

MEMORANDUM

FROM: NORTHERN NETWORK FOR EDUCATION
DEVELOPMENT (NNED)

TO: GOVERNMENT OF GHANA THROUGH THE
MINISTRY OF EDUCATION YOUTH AND SPORTS

Cc: REGIONAL AND DISTRICT DIRECTORS OF
EDUCATION (NR, UWR, UER), ALL DISTRICT
ASSEMBLIES (NR, UER, UWR), MEMBERS AND IMC
OF GNECC, NGOS IN EDUCATION, ALL RELIGIOUS
EDUCATION UNITS, CHRISTIAN COUNCIL OF
GHANA, GHANA CATHOLIC BISHOPS CONFERENCE,
MEMBERS OF NNED, THE MEDIA

DATE: 11TH OCTOBER 2004

SUBJECT: COMMENTS ON THE NEW EDUCATION BILL

General Introduction

The Northern Network for Education Development (NNED), an initiative of Civil society organizations with about 103 members including NGOs, individuals and private institutions and in collaboration with the Regional Houses of Chiefs and Regional Directorates of Ghana Education Service (GES) of the three northern regions of Ghana aims to harmonize the collective efforts of all people and groups with interest in Northern Ghana and to safeguard the interest and aspirations of people of the three northern regions towards the provision of good quality education for all children.

NNED has been following with keen interest events leading to the drafting of an education bill to replace the Education Act of 1961, which, when passed by Parliament would become the Education Act of 2003.

We wish to commend the government, Ministry of Education Youth and Sport (MOEYS) and put on record our deepest gratitude for the initiative taken to review the current Act, which has been in existence for 42 years.

Indeed it is a step in the right direction and meant to ensure that Ghana's attempt at achieving quality education becomes a reality.

To complement government's efforts in this regard and ensure that the bill adequately caters for the rights and interest of children and all stakeholders particularly those in the three underserved northern regions of Ghana, NNED held two consultations on the draft bill involving all key players in the education sector in Northern Ghana.

These strategic consultations revealed several critical issues and provisions under the bill, which we believe, could be acted upon before this bill is passed into an act. NNED is therefore pleased to present these to Government as follows:

Provisions and our comments

1. Pages 2 and 3 of the Memorandum attached to the bill states that Local Authorities were enjoined under the Education Act of 1961 to provide primary and middle education, which were later objects of scorn because they were poorly equipped. Under the new act is responsibility placed on the District Assemblies, which are assured of funding under the Common Fund.

To NNED, this scorn indeed is a reality. Schools were and continue to be poorly equipped and there is the need to improve the situation. The over reliance and emphasis on the Assemblies for the provision of infrastructure however is detrimental. The District Assembly Common Fund (DACF) is not assuring enough. So far it is characterised by delays, beauraucracies, and inadequacies; thus making it unreliable for ensuring Education For All (EFA) and Millennium Development Goals (MDGs) by 2015.

The bill should mandate Central Government to lead in the provision of infrastructure. Government should also be mandated to ensure timely financial disbursement and sufficient and enhanced human resources to District Assembly level.

2. Page 3, paragraphs 3 and 4 highlights an intention under the new bill to discontinue the system where religious education units are funded by government and run as parallel bodies. These would now be absorbed

under district directorates. Religious bodies would be permitted to run private educational institutions.

As actors at the grassroots, we call on government to give this a second look. There is the potential of compromising discipline for cost. Religious educational institutions penetrate deep into the rural and inaccessible areas and serve the poorer class. Where these are now allowed to run as private institutions, the result would be high cost of education, which certainly would deny poor rural children their right to access education.

This intention could be relaxed. There should rather be the intensification of partnership between Ministry of Education and Religious units. GES, under this partnership could restrict itself to providing teachers and leave the rest of management to religious bodies. Children's right to secular education should also be clearly spelt out under this bill and taken up seriously with the religious units. This should be accompanied by curriculum reforms and intake monitored closely.

