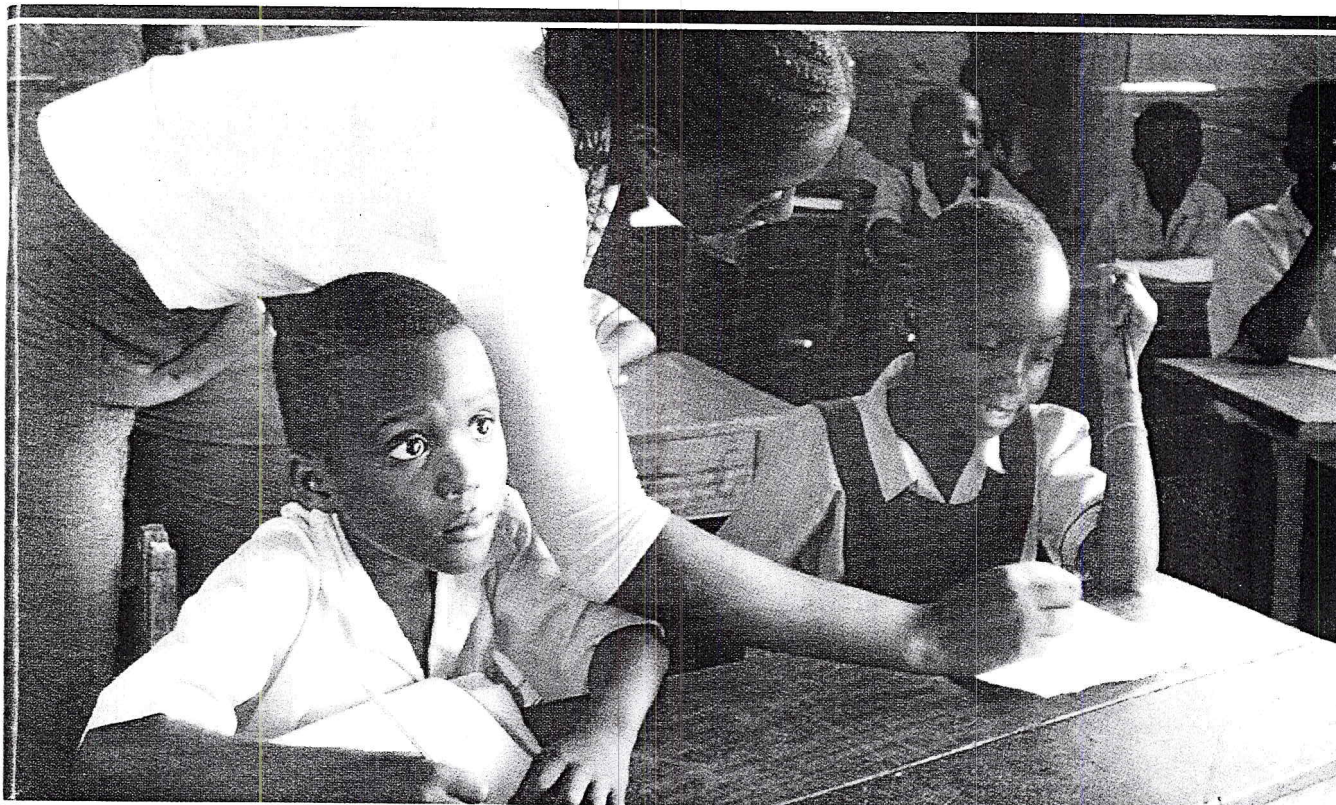


**Ghana National Education Campaign Coalition
(GNECC)**



**Scoping Study on the implementation of
Ghana's Education Decentralisation Reforms**

November, 2013

PARTNER:



STAR-Ghana
Strengthening Transparency, Accountability
and Responsiveness in Ghana

