

PRE-TERTIARY EDUCATION TEACHER UNIONS
OBSERVATIONS, ANALYSIS AND INPUTS INTO THE
PRE-TERTIARY EDUCATION BILL, 2019

Introduction

Consequent to the Pre-Tertiary Education Bill, 2019, which provide for a decentralised pre-tertiary education system and an educational system to produce individuals with the requisite knowledge, skills and values to become functional and productive citizens for national development, to establish a Technical and Vocational Education and Training Service and to provide for related matters, the Teacher Unions have made some disturbing observations in the Bill, which must be addressed.

The Ghana Education Service came into being as a result of persistent struggles waged by the Teacher Union and the subsequent recognition by the then National Redemption Council of the need for a corps of professionally competent, dedicated and highly motivated personnel to ensure the successful implementation of the New Structure and Content of Education.

The Ministry of Education with the close collaboration of all relevant bodies concerned with pre-university education worked out proposals to establish a Unified Teaching Service.

These efforts culminated in the formal inauguration of the Ghana Teaching Service on the 6th December, 1973 by the Head of State and Chairman of the then National Redemption Council. This new unified Service was given legal existence in February 1974 by NRC Decree 247.

Unfortunately, the Unions have made a disturbing observation to the effect that not only has the Education Regulatory Bodies Bill, 2019, taken almost all the core functions of the Education Service as enjoined by Article 190 of the Constitution of the Republic of Ghana, but also now intends to clear the remaining *bones of the Education Service* under the Pre-Tertiary Education Bill, 2019. The Unions find this arrangement as a catalyst to wipe out the Education Service and by extension destroy the Teaching profession.

Moreover, the Education Service is the main agency for implementing approved pre-tertiary education policies and programmes under the Education Service Council, as enjoined by Article 190(1)(a) of the 1992 Constitution of the Republic of Ghana and the GES Act, 1995 (Act 506).

Additionally, Article 190 of the 1992 Constitution of the Republic Ghana, which was derived from Article 154 of the 1979 Constitution of the Republic Ghana, provided for the establishment of the Ghana Education Service (GES) as part of the Public Services of Ghana. Clause (3) of Article 154 of the Constitution provides that a service established under clause (1) of that Article shall provide:

- a. For the governing councils for that Service
- b. For the functions of that Service; and
- c. For the membership and staff of that Service

Just as Section 33(2) of the PNDCL 42 (1982) dissolved the Ghana Education Service Council under NRC Decree 247 and its functions under the Decree and any other enactment was performed by the Secretary for Education, the Pre-Tertiary Education Bill, 2019, intends to do the same thing which the Unions find unfortunate.

It must be stated that the Teacher Unions are not against decentralization. However, we disagree with some sections of the Pre-Tertiary Education Bill, 2019.

For instance, a preliminary analysis of the Bills showed that it will have far reaching implications on matters connected with the entire Education Service and particularly issues of employment, non-employment, the terms of employment and the conditions of employment of the Teaching Personnel in the Education Service. This naturally has some implications for deep consultations between policy-makers and implementers such as teachers and their Associations. However, not only were the Teacher Unions not consulted, but also were deliberately been ignored as major stakeholders in the education enterprise. We are by this reminding the Ministry of Education to be mindful of the fact that the Teacher Unions are social partners in the development of Education, as such, policy makers should be mindful when formulating policies, exercising authority and discretion to do so within the context of good corporate governance, social partnership and in good faith as enjoined by the Labour Act, 2003 (Act 651) and Fair Wages & Salaries Commission Act, 2007 (Act 737) among others.

It is in the light of the above that the Teacher Unions would like to express their concerns on the Pre-tertiary Education Bill, 2019, and the Education Regulatory Bodies Bill, 2019.

PART ONE – THE EDUCATION SERVICE AND THE DECENTRALISED SYSTEM

ISSUE 1: Section 2(7): Where a parent or guardian cannot provide the necessities of life required for a child to attend a course of basic level instruction, that parent or guardian shall make an application to the District Assembly or Regional Education Directorate for assistance.

Observation: It was noted that the role of the duty-bearer in providing the necessities of life for a child whose parents or guardian cannot afford is not specific.

Recommendation: It is our considered view that the role of the duty-bearer in providing the necessities of life for a child whose parents or guardian cannot afford shall apply to the District Assembly since they have means of generating income/revenue.

ISSUE 2: Section 2(8): The District Assembly or Regional Education Directorate may provide the support necessary for the education of the child concerned.

