



Legal Implications of Staff Management in Public Secondary Schools in Rivers State

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ABSTRACT

This study examined the legal implications of staff management in public secondary schools in Rivers State. Consequently, four research questions and hypotheses were drawn to guide the study. The study adopted descriptive survey design. The population consisted of all the principals and teachers in the 245 public secondary schools in Rivers State. A sample of 35 principals and 274 teachers were drawn from 35 public secondary schools in the State. The stratified random sampling technique was used in selecting the sample for the study. A structured questionnaire titled, Legal Implications of Staff Management Questionnaire (LISMQ) was used to elicit data from the respondents. Mean and Standard Deviation were used to analyzed the responses while Z-test was used to test the hypotheses at 0.05 level of significance. Findings revealed that disciplinary action against staff without fundamental right to fair hearing may invoke legal action. It also revealed that denying staff of their benefits and entitlements breached the law of contract. Furthermore, findings indicated that that wrongfully retirement or dismissal or termination of contract may lead to litigation. It was concluded that school authority need to be aware of educational law for fair dealing with the staff and students of the schools. Thus, where the school authority understands the basis of their actions and its implications will definitely avert the issues of legal actions It was therefore recommended that secondary school principals in Rivers State should be conversant with the law governing staff management and apply them in every circumstance or situation to avoid legal action.

Keywords: Legal implication, staff management, discipline, benefits/entitlements, retirement, dismissal and termination of contract.

INTRODUCTION

The legal aspect of staff management in secondary schools in Nigeria have received much attention in recent times in view of the unfairly manner with which some school administrators treat teachers in their school. Issues that boarder on staff recruitment, development, promotion, benefits, dismissal and retirement have been adequately regulated by law. Hence, school administrators need to be acquainted with the laws governing the various aspects of staff management in schools and work within the confine of the law. Usually, teachers in secondary schools are employed under contract which is enforceable by law. In their employment contract, their tenure is clearly spelled out alongside with their salary, benefits and other entitlements. Having confirmed their appointment, the staff desires to grow on the job and be free from arbitrary threats of dismissal or termination.

The staff is also obliged to obey the rules and regulations governing the school including those relating to discipline and misconduct. However, when a staff continuously violates the rules and regulations of the school, the school management may be considering terminating his or her contract. Upon receiving the contract termination letter, the staff can sue the school management to court for breach of contract if he or she feels that the school management did not follow due process in terminating his or her contract. Legally, before terminating a staff contract, the law allows the school management to issue a number of warnings and queries avail the staff with the opportunity to defend himself or herself before the school disciplinary committee. This is what the law refers to as fair hearing (*audi alterem partem*) which is the foundation of natural justice and fundamental human rights (Koko, 2005).

Some school administrators have cultivated the habit of dismissing staff in an unfairly manner while others have formed the habit of denying staff of their legal entitlements. If a school administrator deprives staff of their benefits and entitlements, the staff union can sue the school management to court for breach of contract. Normally, the benefits and entitlements of staff are clearly stated in their employment contract. Some of these benefits and entitlements include annual leave, sick leave, sabbatical leave, maternity leave (for women only), casual leave, pension and gratuity (Peretomode, 2004). These benefits and entitlements are backed by law and any attempt by school administrators to deny staff of their entitlements could lead to legal action.

In the same vein, the laws governing staff management are made to provide a guide to school administrators in their personnel management function. According to Akukeide (2014), these laws are not only made to guide school administrators in their personnel management function but also to maintain the fundamental human rights of both the staff and the school management. There will be no element of orderliness in the management of human resources in the school. To ensure orderliness in the staff management process, there is need for these laws. Without these laws, there will be anarchy as indiscipline amongst these stakeholders would be high (Oloko, 2017).

The legal provisions with respect to staff management give administrative directives and ensure that school administrators perform their personnel management functions within the confines of the law. Thus, school administrators need to be acquainted with the laws governing staff management in order not to violate them in the course of managing teaching and non-teaching staff. This implies that administrators need to have a sound knowledge of the law especially those governing staff entitlements, promotion, development, dismissal and retirement. For instance, the school administrators must be conversant with the legal procedures for staff retirement. If the school administrators issued a retirement letter to a staff contrary to the provisions of the law or their employment contract, the staff can sue the school management for breach of contract. Thus, a sound knowledge of the law would guide school administrators in their staff management function and prevent them from violating any of the law relating to staff management. Any attempt by school administrators to violate the law relating to staff management could lead to legal action against the school management. It is against this backdrop that this study examines the legal implications of staff management in public secondary schools in Rivers State.

