



MINISTRY OF HEALTH  
P.O BOX 84 KIGALI  
[www.moh.gov.rw](http://www.moh.gov.rw)

To Director General of District Hospital.....  
To Director General Provincial Hospital.....  
To Director General of Referral Hospital.....

**Re: To delegate the authority to initiate disciplinary proceedings to all health professionals working in your respective institutions under your supervision who are appointed by the Ministry of Health**

Dear Director General,

After analysing the competency of Director Generals of the District Hospitals, Provincial Hospitals and referral Hospitals excluding CHU's on the matter of initiating disciplinary proceedings to the health professionals who committed disciplinary fault falling in the second degree sanction when they are appointed by the Ministry of Health with regard to the Presidential Order N°65/01 of 04/03/2014 determining modalities of imposing disciplinary sanctions to public servants in its article 17 which states that the appointing authority is the competent one to impose such sanctions;

After analysing the competency and the validity of internal Disciplinary Committee of the Ministry of Health in case of administrative procedures for all health professionals appointed by the Ministry of Health in all health facilities and the validity of hospitals Internal Disciplinary Committees. Some challenges were observed especially on the membership of IDC where some required IDC members are missing on the new organisational structure as per the article 18 of the above mentioned Presidential Order, though those committees are in place;

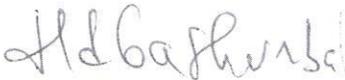
After seeing that there are delays in disciplinary procedures when Ministry of Health which is the suitable competent authority to initiate the disciplinary proceedings including requesting the written explanations to health professional who commit a fault, exercises this power which is against the spirit of decentralisation;

After seeing that there is failure to conduct disciplinary procedures to all health professionals appointed by the Ministry of Health due to the fact that the Ministry does not exercise the daily management of staff from Hospitals and sometimes it becomes difficult for MINISANTE to be aware of the fault committed;

Thus the authority is delegated to you as follows:

- 1) The Internal Disciplinary Committees of the Provincial, Referral and District Hospitals excluding CHU's should be established basing on the article 18 of the above mentioned Presidential Order N° 65/01 of 04/03/2014 and have at least five members composed of two members who are the Director of Finance and Administration, (Chairperson) and Human Resource officer (Secretary) with at least the other three (3) elected members to represent each category of staff;
- 2) Having noted that there is no legal adviser who should be one of disciplinary committee permanent members in provincial and district hospitals' structure, in that case we advise you to always invite a District legal adviser as an expert to help the internal disciplinary committee to carry out investigations of disciplinary fault and imposing related sanctions but should not considered as a member of IDC.
- 3) To initiate disciplinary proceedings to any health professionals working in your respective institutions under your supervision who are appointed by the Ministry of Health whenever he/she commit a disciplinary fault. Such disciplinary proceedings are to request for a written explanation, to provide feedback on whether the given explanations are satisfactory or not, to submit the case to the Hospital Disciplinary Committee for investigation and to seek for advise to MIFOTRA if the suggested sanction correspond in the one from the second category. The above mentioned power is delegated in accordance with the Presidential Order N°77/01 of 30/09/2015 determining competent Authority and modalities of delegating Authority in Public Service;
- 4) The limitation to that delegation of power is that the disciplinary fault committed by Director General of Hospitals and DAF, The Ministry of Health will take over and initiate all the disciplinary proceedings through its Internal disciplinary committee established on its headquarter.
- 5) This technical guidance is effective from 1<sup>st</sup> January 2019. For further clarifications and details on the implementation of this delegation of power please don't hesitate to contact.  
**Mr Jean Claude NZIGIYIMANA, Legal specialist of the Ministry of Health on 0788520796.**