Observation: It was observed that same duty has been assigned to two duty-bearers. This has the potential of creating turf war, duplication of function and conflict of duties in providing the needs of the needy child.

Recommendation: The District Assembly should be responsible for that in providing the necessities of the needy child since they have means of generating income/revenue.

ISSUE 3: Section 3(1): The Minister shall take measures to (a) cede effective responsibility for the provision and management of basic schools to the District Assemblies;

Observation: Aside the Minister being responsible for policy formulation, direction, resource allocation and oversight responsibility, a careful study of the entire Bill revealed that the Ministry of Education, GES HQ, Regional and District Education Directorates have a core management

role to play in the entire basic education in Ghana. Therefore, we disagree that the Minister should cede effective responsibility for the provision and management of basic schools to the District Assemblies.

Recommendation: It is our view that the current six tier management system (MOE, GES Headquarters, Regional Education Directotae, District Education Directorate, the Circuit level and the School Level), should be maintained to ensure coordination and harmonization for the effective delivery of basic education in the country as stated by Professor Anamuah-Mensah Committee Report on the Review of Education Reforms in Ghana and Meeting the Challenges of Education in the 21st Century, 2002.

ISSUE 4: Section 3 (1) (b): Ensure that the Ministry responsible for Education and Education Service provide effective oversight for secondary schools.

Observation 1: It was observed that the Ministry of Education which as a policy formulation body has also been assigned effective oversight responsibility for Secondary Schools.

Recommendation 1: It is our strong conviction and considered view that the effective oversight responsibility for Secondary Schools be placed under the Education Service.

Observation 2: There would also be tendencies of role conflict between Ministry of Education as policy formulator and the Education Service as provided for under article 190 of the 1992 Constitution as a policy implementer regarding oversight responsibility for Secondary Schools.

Recommendation 2: The Ministry of Education should concentrate on its policy formulation functions and leave Education Service to do the implementations

ISSUE 5: Section 4 (1): The Ministry responsible for Education and District Assemblies shall provide and ensure that the environment created for basic education is

user friendly for physically challenged persons and children with special education requirements.

Observation: Under Section 4(1), the Ministry of Education is responsible for the construction and maintenance of public Second Cycle Schools.

Recommendation: Section 4(1) needed to be recast to reflect the fact that the responsibility to construct, equip and maintain user friendly buildings for special needs students lies with the District Assemblies as well as the Ministry of Education.

ISSUE 6: **Section 4(3)** A parent or guardian shall take advantage of inclusive education facilities to send a child with special needs to the appropriate education facility or make a request for the provision of an appropriate education facility which may be provided subject to the availability of resources.

Observation Section 4(3) enjoins parents to take advantage of and educate children with special needs at the facilities provided for such educational purposes subject to the availability of resources of which the Unions disagree.

Recommendation: **Section 4(3)** should be recast as follows:

A parent or guardian shall take advantage of inclusive education facilities to send a child with special needs to the appropriate education facility or make a request for the provision of an appropriate education facility which shall be provided by the Assembly.

To make it easier for parents and guardians to know and access the facilities available in their locality, we proposed that as part of the functions of the Inspectorate Authority, the Authority shall compile a list of all such schools in each locality and publish same for each Assembly or region respectively.

It was further proposed as part of the functions of the Inspectorate Authority to make recommendations to the District Assemblies or the Minister where appropriate to build or enhance facilities in the schools for special needs children.

ISSUE 7: **Section 4 (4):** For the purpose of this section, “inclusive education” means the value system that holds that each child irrespective of their physical or personal circumstance is given equal opportunity and access to basic education.

Observation: The concept “equal opportunity” will not be fair with children with special needs.

Recommendation: The concept “equal opportunity” should read “equitable and equal opportunity” to address the specific needs of learners.

ISSUE 8: **Section 6:** The Education Service shall consist of: (a) the personnel of the Education Service at the headquarters existing before the commencement of this Act; (b) the personnel of educational management units existing immediately before the commencement of this Act; and (c) any other person who may be employed for the Education Service.

Observation: Membership of the Education Service has been solely restricted to the personnel at the Education Service headquarters and management units. It must be emphasized that the Education Service as provided for under article 190 of the 1992 Constitution is responsible for basic education in Ghana. Moreover, this section (6) is in contradiction with section (7).

Recommendation: It is therefore our considered view that this provision should be recast as follows:

***Section 6(b)** the personnel of educational management units (Regional and District Education directorate) existing immediately before the commencement of this Act;*

ISSUE 9: **Section 7:** The object of the Education Service is to provide coordination and harmonisation for the effective delivery of basic education in the country.