Statement of the Problem

The way and manner in which some principals go about their staff management functions calls for serious attention as some of the principals in public secondary schools in Rivers State do not implement the law governing various aspects of staff management. In other words, some of the teachers have been denied promotion, dismissed arbitrary or retired unlawfully by their employers based on flimsy reasons hence ignored the process of the law.

Common experiences revealed that recruitment is often not done within the space of the law .Even termination is frequently done without following due process and more pathetic is denial of their entitlements such as: annual leave, sick leave, sabbatical leave, maternity leave (for women only), casual leave, development and promotion. It is uncertain whether principals are not aware of the laws or deliberately ignore it. These observations therefore informed the researchers to examine the legal implications of staff management in public secondary schools.

Purpose of the Study

The purpose of this study was to examine the legal implications of staff management in public secondary schools in Rivers State. The specific objectives of the study were:

- To ascertain the legal implications of staff discipline in public secondary schools.
- To determine the legal implications of denying staff of their benefits and entitlements in public secondary schools.
- To ascertain the legal implications of wrongful retirement of staff in public secondary schools.
- To examine the legal implications of unfairly dismissal or termination of staff contract in public secondary schools.

Research Questions

- What are the legal implications of staff discipline in public secondary schools?
- What are the legal implications of denying staff of their benefits and entitlements in public secondary schools?

- What are the legal implications of wrongful retirement of staff in public secondary schools?
- What are the legal implications of unfairly dismissal or termination of staff contract in public secondary schools?

Research Hypotheses

- There is no significant difference in the opinions of principals and teachers on the legal implications of staff discipline in public secondary schools.
- There is no significant difference in the opinions of principals and teachers on the legal implications of denying staff of their benefits and entitlements in public secondary schools.
- There is no significant difference in the opinions of principals and teachers on the legal implications of unfairly dismissal or termination of staff contract in public secondary schools.

Literature Review

Concept of Staff Management

Staff management can be defined as the process of recruiting, selecting, training, developing, remunerating and evaluating the performance of employees in an organization (Fabunmi & Akinwunmi, 2001). Otuya in Ofoegbu & Ofoegbu (2017) defines staff management as the acquisition and retention of competent employees through proper recruitment, selection, placement, utilization and development. It also involves the process of handling, directing and controlling the workforce (employees) in an organization (Ofoegbu & Ofoegbu, 2017). In the school system, staff management involves a systematic process of recruitment, selection, training and development, motivation, compensation and appraisal of teaching and non-teaching staff (Gaparayi, Nsengumukiza & Rutali, 2008). For Oyedeji (2012), school administrators are charged with the responsibility of managing the human resources in the school both teaching and non-teaching staff.

Legal Issues in Staff Management in Secondary Schools

Every aspect of staff management is regulated by related laws. Peretomode (2004) stated that all the aspects of staff management including: recruitment, selection, development, compensation, benefits and entitlements, discipline, dismissal and retirement are adequately guided and regulated by law. These include: conditions of service, certifications, benefits and entitlements, staff discipline, grievance, labor union, expulsion and termination of contract etc (Oloko, 2015). Okoye (2010) posited that the laws governing staff management are made to provide a guide to school administrators in the course of performing the staff management functions. For instance, the Labor Acts of 1971 and the Nigerian Employment Law were made to guide school administrators in managing their employment relationship with their staff.

The Labour Law provides that every employer must give to each of its employee a written contract within three months being engaged by the employees. The employment contract must clearly state the job description, the position of the employee, remuneration and other terms and conditions of service that embedded the hours of work , annual leave, sick leave, sabbatical leave, study leave and staff development. For instance,. In cases where a staff claims that he or she is going on annual leave without returning back to his or her employment or returning after a longer period than approved by his or her employment contract, the employer can terminate his or her contract. There are reported cases where the Supreme Court had order the termination of an employee contract if he or she exceeds the period of his annual leave without the consent of his employer. This behavior is amount to a breach of contract of service and a gross misconduct on the part of the employee upon which the employer has the right to terminate his or her contract (Amirize, 2014).