Sincerely,

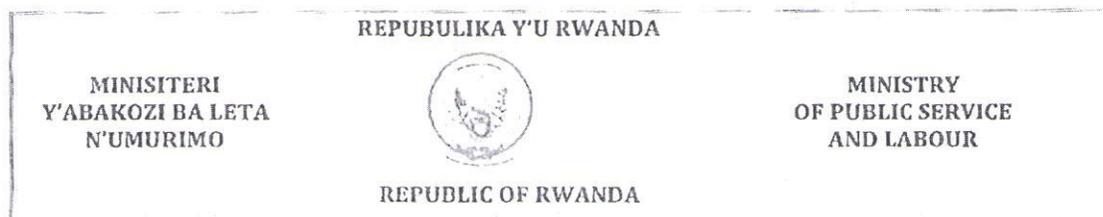


**Dr. Diane GASHUMBA**  
**Minister of Health**



**Cc:**

- Hon. Minister of Public Service and Labour
- Hon. Minister of State in Charge of Primary Health Care
- The Executive Secretary of Public Service Commission
- The Permanent Secretary of Ministry of health
- Governors (All)
- Mayors (All)



Kigali, on *05/11/2016*  
No. *0574/19.23*

**Hon. Minister of Health**  
**KIGALI**

**Re: Guidance on disciplinary procedure issues for Health Professionals and the validity of Internal Disciplinary Committees of Hospitals.**

**Hon. Minister,**

Reference is made to your Letter No 20/501.M/D/PS/2016 of 05/10/2016 addressed to the Ministry of Public Service and Labour requesting for guidance about the validity of Internal Disciplinary Committee of District Hospitals and using Internal Disciplinary Committee of the Ministry of Health in case of administrative procedures for Health Professionals appointed by the Ministry of Health in Health facilities;

Reference is also made to MIFOTRA Letter No 5731/19.23 and Letter No 5732/19.23, respectively inviting the staff from your office and the staff from PSC to attend the technical meeting organized by MIFOTRA at its Headquarters on 6<sup>th</sup>/12/2016 in order to analyze the issues you had raised and propose the requested guidance;

Pursuant to the Presidential Order No. 65/01 of 04/03/2014 determining modalities of imposing disciplinary sanctions to Public Servants in its article 18 which states that each Public Institution shall establish an internal Disciplinary Committee comprised of at least five members;

Basing on the Presidential Order N° 77/01 of 30/09/2015 determining Competent Authority and modalities of delegating Authority in Public Service;

Having noted that there is no legal advisor who should be one of Disciplinary Committee permanent members in Provincial and District Hospitals' structure as it is provided for in the Prime Minister's Instruction No 001/03 of 21/11/2016 determining Organizational Structure, salaries and fringe benefits for employees of Referral Hospitals, Provincial Hospitals, District Hospitals, Ndera Neuro-Psychiatric Hospital and Health Centres;

Further reference is made to the resolutions of the above mentioned meeting between MIFOTRA, PSC and MINISANTE held on 6/12/2016;

I take this opportunity to advice you the following:

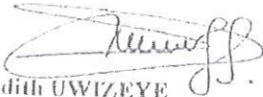
- 1) Provincial and District Hospitals disciplinary Committees should be established basing on the article 18 of the above mentioned Presidential Order No. 65/01 of 04/03/2014 and have at least five members composed of two permanent members who are the Director of Finance and Administration (Chairperson) and Human Resource Officer (Secretary) with at least the other three (3) elected members to represent each category of staff.
- 2) To delegate the authority to all Director Generals of the Hospitals to initiate disciplinary proceedings to any health professional working in Hospital under their supervision and who are appointed by the Ministry of Health whenever he/she commits a disciplinary fault.

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- 3) Whenever the disciplinary fault is committed by Director General of Hospital, MINISANTE should take over the case and initiate all the disciplinary proceedings through the Internal Disciplinary Committee of the Ministry of Health or where necessary establish a special ad hoc Disciplinary committee to carry out investigation in this case.

The minutes of the above stated meeting is also attached to this letter for the further guidance.

Please accept, Dear Hon. Minister, the assurances of my usual good consideration and esteem.



Judith UWIZEYE  
Minister of Public Service and Labour



Cc:  
Executive Secretary of PSC  
KIGALI