Observation: It was observed that currently the councils and other bodies within the education sector have been given instructions and directives to the

staff of the education service without recourse to the Education Service. This has been creating duplication of functions turf war and conflict in the implementation of programs and policies.

Recommendation: It is our view that the Education Service as provided for under article 190 of the 1992 Constitution should play the lead role in the coordination and harmonisation of all Regulatory Bodies' and other allied institutions within the Pre-tertiary Education sector.

ISSUE 10: Section 9 (1): The governing body of the Education Service is a Board consisting of the following:

- (a) a chairperson with extensive expertise in academic and administrative matters;
- (b) one representative of the Public Services Commission not below the rank of Director;
- (c) one distinguished female educationist;
- (d) one representative of the Conference of Heads of Assisted Secondary Schools;
- (e) one representative of the National Inspectorate Authority;
- (f) one representative of the National Teaching Council;
- (g) one representative of the National Council for Curriculum and Assessment;
- (h) one representative of the National House of Chiefs;
- (i) one representative of the Teacher Associations on a rotational basis;
- (j) a representative of the Ministry of Education not below the rank of Director; and
- (k) one representative of the Local Government Service Council.

Observation 1: We observed that;

- i. the Director General is not represented
- ii. the Non-Teaching Staff is not represented
- iii. the representation of Teacher Union is inadequate.
- iv. Conference of Heads of Basic Schools is not represented

- v. Ghana National Association of Private Schools is not represented

- Recommendation 1:** The governing body should include;
- i. The Director General of Education Service
 - ii. One (1) representative of the Non-Teaching Staff
 - iii. Two (2) representatives of the Teacher Associations on rotational basis
 - iv. A representative of the Conference of Heads of Basic Schools.
 - v. A representative of the National Association of Private Schools.

Observation 2: We observed that the GES council has been changed to a lower status of a board

Recommendation 2: The title *GES Council* should be retained

ISSUE 11: Section 10 (1) (d): be responsible for the appointment, promotion, transfer, discipline and dismissal of heads and other staff of secondary schools;

Observation: It was noted that the duty of appointment, promotion, transfer, discipline and dismissal of heads and other staff has been limited to Secondary Schools of which the Unions disagree.

Recommendation: The Education Service Council should be responsible for the appointment, promotion, transfer, discipline and dismissal of heads and other employees in the Education Service.

ISSUE 12: Section 11 (5) The President may by letter addressed to a member revoke the appointment of that member

Recommendation: The President may by letter addressed to a member revoke the appointment of that member

on a stated cause in consultation with the principals of the nominee where applicable

ISSUE 13: Section 12 (4): The quorum at a meeting of the Board is seven members.

Observation: The quorum is in absolute figure.

Recommendation: The quorum should be stated in fraction (two-thirds majority)

ISSUE 14: Section 16. The Minister may give directives to the Board on matters of policy.

Section 17. The Board shall collaborate with other statutory bodies in the education sector.

Observation: We observed that the GES council has been changed to a lower status of a board

Recommendation: The title *GES Council* should be retained

ISSUE 15: **Section 19**

(1) The President shall, in accordance with article 195 of the Constitution, appoint a Director-General for the Education Service.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

Observation: The Head of the Education Service (The Director General) has been omitted.

Recommendation: We recommend the inclusion of Section 19(3) to read as follows: *The Director-General shall be the head of the Service.*

ISSUE 16: Section 21 (1): The President shall, in accordance with article 195 of the Constitution, appoint a Deputy Director-General for the Education Service.

Observation: It was noted that only one (1) Deputy Director General is to be appointed. This has the potential to affect the general operation of the Education Service owing to the workload.

Recommendation: The President shall, in accordance with article 195 of the Constitution, appoint not less than two (2) Deputy Directors-General for the Education Service.

ISSUE 17: Section 23. The Board may create divisions and units in the Education Service with the approval of the Minister for the efficient performance of the functions of the Education Service.

Observation: It was noted that this provision failed to take into consideration the existing divisions and units in the service before the commencement of this bill.

Recommendation: The Service shall have the following Divisions:

- a) Continuous Professional Development Division (CPDD);
- b) Research, Innovation, Monitoring and Evaluation Division;
- c) Senior High School Division
- d) Basic Schools Division
- e) Special/Inclusive Education Division
- f) Finance Division;
- g) Human Resource Management Division;
- h) Internal Audit Division;
- i) Technical and Vocational Education Training Division; and
- j) any other Division that the *Council* may consider necessary for the efficient performance of the functions of the Service.