The legal framework for entry the teaching profession was also spelled out in the National Policy on Education. The third edition of the policy clearly states the minimum standard (qualification) for entry into the teaching profession. The policy raised the minimum requirement from Teacher Grade II Certificate to the National Certificate of Education (NCE) (Federal Republic of Nigeria in Imam, 2012). The laws governing employment, minimum certification or requirement into the teaching profession, retirement as well as the dismissal or termination of staff contract were made to provide a guide to school administrators in managing their employee relationship. The absence of these laws could lead a state of anarchy (Oloko, 2017). However, some reports show that some school administrators do not implement the laws governing the various aspects of staff management in school (Ayodele, 2015). Amirize (2014) stated that some principals in public schools in Nigeria have

breached the law governing staff management as they treat teachers in an unfairly manner. Oyedeggi (2012) posited that some school administrators in Nigeria deliberately ignore the law governing staff management and indiscriminately recruit and terminate the contract of staff. Ambode (2010) observed that some of the school principals do not have a sound knowledge of the law relating to staff management and as such they do not apply them in the management of teaching and non-teaching staff in their school. Meanwhile, Oloko (2014) noted that ignorance of the law is not only peculiar to private school owners as some public school principals are not conversant with the laws governing the various aspects of staff management.

The Legal Implications of Staff Discipline in Public Schools

Staff discipline is a crucial aspect of human resource management in public schools and its procedure is adequately regulated by law. The law specifies the due process to be followed in exercising disciplinary action against staffs who have been accused of gross misconduct. Peretomode (2004) explains the legal procedure to be followed before exercising disciplinary action against a public servant who has been accused of misconduct. According to him, when there is a complaint or report of misconduct against a public servant, the law specifies that such complaint or report against the staff be proven by the appropriate committee before any disciplinary action is taken. No disciplinary action should be taken against an employee who has been accused of misconduct unless the staff has been given the opportunity to defend himself before the disciplinary committee. If an institution carries out a disciplinary action against an employee without giving the staff the opportunity to defend himself before the disciplinary committee, such institution has gone against the rule of natural justice and a breach of the employee's fundamental right to fair hearing.

The rules of natural justice stipulates that before exercising disciplinary action against an employee who has been accused of misconduct, such employee should be given the opportunity to defend himself before the appropriate panel (Amirize, 2014). This is what the law referred to as *fair hearing*. The employee must face the disciplinary panel and counteract to the complaints and accusations leveled against him. The rules of nature justice was clearly applied in the case of Stephen Adedeji vs. Police Service Commission (1968) N.M.L.R.102. In that case, the plaintiff - Stephen Adedeji, was suspended and dismissed from the Commission over accusations of gross misconduct by the defendant - Police Service Commission. The plaintiff sued the defendant in the Federal High Court of Lagos State and pleaded that the disciplinary action exercised by the defendant did not follow the rules of natural justice as he was not given the opportunity to defend himself before the disciplinary committee set up by the Commission to investigate the case. In the court judgment, the Justice ordered that the plaintiff be reinstated to his position in the Commission on the basis that he was not given the opportunity to defend himself before the disciplinary panel. This is a clear breach of the principle of natural justice and the plaintiff's fundamental right to fair hearing.

Also, in the case of Mr. Kunle Osisanya v Afribank Nigeria Plc (1987), the breach of the principles of natural justice was identified. In that case, the plaintiff, Kunle Osisanya, was dismissed by the defendant -Afribank Nigeria Plc, for misconduct. In one of the court rulings on the matter, the Court declared that "the dismissal of the plaintiff from the service of the defendant as contained in letter ref. No. 00/MEN/VOK/PERSONNEL/48357 of 12th October, 1987 is wrongful, unlawful, unconstitutional, null and void and effect whatsoever. That, the decision of the defendant's senior staff disciplinary committee, which cumulated in the dismissal of the plaintiff is contrary to the principle of natural justice and a deliberate and calculated infraction of the plaintiff's right of fair hearing as contained in and preserved by Section 33(1) and (2) of the Constitution of the Federal Republic of Nigeria, and null and void and of no effect whatsoever. The Court however ordered the defendant to reinstate the plaintiff and pay him his full salaries, benefits and entitlements from the date of dismissal to the date of judgment.

