

- (c) the right to appeal or application for review with the Commission;

Appeals. 6. (1) A person who is dissatisfied with the decision of the disciplinary inquiry may appeal directly to the Commission.

(2) An appeal under sub-regulation (1), shall be made in writing addressed to the Secretary of the Commission within thirty days from the date of the decision appealed against.

(3) On a request for an appeal hearing under sub-regulation (2), the Commission may after considering an appeal-

- (a) uphold the decision of the disciplinary inquiry;
- (b) set aside the decision of the disciplinary inquiry;
- (c) vary the decision of the disciplinary inquiry as it considers to be just;
- (d) give such directions as it may consider appropriate with respect to the decision of the disciplinary inquiry; or
- (e) make any other appropriate decision in view of the circumstances of the case.

(4) The decision of the Commission under sub-regulation (3) shall be final.

Made this 10th day of September, 2014.

DR. MAX AHMADU SESAY,
Chairman, Public Service Commission.

CONSTITUTIONAL INSTRUMENT

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THE CONSTITUTION OF SIERRA LEONE, 1991
(Act No. 6 of 1991)

THE PUBLIC SERVICE COMMISSION (DISCIPLINARY PROCEDURE) REGULATIONS,
2014

In exercise of the powers conferred upon it by subsection (10) of section 152 of the Constitution of Sierra Leone, 1991, the Public Service Commission, acting with the approval of the President, hereby makes the following Regulations-

1. In these Regulations, unless the context otherwise requires-

Interpretation.

“disciplinary inquiry” means an inquiry into allegations of breach of the Public Service Commission’s standard of conduct, by public officers conducted in accordance with Part IV of Public Notice No. 31 of 1982.

“rules of natural justice” means the principles of law that protects against arbitrary exercise of power by ensuring fair play, based on two fundamental rules-

- (1) *Audi alteram partem* (Latin for, hear the other side): no accused, or a person directly affected by a decision, shall be condemned unless given full chance to prepare and **submit** his case and rebuttal to the opposing party’s argument;
- (2) *Nemo iudex in causa sua* (Latin for, no man may be a judge in his own cause): no decision is valid if it was influenced by any financial consideration or other interest or bias of the decision maker.

2. (1) A Head of Department, officer holding a disciplinary inquiry or the Commission shall be guided by the rules of natural justice in order to ensure procedural fairness.

Application of rules of natural justice.

(2) Notwithstanding the generality of sub-regulation (1), a Head of Department, officer holding a disciplinary inquiry or the Commission shall-

- (a) establish and maintain a record of the inquiry;

- (b) give every party involved especially the affected public officer a chance to produce relevant documents, make statements, call and examine witnesses and peruse any documents that may have been produced by way of personal interviews, correspondence, telephone inquiries or other means;
- (c) record all relevant and material oral and documentary evidence;
- (d) sum up the case and record the comments in order to clearly show the findings on the issues under investigation in view of the evidence;
- (e) notify the public officer who is alleged to have breached the Public Service Commission’s standard of conduct, of the particulars of the alleged misconduct, in writing; and,
- (f) give the public officer who is alleged to have breached the Public Service Commission’s standard of conduct a reasonable opportunity to prepare and present evidence and to respond to the allegations.

(3) A person who is a member of a disciplinary inquiry shall not be—

- (a) directly or indirectly involved in the case as a witness, complainant or interested party; or
- (b) part of the members deliberating on the alleged misconduct by a public officer.

Conduct of Inquiry.

3. (1) Any disciplinary inquiry conducted pursuant to these Regulations shall—

- (a) be held in private;
- (b) give full opportunity to the summoned public officer to defend himself and to produce witnesses;
- (c) permit the officer summoned or his representative to appear and cross-examine the witnesses called in support of the case against him;
- (d) not use documentary evidence unless the officer concerned has been supplied with a copy and given reasonable time to consider and reply.

(2) A public officer answering and a public officer preferring charges of breach of the Public Service Commission’s standard of conduct shall be entitled to the assistance of a person of their choice in the preparation and presentation of the case and at every stage of any hearing, including any hearing on appeal to the Commission.

4. Subject to these Regulations the Commission may regulate procedures for disciplinary hearings including—

Commission may regulate its procedure.

- (a) advising the public officer answering disciplinary charges or any witness in the matter, of the general purpose of the hearing and of his rights and duties;
- (b) advising the public officer answering disciplinary charges or any witness in the matter, to use free narrative to tell everything he knows about the issues;
- (c) beginning the hearing by asking the public officer answering disciplinary charges or any witness in the matter broad open-ended questions requiring only ‘yes’ or ‘no’ responses;
- (d) recording the statements made by the public officer answering disciplinary charges or any witness in the matter in the first person and in their exact words without editing or summarizing;
- (e) attaching the statement “I declare under penalty of perjury that the forgoing is true and correct”
- (f) signing and dating the final account of the hearing;
- (g) confidentiality; and
- (h) preparation of a complete written report documenting the whole process at the end of the hearing.

5. After the conclusion of the disciplinary inquiry, the public officer answering disciplinary charges shall be informed of—

Findings to be reported.

- (a) the findings on each alleged breach of the Public Service Commission’s standard of conduct which has been preferred against him;
- (b) the punishment, if any, to be inflicted upon him; and,