness of disciplinary procedures on teacher's work behaviour (CWB) in the Ministry of Education (MoE) with a special focus on the Central West Education Division (CWED).

Specific Objectives

- a) To identify the common disciplinary problems teachers are involved in.
 - b) To examine the disciplinary measures followed to resolve disciplinary cases by teachers.
 - c) To evaluate the benefits of disciplinary procedures on teacher's work behaviour.
 - d) To explore the challenges that managers face when employing disciplinary measures on erring teachers.
- A. Research questions in order to identify the common disciplinary problems teachers are involved in.
- 1) Which common disciplinary issues or problems are teachers mostly involved in?
 - 2) Why do you think they get themselves involved in these disciplinary issues?
 - 3) Who gets mostly involved between male and female teachers? Why?
- B. Research questions in order to examine the disciplinary procedures followed to resolve disciplinary cases by teachers.
- 1) Are you, as Head teachers, provided with the knowledge on how to handle disciplinary cases?
 - 2) How do you handle disciplinary cases at school level?
 - 3) From which Rules and Regulations do you draw the authority from?
 - 4) Which disciplinary measures do you employ when disciplining the erring teachers?
- C. Research questions in order to evaluate the disciplinary procedure's benefits on teacher's work behavior.
- 1) How do the teachers react after being disciplined at school level?

- 2) In case of repeat of the same, why do you think teachers feel at ease to repeat a behavior they have been disciplined on already?
- 3) Looking at the disciplinary procedures that are followed, are you of the view that they are doing enough to address teacher's disciplinary issues? Explain.

D. Research questions to explore the challenges of the disciplinary procedures on management.

- 1) Looking at the disciplinary procedures that are followed, do you think they have any problems on their application on management? Explain.
- 2) How best do you think these procedures can be applied?
- 3) Any last word on the challenges?

Research Instrument for the once disciplined teachers.

The main objective of the study is to assess the effectiveness of disciplinary procedures on teacher's work behaviour (CWB) in the Ministry of Education (MoE) with a special focus on the Central West Education Division (CWED).

Specific Objectives

- a) To identify the common disciplinary problems teachers are involved in.
- b) To examine the disciplinary measures followed to resolve disciplinary cases by teachers.
- c) To evaluate the benefits of disciplinary procedures on teacher's work behaviour.
- d) To explore the challenges that managers face when employing disciplinary measures on erring teachers.

A. Research questions in order to identify the common disciplinary problems teachers are involved in.

- 1) Are you aware of what constitutes an act of misconduct?
- 2) Which one did you break?
- 3) Why were you involved in such kind of an act of misconduct?

B. Research questions in order to examine the disciplinary procedures followed to resolve disciplinary cases by teachers.

- 1) As a teacher who was once involved in disciplinary issues, how was your case handled?
- 2) From which step was your case started to which end?
- 3) Who handled your case?

C. Research questions in order to evaluate the disciplinary procedure's benefits on teacher's work behavior.

- 1) How did you react to the procedure of disciplining you?

- 2) Did the procedure address the disciplinary issue you were allegedly being blamed for?
 - 3) Do you think your case could have been handled better? Explain.
- D. Research questions to explore the challenges of the disciplinary procedures on teachers, learners and management.
- 1) After the whole procedure, how were you affected by it?
 - 2) How did it affect your approach to work?
 - 3) In what better way do you think the whole disciplinary procedure could have been handled?

Appendix 4: Research Budget

ITEMISED BUDGETING

Item	Quantity	Unit Cost (MK)	Frequency	Amount (MK)	Justification
Application/ processing fee		155, 437. 41	Once	155, 437. 41	The amount will be used to process the protocol
Stationary	2 Reams of Paper, I Carton of Ball point pens and 2 writing pads	10, 000 each ream, 7000 1 ball point pen Carton, 7000 2 writing pads	Once	34, 000. 00	The amount will used to buy ball point pens, writing pads, 2 reams of papers for printing and a highlighter for coding.

Airtime	50 Units	50, 000. 00	Once	50, 000. 00	The airtime will be used to communicate with participants on the dates the researcher will be in their district and at their school.
Hard Drive	1	35,000.00	Once	35, 000. 00	This amount will be used to buy one Hard Drive which will be used to store data.
COVID 19 Protective Kit	1 Box of Gloves and 1 Carton of Masks	5, 000. 00 each	Once	10, 000. 00	This amount will be used to buy the kit which will include 5 liters of sanitizer and face mask which will be provided to all participants.

Travel expenses to the 6 districts	5 times	20, 000. 00 each trip	5 times	100, 000. 00	This will be used for public transport fares from Lilongwe to Ntcheu, Dedza, and Mchinji. While in the districts, there will also be use of motor bikes to designated schools.
Accommodation Costs	5 times	20,000. 00	5 times	160, 000. 00	This will be used for accommodation at K20, 000. 00 per day for two days in each district.
Dissemination Cost	1	50, 000. 00	Once	50, 000. 00	This will be used to print the final copy of the research findings and hiring of a projector that will

					facilitate delivery during presentation
Total Cost				603, 437. 41	
Overhead Cost (10%)				60, 343. 74	This is a required research compliance and capacity building fee.

Appendix 5: Research Time Frame

DATE	ACTIVITY
December, 2022	Preparation and submission of research proposal
January, 2023	Proposal development, incorporation of comments and submission.
February, 2023	Preparation of study tools
March, 2023	Data collection
April, 2023	Data analysis
March, 2024	Report compilation, submission of drafted report & incorporation of comments
May, 2024	Submission of the second worked – on draft
July, 2024	Submission of the final report