The Legal Implications of Denying Staff of their Benefits and Entitlements

The law specifies that an employment contract form must contain all the benefits and entitlements to be received by employee during the period of his or her contract with the employer. The law has been upheld by most schools and it is an offence for any school administrator to deny staff of their benefits and entitlements (Okoye, 2010). Some of the benefits and entitlements due to staff in contract of employment include: annual leave, sick leave, sabbatical leave, maternity leave , casual leave, study

leave, pension and gratuity (Peretomode, 2004), and any attempt by school administrators to deny staff of their entitlements could lead to legal action .

Some employers have got themselves into problem with the law as they deliberately deny their employees of their benefits and entitlements. There are several reported cases where employees have sued their employers to court over issues relating to staff denial of their entitlements and subsequent dismissal. For instance, in the case of Mr. Kunle Osisanya v Afribank Nigeria Plc, the plaintiff, Kunle Osisanya, filed a suit S.C.135/2001 against the defendant, Afribank Nigeria Plc in the Supreme Court of Nigeria over denial of his entitlements, suspension and subsequent dismissal from service. After series of hearings on the matter, the Supreme Court under George Adesola Oguntade J.S.C. gave his judgment, ordering the defendant to reinstate the plaintiff with full salaries, entitlements, allowances or benefits from the date of his suspension and subsequent dismissal up to the date of judgment (Nigerian Law Intellectual Property Watch, 2008).

The Legal Implications of Unfairly Dismissal/Termination of Staff Contract

The dismissal or termination of staff employment contract is regulated by law. There are situations where the law allows the dismissal or termination of staff contract. For instance, if an employee breaches his contract of employment, the employer has the right to terminate his contract (Ayodele, 2015). In situation where an employee exceeds the period of his leave for medical reasons, the law specifies that the employee should not be served a dismissal letter if he or she presents a Medical Certificate from a registered medical practitioner informing the employer of his medical condition. However, in case where a staff claims that he or she is going on annual leave without reporting to his or her employer or returning after a longer period than approved, the law permits the employer to terminate his or her contract. There are several cases where the Court had order the termination of an employee contract as a result of the employee exceeding the period of his leave without the consent of his employer. The law describes this behaviour as a breach of contract of service and a gross misconduct on the part of the employee upon which the employer has the right to terminate his or her contract.

However, some organizations have cultivated the habit of terminating their staff contract unlawfully without considering the legal implication of their action. There are several court cases relating to illegal dismissal/termination of staff contract. In most of these cases, the Court ruled in favour of the staff who filed the suit. For instance, in the case of Mr. Kunle Osisanya v Afribank Nigeria Plc, the plaintiff, Kunle Osisanya, filed a suit S.C.135/2001 against the defendant, Afribank Nigeria Plc in the Supreme Court of Nigeria over denial of his entitlements, suspension and subsequent dismissal from service. After series of hearings on the matter, Nigerian Law Intellectual Property (NLIP) Watch (2008) reported that the Supreme Court under George Adesola Oguntade J.S.C. gave his judgment as follows:

A declaration that the dismissal of the plaintiff from the service of the defendant as contained in letter ref. No. 00/MEN/VOK/PERSONNEL/48357 of 12th October. 1987 is wrongful, unlawful, unconstitutional, null and void and effect whatsoever.

A declaration that the decision of the defendant's senior staff disciplinary committee, which cumulated in the dismissal of the plaintiff is contrary to the principle of natural justice and a deliberate and calculated infraction of the plaintiff's right of fair hearing as contained in and preserved by Section 33(1) and (2) of the Constitution of the Federal Republic of Nigeria, and null and void and of no effect whatsoever. This implies dismissal or termination of contrary has to reckon with the principles of laws that guide each limb of responsibilities.

METHODOLOGY

The descriptive survey research was adopted in this study. The population of the study comprised of principals and teachers in all the 245 public secondary schools in Rivers State. A sample of 35 principals and 274 teachers were drawn from 35 public secondary schools in Rivers State. The stratified random sampling was used in selecting the sample size for the study. A self-designed questionnaire titled "Legal Implications of Staff Management Questionnaire" (LISMPQ) was used as the main instrument for data collection. The questionnaire was structured on four (4) points rating scale: Strongly Agree (4), Agree (3), Disagree (2) and Strongly Disagree (1). The questionnaire was validated through face and content analysis by some research experts, while its reliability was

determined using the test-retest method with the result 0.89. 309 copies of questionnaires were administered and 278 copies were retrieved. The data collected were analyzed using Mean, Standard Deviation and Z-test while the hypotheses were tested using the Z-test at 0.05 level of significance.