GNECC	Ghana National Education Campaign Coalition
EDROP	Education Decentralization Roadmap Project
GOG	Government of Ghana
GEDP	Ghana Education Decentralization Project
EDIS	Education Decentralization Implementation Secretariat
GIFMIS	Ghana Integrated Financial Management System
NIITA	National Information Technology Agency
GES	Ghana Education Service
IPPD	Integrated Payroll and Personnel Database
MOFEP	Ministry of Finance and Economic Planning
MLGRD	Ministry of Local Government and Rural Development
NIB	National Inspectorate Board
NTC	National Teaching Council
NCCA	National Council for Curriculum and Assessment
IMCC	Inter Ministerial Coordinating Committee
CRC	Constitutional Review Commission
DCE	District Chief Executive
DACF	District Assemblies Common Fund

Executive Summary

Effective management of the country's basic education subsector has long been an object of national concern. The existing education management system characterized by long chain of bureaucratic procedures was inherited from our colonial masters since independence. The multiple-fold growth in respect of not only the national population but also the resultant number of local government units or districts has compounded the inherited administrative bureaucracy in the sector. This has contributed to a decried huge laxity in the supervision of education service delivery, particularly at the school level.

The 1992 Constitution of the Republic of Ghana however has numerous provisions advocating a national objective for a decentralized administrative system. The local government acts, Act 462 and 656 together with LI 1961 all provide for a decentralized basic education. Additionally, the Ghana Education Service Act, Act 506 and the Education Service Act, Act 778 provides for decentralized education. Broadly, decentralization in the Ghanaian context as provided in the legal framework enables responsibilities from central government departments and services to be decentralized to the regional, local and sub-local authorities. Specifically, decentralization of basic education management entails devolving oversight responsibilities from the national headquarters of the Ghana Education Service (GES) to the district level, as an integral part of district assembly administration.

The intent to decentralize the management of basic education is clearly manifested by these legal and policy provisions; however there remain critical and outstanding bottlenecks which threaten effective implementation of education decentralization. Several initiatives (policy and administrative) have been taken to move the process forward, but the intensity and commitment has been rather low.

The report therefore maps out outstanding and crucial issues for successful education decentralization and ascertains the progress in implementing them. These issues were identified in the reports of the Education Decentralization Implementation Secretariat (EDIS), Ghana Education Decentralization Project and the Legal Review Committee (tasked to advice on the legal dimensions of education decentralization). Key among the crucial issues is the generic nature of the operational framework for Education Decentralization, resolving conflict in the legal regime, absence of clear timelines for education decentralization and fiscal decentralization, among other things. Key recommendations have been made for both government's consideration and civil society advocacy engagements.

This scoping study report is intended to play a dual function. First of all it is an effort to review the status of implementation of the basic education decentralization process, identify the key gaps and outstanding issues for the purposes of engaging policy makers to speed up its implementation. Secondly it is intended to inform civil society and the public on the progress towards achieving full decentralization of basic education and to mobilize Civil Society to engage and participate in the processes of education decentralization. This will ensure that the concerns of citizen's are integrated in the implementation of education decentralization

It is the expectation of the Coalition that this status report will contribute to providing a clear and accurate picture of status of implementation of education decentralization, identification of the critical issues that needs attention and a commitment by all stakeholders to a clear roadmap to decentralize the management of basic education.

INTRODUCTION

This study was commissioned by the GNECC, as part of the Education Decentralisation Roadmap Project (EDROP) with funding from STAR Ghana. The consultants mandate was to conduct a scoping study of education decentralisation to inform an advocacy strategy of GNECC towards the implementation of Education Decentralisation reforms in Ghana.

THE PURPOSE AND SCOPE

The Report seeks to provide a situational update of the status of key outstanding issues in education decentralisation as identified in major policy initiatives and legislations to decentralise the Ghana Education Service (GES) to the district level. It is expected to contribute to shaping any advocacy strategy to pursue a full education decentralisation agenda, otherwise known as devolution of education management.