3. Page 4, paragraph 1 and 2 states that "Community schools, through their board of governors are given much autonomy to raise additional resources to supplement state provisions". This, from all indications, is happening now and has so many implications. If these community schools are given autonomy, what happens to very poor communities? This also is likely to result in shirking of responsibility by the state.

Much as this proposal could be maintained under the new act the following addition should be made "*However, if parents genuinely cannot afford these additional resources, children must not be barred from accessing education. The state shall make special provision for such very poor communities*".

4. Page 5, sub clauses 5, 6 and 7 are about the establishment and management of additional system of education based on community colleges, on-formal education and open university programmes. Community colleges would be established through private and government collaboration.

The idea of community colleges is a laudable one and should be embraced. The strategies however do not clearly indicate where responsibility lies. Relevant issues include the non-existence of a vibrant private sector to lead this currently. It is most likely also that Northern

Ghana would be left behind if private sector were to lead the process since Northern Ghana may not have a very strong and viable private sector before 2015.

The issue of responsibility should be institutionalised. There should be a way of involving organized civil society organizations in this but the main responsibility should lie with the state.

5. Page 5 paragraphs 3 and 4. Clause 2 provides for free compulsory basic education and places responsibility on District Assemblies to provide facilities for schools. It also elaborates sanctions for parents who fail to take advantage of the free education to send their children to school. The clause does not however spell out what constitutes free education. It also fails to state what actions could be taken against District Assemblies and Central Government should they fail to fulfil their part and timely.

There must be equal access in the true sense of the word in terms of infrastructure, facilities and affordability to warrant such prosecution.

The issue of the “free” aspect of basic education is very dear to all including civil society. Its definition therefore must be given prominence under the new act. Emphasis should be on the existence of educational facilities, qualified teachers before parents are compelled to send children to school.

There should also be provision for some action to be taken against District Assemblies and Central Government should they fail to provide timely educational facilities to ensure access and participation.

If even education is entirely free, it may not be compulsory without some flexibility in the school system/calendar. As long as communities continue to be very poor and inaccessible particularly in Northern Ghana, most parents simply can neither afford to loose the labour of their children in economic terms nor can children defy harsh natural elements to attend school. There should therefore be provision for flexible educational system to allow for instance shepherds and children in inaccessible areas to enjoy education at their convenience.

6. There is a relationship between page 5 clause 2 and page 14 clause 6. Whereas the entire clause 2 deals with free and compulsory basic education, sub clause 6 on page 14 deals with affordability and states that

“where a parent cannot afford to educate the child, the District Assembly shall provide funds necessary for the education of the child”

Sub clause 6 indicates clearly, to us that basic education would still go with some cost to the parent, meaning it will not be free. This makes clause two quite contradictory. This concern reinforces the proposal to state clearly under the new Act what constitutes free basic education in Ghana.

7. Pages 6 & 7 clauses 31 and 32 make provision for regional and district directorates, their functions as well as oversight committees. The proposed functions of the District Education Oversight Committee are explicit and commendable. Even though the list is not exhaustive, there is no provision for DEOC’s role in explaining educational policy, which is critical to education delivery at the district and lower levels.

We propose that the first function of DEOC should be *“To analyse educational policies and translate them to the understanding of local stakeholders”*.

Many DEOCs are currently not functioning. This, our field experience has shown, is due to the fact that the chairpersons are the District Chief Executives (DCEs) who are always busy and hardly have the time to organize programmes.

A provision should be made for an eminent person other than the DCE, elected possibly by the DEOC at their first sitting, to chair DEOCs. There should also be a provision, which makes it mandatory for DEOC to submit minutes of meetings not later than 14 days after meeting to all concerned stakeholders.

Whereas there are national and district councils, there is no provision for regional education councils. The proposal is for Regional Director of Education to liaise with Regional Coordinating Councils (RCCs) on matters related to education at this level.