RESULTS AND DISCUSSION

Research Question 1: *What are the legal implications of staff discipline in public secondary schools?*

Table 1: Mean responses of principals and teachers on the procedures of staff discipline in public secondary schools

S/N	Items	Principals		Teachers		Mean Set $\frac{\bar{X}_1}{\bar{X}_2}$	SD Set SD ₁ SD ₂	Remarks
		\bar{X}_1	SD ₁	\bar{X}_2	SD ₂			
1.	Exercising disciplinary action against a staff without following due process may face legal action.	2.61	0.93	2.86	1.09	2.74	1.01	Accepted
2.	Denial a staff entitlements as a disciplinary action may face litigations	2.83	1.01	2.80	0.95	2.82	0.98	Accepted
3.	Suspension as a form of disciplinary action without obeying the rule of natural justice may be ordered by the Court to recall the staff.	2.51	0.72	2.89	1.02	2.70	0.87	Accepted
4.	Dismissal of a staff without giving the opportunity to defend that action contravenes fundamental right to fair hearing.	2.73	0.84	2.81	0.90	2.77	0.87	Accepted
Grand Mean/SD		2.67	0.88	2.84	0.99	2.76	0.94	

Table 1 contains the mean responses of principals and teachers on the legal implications of staff discipline. The table indicates that both principals and teachers agreed with all the items listed in the table since their mean responses are greater than the criterion mean of 2.50. The grand mean responses of 2.67 and 2.84 for principals and teachers respectively are greater than criterion mean of 2.50 indicating that both respondents accepted the items in the table. This means that schools that cause disciplinary action against their staff (in the form of suspension, dismissal or denial of their entitlements,) as a result of their misconduct without obeying the rules of natural justice have denied the staff of their fundamental right to fair hearing and may face legal action which include a court order to recall and reinstate the staff and pay all their salaries, benefits and entitlements from the date of suspension or dismissal to the date of judgment.

Research Question 2: *What are the legal implications of denying staff of their benefits and entitlements in public secondary schools?*

Table 2: Mean responses of principals and teachers on the legal implications of denying staff of their benefits and entitlements

S/N	Items	Principals		Teachers		Mean Set $\frac{\bar{X}_1}{\bar{X}_2}$	SD Set SD ₁ SD ₂	Remarks
		\bar{X}_1	SD ₁	\bar{X}_2	SD ₂			
5.	Denial of staff benefits have breached the law of contract	3.16	1.12	2.76	1.11	2.96	1.12	Accepted
6.	Court may order a school to grant a staff entitlements if deny	2.99	1.03	2.82	1.08	2.91	1.06	Accepted
7.	Schools that deny a staff compensation as damage may incur litigation.	2.96	0.93	2.94	1.14	2.95	1.04	Accepted
8.	Employer that denied a staff frindge benefits may face legal actions.	2.89	0.86	2.63	1.06	2.76	0.96	Accepted
Grand Mean/SD		3.00	0.99	2.79	1.10	2.90	1.05	

Table 2 shows the mean responses of principals and teachers on the legal implications of denying staff on their benefits and entitlements. The table indicates that both principals and teachers agreed with all the items with average mean score of 2.90. This means that schools that deny their staff of their benefits and entitlements have breached the law of contract and may face legal action.