OBJECTIVES

The task assigned was:

1. To assess the status of implementation of Education Decentralisation in Ghana
2. To identify the outstanding issues hampering education decentralisation in Ghana
3. To identify key advocacy issues around the Education Decentralisation and make the necessary advocacy recommendations to inform GNECC's advocacy strategy.

TECHNICAL APPROACH

The scoping study recognises that there has been, and still are several interventions aimed at decentralising education management to the districts. This includes specific projects in education decentralisation and key policy actions of the Ministries of Education, Local Government and Finance-the three key education decentralisation drivers in Ghana. The approach is strategic, as it mobilises all amorphous interventions for a common advocacy action to achieve holistic change across sectors but in favour of a devolved education management system that delivers quality education.

METHODOLOGY

The assignment adopted a mixture of methods including detailed and extensive desk reviews of all the key legal instruments and national policy frameworks. Relevant reports were reviewed for comparative analysis and perspectives. Interactions and discussions with many local government and decentralization practitioners, senior education managers and policy makers provided valuable inputs, insights and validation of the factual and analytical tenets, conclusions and recommendations.

BACKGROUND TO EDUCATION DECENTRALISATION

The Government of Ghana, (GOG) has since 1988 effected decentralization of the local government system, a process which culminated in several provisions in the 1992 Constitution. Decentralization in the Ghanaian context as provided in the legal framework enables responsibilities from central government departments and services to be decentralized to the regional, local and sub-local authorities.

The progress in education decentralization has been chequered, and although education has always been considered one of the essential services to be decentralized, the legal regimes have not always included education as a decentralized service. The 1992 Constitution of the Republic of Ghana however has numerous provisions advocating a national objective for a decentralized administrative system. The local government acts, Act 462 and 656 together with Legislative Instrument (LI 1961) all provide for a decentralized basic education. Additionally, the Ghana Education Service Act, Act 506 and the Education Service Act, Act 778 provide for education decentralization.

CURRENT INITIATIVES TOWARDS EDUCATION DECENTRALISATION

Among the major policy initiatives by Government of Ghana (GoG), with the support of Development Partners, to decentralise education management to the districts are the Ghana Education Decentralisation Project (GEDP), the setting up of the Education Decentralisation Implementation Secretariat (EDIS), the commissioning of a legal review of education decentralisation and other inter-ministerial cross cutting administrative systems aimed at streamlining the general decentralisation process (of which education is a key factor) in Ghana. These include the Ghana Integrated Financial Management System (GIFMIS) and the National Information Technology Agency (NIITA) through the e-Ghana project which has been focusing on providing ICT infrastructure

and financial management systems to facilitate efficient communication and management in the envisioned fully decentralised system. An assessment of the outcomes of these and other unmentioned interventions suggests significant achievements in putting the education decentralisation agenda on the policy table and preparing the minds of civil and public servants, notably staff of the Ghana Education Service (GES) for the change management process.

However, the following issues were identified as outstanding and crucial for a successful education decentralisation in the reports of the EDIS, GEDP and the Legal Review Committee tasked to advice on the legal dimensions of education decentralisation. This study maps out the issues, which were captured in 2011, and ascertains the progress in implementing them.

Operational framework for Education Decentralisation: In 2010, the Ministry of Local Government and Rural Development launched a National Decentralisation Policy and Action Plan, detailing a set of processes and timelines for the devolution of authority, especially fiscal devolution, to the local levels. The plan which sought to achieve manpower integration, fiscal decentralisation and institutional fusion by 2014, was generic without giving focus on the yet to be decentralised agencies, especially education and health.