RCCs are already overburdened with responsibilities by other sectors and cannot fully shoulder this. We propose the creation of regional education councils that should have representatives from RCCs and whose functions should be similar to the national councils but be context-specific.

8. Page 12 Directives by the Minister of Education

Under the directives of the Minister of Education, there seems to be too much power vested on the Minister. This could lead to abuse of office. There should be limited power for the minister so that s/he does not become a dictator.

9. Page 14, Clause 5 is saying there should be a system of non-formal education and functional literacy programmes. It is however not precise enough on obliging the state to provide education for adults and how such a system should operate. This goes along with our comments on minimal provision made for the community colleges.

There should be a clear commitment from the state of providing functional literacy for adults, where there is no formal educational option. This should be precise in who has the responsibility to set it up and run it.

10. Pages 16 to 21; Clause 6 and 17 spells out composition and functions of the Education Service Council and related structures. The Council is to be made up of 16 members representing all interest groups. This is laudable. Non Governmental Organizations (NGOs), traditional rulers and other civil society bodies, which are contributing immensely to education, are however not represented. Besides, the composition places less emphasis on geographical, deprivation and or special needs.

The membership should be expanded to include “one representative each of existing and recognised civil society education networks, traditional rulers and the disabled group in the country”. Membership should recognise regional balance and meetings should also be on rotational basis among the regions.

Meetings of the GES Council, as proposed under the bill shall take place once in every three months. “The chairman shall determine the place and time”.

The mandate to do this must not be left solely in the hands of the chairman. The sub clause should therefore be reworded as follows “The council shall meet at least once in every three months for the dispatch of its business at the times and in the places determined by the chairman in consultation with the entire Council and on rotational basis”.

11. Page 18, clause 10 (8) is on the need for a member of the Council who has interest in any contract or transaction with the Education Service to disclose this in writing and to be disqualified from deliberations on such business.

This is very sensitive. Putting such interest in writing and opting out of deliberations alone are not enough. There could still be *behind the scene lobbying* which is even more dangerous. As civil society, we propose that as a member, one should not show any interest at all and members of the Council should be disqualified from expressing interest in any transaction with the Education Service.

12. Page 26 contains Relations with the Ministry

Provision should be made for a National Directorate and a desk officer at national, regional and district education offices for coordination of activities of private institutions.

13. Pages 33 to 47; Establishment of private educational institutions

This is about the establishment, operation, and change of ownership and closure of private educational institutions.

No mention is made of attempts to address the long-standing problem of accreditation. There should be special provision for private institutions to be given partial accreditation to start academic work and they should be considered for full accreditation after an assessment and satisfaction with output.

There should also be guidelines on governing bodies of these, how to close down or change ownership of private institutions and in the event that these are closed down there should be enough guarantee for students to be absorbed in schools.

14. An urgent need for a separate provision for civil society

There is very little provision throughout the bill, if any, for the role of civil society.

NNED as a civil society body has been tempted to believe that Parent Teacher Associations (PTAs), School Management Committees (SMCs) and religious bodies, as indicated on governing body of Education Service Council are meant to represent civil society. If so, we believe this is laudable but unrepresentative. Civil society, through the NGOs and

networks on education has come to stay. Civil Society's contribution to education in rural inaccessible areas is immense.

We propose a separate provision for civil society. In addition to being represented adequately on all education committees, civil society should be mandated to play a watchdog role under the new Act. Preferably, this should be PART SEVEN- ROLE OF CIVIL SOCIETY. PART EIGHT therefore should be for miscellaneous.

Conclusion

It is the firm conviction of NNED and indeed all civil society groups that Ghana can only achieve good quality gender equitable education for all by 2015 when the voices of the poor and marginalized are included in education policy formulation and implementation. This education bill thus provides yet another opportunity to ensure this. We do hope and are convinced that the government, through the MOEYS would consider these proposals before the bill is passed into an Act.