Research Question 4: *What are the legal implications of unfairly dismissal or termination of staff contract in public secondary schools?*

Table 4: Mean responses of principals and teachers on the legal implications of unfairly dismissal or termination of staff contract in public secondary schools

S/N	Items	Principals		Teachers		Mean Set $\frac{\bar{X}_1 \bar{X}_2}{X_1 X_2}$	SD Set SD ₁ SD ₂	Remarks
		\bar{X}_1	SD ₁	\bar{X}_2	SD ₂			
13.	Schools that unlawfully dismiss or terminate their staff contract may face legal action.	2.58	0.82	2.94	1.02	2.76	0.92	Accepted
14.	Schools that dismiss staff contract without any prove that such employee has breached the employment contract.	2.53	0.76	2.80	1.04	2.67	0.90	Accepted
15.	Schools that terminate a staff contract without any prove that such employee has committed an offence contrary to his contract may be order by the Court to pay monetary compensation.	2.89	1.02	2.52	0.98	2.71	1.00	Accepted
16.	dismissal of contract for exceeding the period of medical leave maybe order by the Court to reinstate the staff with his full salaries and benefits.	2.85	0.98	2.91	1.08	2.88	1.03	Accepted
Grand Mean/SD		2.71	0.90	2.79	1.03	2.76	0.97	

Table 4 shows the mean responses of principals and teachers on the legal implications of unfairly dismissal or termination of staff contract. From the table, it is observed that both principals and teachers agreed with all the items with average mean score of 2.76. This means that schools that unfairly dismiss or terminate their staff contract may face legal action which may include an order by the court to reinstate the staff and pay his salaries and entitlements from the date of dismissal to the date of judgment including a monetary compensation as damage for their action.

Hypothesis 1: There is no significant difference in the perceptions of principals and teachers on the legal implications of staff discipline in public secondary schools in Rivers State.

Table 5: Result of the statistical testing of hypothesis one

Respondents	N	Mean	SD	df	Sig. Level	Z-Test Cal.	Z-Test Crit.	Decision
Principals	29	2.67	0.88	276	0.05	2.13	±1.96	Ho ₁ Rejected
Teachers	247	2.84	0.99					

Table 5 presents the result of the statistical testing of hypothesis one. From the table, it is observed that the calculated Z-test of (2.13) was greater than the critical value of Z-test (±1.96). Thus, null hypothesis which states that there is no significant difference in the perceptions of principals and

teachers on the legal implications of staff discipline in public secondary schools in Rivers State was rejected.

Hypothesis 2: There is no significant difference in the perceptions of principals and teachers on the legal implications of denying staff of their benefits and entitlements in public secondary schools in Rivers State.

Table 6: Result of the statistical testing of hypothesis two

Respondents	N	Mean	SD	df	Sig. Level	Z-Test Cal.	Z-Test Crit.	Decision
Principals	29	3.00	0.99	276	0.05	2.06	±1.96	Ho ₂ Rejected
Teachers	247	2.79	1.10					

Table 6 shows the result of the statistical testing of hypothesis two. From the table, it is observed that the calculated Z-test of (2.06) was greater than the critical value of Z-test (±1.96). Consequently, the null hypothesis is rejected and the alternate hypothesis is accepted. This means that there is significant difference in the perceptions of principals and teachers on the legal implications of denying staff of their benefits and entitlements in public secondary schools in Rivers State.

Hypothesis 3: There is no significant difference in the perceptions of principals and teachers on the legal implications of unfairly dismissal or termination of staff contract in public secondary schools in Rivers State.

Table 8: Result of the statistical testing of hypothesis four

Respondents	N	Mean	SD	df	Sig. Level	Z-Test Cal.	Z-Test Crit.	Decision
Principals	29	2.71	0.90	276	0.05	2.36	±1.96	Ho ₄ Rejected
Teachers	247	2.79	1.03					

Table 8 presents the result of the statistical testing of hypothesis four. From the table, it is observed that the calculated Z-test of (2.36) was greater than the critical value of Z-test (±1.96). The null hypothesis was rejected and the alternate hypothesis which stated that there is significant difference in the perceptions of principals and teachers on the legal implications of unfairly dismissal or termination of staff contract in public secondary schools in Rivers State was accepted.

DISCUSSION OF FINDINGS

This study revealed the legal implications of staff discipline in public secondary schools. It reported that schools that cause disciplinary action against their staff (in the form of suspension, dismissal or denial of their entitlements,) as a result of their misconduct without obeying the rules of natural justice have denied the staff of their fundamental right to fair hearing and may face legal action which include a court order to recall and reinstate the staff and pay in full their salaries, benefits and entitlements from the date of suspension or dismissal to the date of judgment. This finding is in line with the case of Stephen Adedeji vs. Police Service Commission (1968) N.M.L.R. 102 where the court declared that the plaintiff - Stephen Adedeji, who was initially suspended and dismissed by the defendant - Police Service Commission, for misconduct, be recalled and reinstated to service and his full salaries, benefits and entitlements be paid from the date of suspension or dismissal to the date of judgment as the disciplinary action exercised by the defendant did not obey the rules of natural