Inclusion of Education Service as a Decentralized Department: The National Decentralisation Policy sets up nine areas of focus for Ghana's decentralization effort. These are: Governance Structures and Functions, Human Resource Management, Fiscal Policy and Management, Administrative Structures and Processes, Institutional Mechanisms for Policy Coordination, Popular Participation and Accountability, District Level Private Sector Led Development, District Level Decentralization and Social Agenda and Capacity Building at the Local Level. Besides, none of these are mentioned as focus areas of the Education Act, 2008 , (Act 778). One however wonders the relevance of the Policy, which is owned by the Ministry of Local Government and Rural Development, to the Ministry of Education.

Timelines for Education Decentralization: The Ministry of Education has a broad strategic plan to achieve total devolution by 2015. The plan details specific administrative and technical issues and targets ahead of devolving authority and responsibility from the GES Headquarters to the district. It however, falls short of giving specific time lines for devolving. There is the need for a clear road map with timelines by the Ministry of Education.

Legal issues affecting Education Decentralisation: Decentralisation as a policy initiative rides on the back of a legal framework. Apart from the Local Government Act, 1993 (Act 462), two key legislations that are at the pivot of Education Decentralisation are the Ghana Education Service Act, 1995 (Act 506) and the Education Act, 2008 (Act 778). The effects of these three legislations has been conflicting, thereby undermining any serious attempt to devolve the GES to operate as a decentralised department of the District Assembly. A synthesis of the issues is made below:

- a. Amendment of the Ghana Education Service Act, 1985 (Act 506) to conform with the Education Act, 2008 (Act 778)- Education is governed by two conflicting laws-The Ghana Education Service Act, 1995 (Act 506) and the Education Act, 2008 (Act 778). Whereas Act 506 suggests a de-concentrated education service, Act 778 points to a devolved education service at the basic and second cycle level. The continuing operation of both laws thus portends a confused and dysfunctional system for implementation and steps must be taken to rectify this mixed signaling. Act 778 provides in paragraph 31(3) for the amendment and not repeal of Act 506 to conform to Act 778 within twelve months of the coming in force of the latter law. To date no amendments has been made. This has created a very unusual existence of two laws with sometimes conflicting provisions operating simultaneously with its attending implementation difficulties. The Ministry of Education was tasked under GEDP, to ensure the legal amendments are made, thereby ensuring coherence of Act 778 to the objectives of the National Decentralization Policy Framework.
- b. Enactment of Legislative Instrument-There is no legislative Instrument (LI) to operationalise the Education Act, 2008 (Act 778). Without an L.I. to operationalise the education decentralization law, implementation of the envisioned education decentralization framework would be fraught with fundamental operational challenges and difficulties.

Decentralization of Secondary Education

Secondary education is managed by the Regional Education Directorates. In a decentralized system, it would be managed by the District Assembly through the Education Department. However, one of the issues raised in the report of the Ghana Education Decentralisation Project was the consensus on the need to delay the decentralisation of secondary education management for reasons of national cohesion and cultural relevance, as well as the need to consider the capacity of most districts to manage as many as 10 secondary schools. The Ministry of Education was however

tasked with the responsibility of developing and sharing a medium term plan for decentralising secondary education for discussion with stakeholders.

Decentralize Integrated Payroll and Personnel Database (IPPD): A decentralized education system requires that the function of appointing, promoting, posting and transferring teachers are managed by the District Assemblies (DAs). In order for this system to work effectively, the management of salaries of teachers should necessarily be managed at the DA level. Given the existing centralized IPPD system, decentralization is not likely to have the full impact unless this transfer of responsibility occurs.

Develop Fiscal Decentralization Action Plan: A major set-back to the implementation of the envisioned education decentralization system is fiscal decentralization which is yet to happen. It is a fact widely acknowledged that, fiscal decentralization is yet to be adequately implemented even at the DA level. There is the need for all the sector ministries involved, Ministry of Finance and Economic Planning (MOFEP), Ministry of Local Government and Rural Development (MLGRD), Local Government Services (LGS), and MoE to provide a viable action plan for the achievement of fiscal decentralization. This requires a national fiscal decentralization action plan or road map. The fiscal decentralization unit of MoFEP and MLGRD should be supported and encouraged to play leading roles in this direction.