justice. Also, in the case of Mr. Kunle Osisanya vs. Afribank Nigeria Plc (2001), the plaintiff –Kunle Osisanya, was dismissed by the defendant - Afribank Nigeria Plc’s disciplinary committee over issues relating to misconduct. In that case, the court declared that the decision of the defendant’s senior staff disciplinary committee, which cumulated in the dismissal of the plaintiff is contrary to the principle of natural justice and a deliberate and calculated infraction of the plaintiff’s right of fair hearing as contained in and preserved by Section 33(1) and (2) of the Constitution of the Federal Republic of Nigeria, and null and void and of no effect whatsoever. The court also ordered the defendant to reinstate the plaintiff with his full salaries and benefits to be paid to him from the date of dismissal to the date of judgment.

This study also revealed that legal implications of denying staff of their benefits and entitlements in public secondary schools in Rivers State. It reported that schools that deny their staff of their benefits and entitlements have breached the law of contract and may face legal action which include a court order to pay compensation as damage for their action, and in case where the staff is suspended for speaking out, the Court may order the school to reinstate the staff with his full entitlements and benefits from the date of his suspension up to the date of judgment. This finding is consistent with the case of Mr. Kunle Osisanya v Afribank Nigeria Plc. In that case, the plaintiff - Mr. Kunle Osisanya sued the defendant - Afribank Nigeria Plc over its refusal to grant him his benefits and entitlements and was subsequently suspended and dismissed by the defendant for taking legal action against the bank. In judgment, the court issued an order commanding the defendant to reinstate the plaintiff and pay him his full salaries, entitlements, allowances and benefits from the date of his suspension and subsequent dismissal up to the date of judgment (Nigerian Law Intellectual Property Watch, 2008).

This study also reported the legal implications of wrongful retirement of staff in public secondary schools. It revealed that schools that wrongfully retire their staff from service before the age of 60 years have breached Circular No.4/1978 of the Civil Service Rules and may face legal action which may include an order by the court to reinstate the retired staff and pay his salaries and entitlements from the date of issuing his retirement letter to the date of judgment including a monetary compensation as damage for their action. This finding is consistent with the case of Teliat A.O. Sule vs. Nigerian Cotton Board in the High Court of Lagos State (1985) where the plaintiff pleaded that a damage in the sum of N108,731 being awarded to him for his sufferings as a result of his wrongful and unlawful retirement from the service of the defendant - Nigerian Cotton Board. In that case, the court ruled in favour of the plaintiff who filed the suit, declaring that the plaintiff should be transferred to the Headquarters of the Board at Funtua and ordered to vacate his quarters at No.13A Dakar Road, Apapa for Alhaji Jimeta who was simultaneously with the plaintiff transferred from Funtua to Lagos. The court also order that his full salaries, benefits and entitlements be paid to him from the date of wrongful retirement to the date of judgment with the damage of N108,731.

This study equally revealed the legal implications of unfairly dismissal or termination of staff contract in public secondary schools. It reported that schools that unfairly dismiss or terminate their staff contract may face legal action which may include an order by the court to reinstate the staff and pay his salaries and entitlements from the date of dismissal to the date of judgment including a monetary compensation as damage for their action. This finding is in line with the case of Mr. Kunle Osisanya vs. Afribank Nigeria Plc, the plaintiff, Kunle Osisanya, filed a suit S.C.135/2001 against the defendant, Afribank Nigeria Plc in the Supreme Court of Nigeria over denial of his entitlements, suspension and subsequent dismissal from service. In that case, the court declared that the dismissal of the plaintiff from the service of the defendant as contained in letter ref. No. 00/MEN/VOK/PERSONNEL/48357 of 12th October. 1987 is wrongful, unlawful, unconstitutional, null and void and effect whatsoever. The court also issued an order commanding the defendant to reinstate the plaintiff his full salaries, entitlements, allowances and/or benefits from the date of his suspension and subsequent dismissal up to the date of judgment.