Operationalising the National Inspectorate Board (NIB): The NIB is one of the three autonomous bodies mandated by the Education Act, 2008 (Act 778) to undertake inspection of schools, set, enforce and evaluate standards in public and private basic and Second Cycle Education in Ghana. The NIB's functions include to:

- a. Undertake the inspection of schools,
- b. Evaluate, on a periodic basis, the first and second cycle institutions
- c. Set and enforce standards to be observed at the basic and second cycle levels in both public and private educational institutions

With the full functioning of the Governing Council and National Secretariat of the NIB, the NIB requires the necessary resources to enforce its standards at the school level. The setting up of inspection panels, as prescribed by the Education Act, 2008 (Act 778) will only happen when the NIB is adequately resource to function fully.

National Teaching Council (NTC): The National Teaching Council is mandated by the Education Act, 2008 (Act 778) to conduct teacher certification, licensing and registration in Ghana. The functions of the Council include the periodic review of

professional practice and ethical standards for teachers and teaching; Registration of teachers after they have satisfied the appropriate conditions for initial licensing and issue the appropriate licence; Review of appeal cases of professional misconduct and confirm, vary or rescind the decision of the district disciplinary committee; Revocation a teacher's licence to teach after establishing a case of grave professional misconduct, among others. The full operationalisation of the NTC is necessary to ensure teacher professional development in Ghana, within the decentralised education management regime. This is because, even though teachers may become staff of the respective local government service, the NTC will ensure professional standards are enforced nationally.

National Council for Curriculum and Assessment (NCCA): The NCCA is mandated to develop and review school curriculum and advise the Minister of Education on curriculum issues. NCCA's functions, as enshrined in the Education Act, 2008 (Act 778) include to determine the goals, aims and structure of courses at the various levels of pre-tertiary education; Ensure an inclusive and representative curriculum development process, and guide curriculum development in a timely and an effective manner. NCCA's relevance in ensuring quality relevant education curriculum in a decentralised system cannot be over emphasised. Even though under a decentralised system, districts may have some autonomy, NCCA will ensure all syllabi conform to a national one, thereby maintaining national balance in curriculum in a decentralised education management system.

STATUS OF KEY ISSUES IN GHANA'S EDUCATION DECENTRALISATION REFORM

The aforementioned were identified in various reports on Education Decentralisation between 2010 and early 2012. It is expected that, as part of Ghana's strategy moving forward to implement the Education Decentralisation reforms, all concrete actions agreed by consensus or consultations, would have seen various levels of commitment and implementation by now. In the ensuing matrix, this report analyses the level of implementation of the above mentioned issues.

Operational framework for Education Decentralisation: The framework for decentralizing the Ghana Education Service under the District Assembly has not been ratified by the Ministry of Education. There is uncertainty about the status of the decentralised education frameworks, coupled with a seeming non-acceptance by the Ghana Education Service, in spite of its role in developing that framework. Even if the framework for decentralising education was accepted, it may not be implemented in view of the amorphous legal and policy regimes in education. As earlier mentioned,

conflicts between Acts 506 and 778 were major barriers towards implementing the decentralised education frameworks. However, even though there has been an effort to consolidate the two Acts, and give way to the implementation of Act 778, there has emerged a new direction in the roadmap towards education decentralisation, which is spearheaded by the Inter Ministerial Coordinating Committee (IMCC). The Committee, which is chaired by the Vice President, is responsible for steering the on-going reforms in Ghana's decentralisation efforts. In its aide memoire of April 2013, it recommends the implementation of a composite Local Government Law that provides the broad framework for decentralising undecentralised agencies including education and health. According to the IMCC, the following precedents are vital to ensure a proper framework and roadmap for decentralising education and other sectors:

Legal regime:

- a. The adoption through a referendum of the recommendations in the Government's White Paper on the Constitutional Review Commission's (CRC). This is because, one of the key issues to be decided on is the type of decentralization Ghana needs, be it devolution, de-concentration or delegation. Even though all efforts have been aimed at devolution, it cannot happen within our current legal, policy and institutional framework and may require fundamental reforms. The decision of the People in the referendum which is scheduled for the second quarter of 2014 may determine the appropriate legal and institutional reforms. Other proposals that will be considered during the referendum, which are consequential to education decentralisation include the proposed review of the procedure for selecting District Chief Executives (DCEs) for further transparency and citizens' participation, accountability and devolution of power. This has a direct bearing on Education Decentralisation since the capacity of DCEs to manage decentralised units, especially Education Service, at the district level has been topical on all major Education Decentralisation dialogue platforms.
- b. The next step, which has already begun in earnest, is the development of a composite Local Government Bill by the Legislative Review Task Force commissioned by the IMCC to consolidate and harmonise existing amorphous legal and institutional decentralisation regime in Ghana. Even though the referendum is yet to happen, the draft of this Bill is ready. This consolidated bill comprises revised versions of the District Assemblies Common Fund Act of 1993 (Act 455); Local Government Act of 1993 (Act 462); National Development Planning Systems Act of 1994 (Act 480); and the Internal Audit Agency Act of 2003 (Act 658). It is significant to note that, the Bill has taken into

account the policy decision to mainstream Education, Health and Agriculture into the decentralisation schedule (this has not been reflected in Act 462, for which reason education has since not found the requisite legal footing to decentralise at the district level) and redefines the role of Regional Coordinating Councils in the planning and budgeting process within the decentralised system, while defining the relationship between District Chief Executives and Regional Ministers.

Timelines for education decentralisation: It is within the Consultant's reasonable contemplation of experts that, the earliest time frame for the passage of the consolidated Local Government Bill will be in late 2015, after the referendum and its concomitant reform formalities have been concluded between July 2014 and June 2015. The passage of the consolidated Local Government Bill into Law, would have incorporated all ratified constitutional reform issues, harmonised all overlaps in the decentralisation landscape and passed by the end of 2015. The passage of the Bill into an Act will then pave way for the review and consolidation of the GES Act 506 and Education Act 778, thereby ensuring the consolidated Education Act also conforms to the new consolidated Local Government Act. In this context, it is not expected that the GES, like other government agencies, would decentralise further by 2014, as captured in the National Decentralisation Action Plan of 2012.

This notwithstanding, there other on-going policy initiatives to strengthen administrative decentralisation (which is what Ghana has been practicing since 1993). These initiatives have a direct bearing on the prospects for future Education Decentralisation and include initiatives to strengthen decentralised planning and budgeting. This is seen in the review of the Planning Systems Act with a view to re-defining the role of Regional Coordinating Councils to provide them with adequate regional planning responsibilities.

Decentralised planning and budgeting: Citizens participation in planning and budgeting in education is still low. The GES and other agencies keep confusing citizens participation to mean participation in performance review sessions and budget hearing as mandated by the National Development Planning Systems Act of 1994 (Act 480). The fact still remains that, so far as funding is centralised, major plans will be imposed by the GES Headquarters on districts with very little room for flexibility in determining felt priorities. School level planning and budgeting initiatives like the Capitation Grant are mere formalities, tied to district plans which are dictated from the GES Headquarters. This is a reflection of the national situation at the district level, where less than 10% of a district's allocation of the District Assemblies Common Fund (DACF) is discretionary. The concepts of participatory planning and budgeting is yet to be fully understood and adopted as an approach in education planning.

Fiscal decentralisation: Two key initiatives are necessary to facilitate the implementation of the roadmap for fiscal decentralisation nationwide. They are a) the review and harmonisation of the legislations on fiscal decentralisation and b) implementing the Inter-Governmental Fiscal Framework. On both fronts, very little seems to have been achieved, as consultants are yet to complete drafts of relevant reports. Efforts at replicating composite budgeting to all districts is worthy of mention under the 2013 fiscal year. However, this will only include government agencies under the first schedule of the L.I. 1961 which excludes the GES.