CONCLUSION

It was concluded that school authority need to be aware of educational law for fair dealing with the staff and students of the schools. Thus, where the school authority understands the basis of their actions and its implications will definitely avert the issues of legal actions. In other words, the principals have to be acquainted with legal implications of staff discipline, termination or dismissal,

denial of benefits and punishment for professional misconduct. This will enhance the process of administration and collaboration between the principals and teachers in the school.

RECOMMENDATIONS

Based on the findings and conclusion, the following recommendations are provided:

1. Secondary school principals in Rivers State should be conversant with the law governing the various aspects of staff management as it would prevent them from getting into trouble with the law.
2. Secondary school principals should be taught the legal aspect of staff management as it would enable them manage their teachers within the confine of the law.
3. Principals in public secondary schools should apply the rules of natural justice before exercising disciplinary action against their staff who have been accused of gross misconduct as this would not only maintain the staff fundamental right to fair hearing but would prevent legal action against the school.
4. Principals in public secondary schools should not deny their staff of their benefits and entitlements as any attempt to do so is a breach of contract which is enforceable by law.
5. School authority should abstain from unlawful dismissal or termination of their staff contract as any attempt to do so could lead to legal action against the school which might attract damage fees.

REFERENCES

- Akukeide , (2014). *The Law of Public Education in Nigeria*. Akoka; University of Lagos Press.
- Ambode, A.A. (2010). Educational Law of Tort in Secondary Schools: Implications for Educational Policy in Nigeria. *Multidisciplinary Journal of Research Development*, 15 (2), 1-6.
- Amirize, T.O. (2014). *Legal Obligations and Contractual Rights of Secondary School Teachers in Imo State*. (Unpublished Ph.D Thesis), University of Nigeria, Nsukka, Enugu State.
- Ayodele, O.T. (2015). *Education and Law in Nigeria. The Rights of Teachers and Students*. Owerri: Key See Cee Publishers.
- Ezeaku, S.N. & Ohamobi, I.N. (2014). Competitiveness in Education and Legal Issues: A Step Toward Quality Assurance in Secondary Schools in Anambra State. *COOU Interdisciplinary Research Journal*, 1 (1), 110-118.
- Fabunmi, M. & Akinwunmi, J. A. (2001), *Human Resources Planning and Management; Concepts and Elements*. Benin: NAEAP Publishers.
- Federal Republic of Nigeria (1999). Constitution of the Federal Republic of Nigeria.
- Gaparayi, A., Nsengumukiza, A. & Rutali, G. (2008). School Management: Training Manual for Secondary School Head Teachers. Mineduc School Management, Kigali.
- Iman, H. (2012). Educational Policy in Nigeria from the Colonial Era to the Post–Independence Period. *Italia Journal of Sociology of Education*, 1, 181-204.
- Koko, T.O. (2005). *Human Management: A Practice Approach*. Port Harcourt: Harey Publications Company.
- Lukman, A. A. & Hamadi, A. A.. (2014). Disciplinary Measures in Nigerian Senior Secondary Schools: Issues and Prospects. *IOSR Journal of Research & Method in Education*, 4 (3), 11-17.
- Ofoegbu, R. U. & Ofoegbu, W. C. (2017). Influence of Staff Management on Academic Productivity in Secondary Schools in Port Harcourt Local Government Area of Rivers State. *International Journal of Advanced Academic Research*, 3(9), 96-109.
- Okoye, F. (2010). *Legal Aspects of Education*. Awka: National Light.
- Oloko, O.O. (2017). The Enforcement of Educational Law for Effective Administration of Public Senior Secondary Schools in Rivers State. *International Journal of Innovative Research in Education, Technology & Social Strategies*, 4(1), 46-61.
- Oloko, O.O. (2014). Implication of Educational Law in Most Public Senior Secondary Schools in Ogun States. *International Journal on Law and Diplomatic Studies*, 5(2), 31-45.
- Oloko, O.O. (2015). *Education and the Law in Nigeria: The Rights of Teachers and Students*. Owerri: Kay Beecee Publications Ltd.

- Oyedeji, S. O. (2012). Nigerian Education Law and Discipline in Secondary Schools: An Assessment of the Role of Classroom Teachers. *African Journal of Education Research and Administration*, 5(4), 1-8.
- Peretomode, V.F. (2004). *Education law: principals, cases and materials on schools*. Abuja: International University Press.