Decentralising secondary education, IPPD: Outstanding issues like the decentralisation of secondary education and IPPD have seen very little or no efforts perhaps due to the constraints posed by the legal issues. Whereas there are some inroads in decentralising the pay system, it may be of no consequence to education in so far as education service is not part of the agencies under the schedule of decentralised agencies as captured in the L.I. 1961. It is instructive to note that until teacher payments, postings, transfers and recruitments are done by the District Assemblies, there can be no decentralisation of IPPD in the education sector.

Operationalising the NIB, NTC and NCCA: The NIB plays a critical role of providing external inspectorate functions within the envisioned decentralised education system. The NIB now has an operational secretariat in Accra, with recruitments made to fill key positions, thereby ensuring its efficient functioning. Over 200 National Service Personnel have also been engaged by the NIB to play various roles in its inspectorate functions in 2014. With the instruments and indicators for measuring 'quality' already developed, the first phase of the NIB's inspection exercises is set to commence in January 2014.

The NTC and NCCA are still struggling to have running secretariats, even though the Ministry of Education has provided physical offices for the two. Among the key reasons for the delay in setting up secretariats are the processes in staff recruitment. Without the recruitment of administrative heads of the NTC and NCCA, it will be practically impossible to attract a budgetary allocation by the Ministry of Finance. Information available to GNECC suggests that, the boards of these two bodies have met only once in 2013.

RECOMMENDATIONS FOR CIVIL SOCIETY ADVOCACY:

- a. The process for the constitutional amendment and passage of the consolidated Local Government Bill should be expedited to give further impetus to education decentralisation.
- b. The draft consolidated Local Government Bill should be shared with Civil Society, District Assemblies and the GES for their formal inputs. This is very important as there is no indication that the above mentioned bodies are even aware of the current zero draft of the bill.
- c. The cabinet decision to decentralise the Ghana Statistical Service should be expedited to provide District Assemblies with the necessary technical support to create and manage databases which inform efficient planning and budgeting.
- d. GoG should adopt participatory planning and budgeting as part of its decentralisation ideology and work out concrete roadmaps for their implementation.
- e. There is need to have specific provisions in legal framework protecting funding of basic schools within the local government service. Planning and budgeting frameworks need to be reviewed to ensure that an effective devolved education service's needs are addressed, such as provision and management of instructional materials.
- f. The consolidated draft Local Government Bill should make provision for citizens' participation in planning and budgeting.
- g. There is need to strengthen the capacity of the budget units of Metropolitan, Municipal and District Assemblies in order to ensure their readiness to support the decentralised departments in the change management process.
- h. Ensure the GES is adequately entrenched in the schedule of decentralised agencies in the consolidated draft Local Government Bill until passed by Parliament into Law.
- i. Plans to migrate Education unto the composite budgeting system should be prioritised ahead of the anticipated Local Government Law.
- j. The review and harmonisation of legislations on fiscal decentralisation should

be carried out by the Composite Budgeting Task Force and Legislative Review Task Force.

- k. Teacher Unions should participate actively in the development of the new Local Government legislation to ensure thorny issues related to the absorption of teachers under the Local Government Service are addressed in that major legislation.
- l. The technical working group on education decentralisation set up at the Ministry of Education should adopt an open door policy by sharing and involving GNECC and partners in its activities and deliberations.
- m. Ministry of Education should resource the NTC and NCCA with adequate staff and operationalise their secretariats to enable them perform tasks assigned them under the Education Act 778, until such time that the legislation is reviewed. Delaying their operationalisation in view of the uncertain legal landscape may amount to creating vacuum in education curriculum and teacher professionalism oversight.

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