ISSUE 18: Section 24 (1): The President shall, in accordance with article 195 of the Constitution appoint officers necessary for the proper and effective performance of the functions of the Education Service.

Observation: It was noted that the current state of this provision is in conflict with and clear violation of the Scheme of Service of the Education Service employees.

It was also noted that this has the potential of affecting the morale and creating disaffection in the service. Hitherto teachers in the service could rise to occupy the various divisions at the GES headquarters but currently it has been given out to non-professional teachers which teachers are not happy with.

It was further noted that this arrangement is in contravention of the ILO/UNESCO Charter of 1965 which adopted teaching as a profession and recognized the status of the teacher as professionals to manage their own affairs.

Recommendations: Aside the Director General and the Deputies, all other appointments in the Education Service should be done by the Director General in consultation with the Education Service Council.

REGIONAL EDUCATION SYSTEM

Regional Education Directorate

ISSUE 19: Section 25. (1) There shall be established a Regional Education Directorate in each region.

Observation: it was noted that this Bill is trying to re-establish an existing Body such as the Regional Education Directorates in each Region.

Recommendation: In view of our observation, Section 25 (1) should read as follows; *There shall be a Regional Education Directorate in each region.*

ISSUE 19:

Section 25 (3) The Regional Education Directorate shall act in accordance with guidelines, standards and directions from the Ministry responsible for Education, the Education Service and other regulatory bodies.

Observation: It was noted that the Ministry responsible for Education and the regulatory bodies could issue directives and guidelines to the Regional Educational Directorate without recourse to the Education Service which has the mandate to coordinate and implement all guidelines within the Service.

Recommendation: The Regional Education Directorate shall implement programmes and policies in accordance with guidelines, standards and directives from the Education Service.

ISSUE 20:

Section 26. A Regional Education Directorate shall:
(a) coordinate the activities of the Education Section of the Department of Education, Youth and Sports of the District Assemblies;

Observation 1: It was observed that the integration of Education, Youth and Sports has been abolished by successive government for a very long time. Currently, Education and Youth and Sports are on their own as independent Ministries.

2. Coordination is a core function of the Education Service, as such the Region is supposed to facilitate and not coordinate

Recommendation

1. Education Service should stand on its own.
2. The Regional Education Directorate should facilitate the activities of the District Education office and other Regulatory bodies in the Region.

26(b) Coordinate regional sports and cultural activities in schools in collaboration with the appropriate institutions and authorities;

Observation 2: It was noted that not only is this section vague but also too broad and needs to be recast.

Recommendation 2: Coordinate regional schools' sports and cultural activities collaboration with the appropriate institutions and authorities

ISSUE 21: Section 26(d) advise and collaborate with the Ministry responsible for Education and the Education Service to implement National Education Policies and the educational strategies;

Observation: It was noted that the Ministry responsible for Education whose core mandate is policy direction is also meddling with implementation.

Recommendation: The Ministry of Education should be deleted from Section 26(d).

ISSUE 22: Section 26(e) exercise oversight responsibility for the management of secondary schools on behalf of the Ministry responsible for Education; and

Observation: oversight responsibility for the management of secondary schools is a core function of the Education Service as an implementer of policies and not the Ministry responsible for Education which has responsible for policy direction.

Recommendation: exercise oversight responsibility for the management of secondary schools on behalf of the Education Service.

ISSUE 23: Section 27(2): The President shall, in accordance with article 195 of the Constitution, appoint each Regional Director of Education.

Section 27(3) The Regional Director shall hold office on the terms and conditions specified in the letter of appointment.

Observation: This provision is in violation of our scheme of service and collective agreement which provides that the appointment, promotion, discipline and dismissal of personnel of the service from the rank of Senior Superintendent II to Director I is

within the mandate of the Education Service Council. This provision as it stands now, has the tendency of politicizing the teaching profession and by extension compromising the integrity of the profession.

Recommendation: The appointment of Director I (Divisional Directors and Regional Directors) shall be done by the Education Council in consultation with the Public Services Commission.

ISSUE 24: **Section 27 (7)** The Regional Director shall liaise with the District Officer in charge of education to facilitate and monitor the delivery of educational activities within the District

Observation: per the scheme of service of the Education Service, the officer in charge of the District Education Directorate is referred to a District Director

Recommendation: The title District Officer should be changed to District Director to reflect our ranking system in our scheme of service.

ISSUE 25: **Section 28 (2)** The President shall, in accordance with article 195 of the Constitution, appoint each Deputy Regional Director.

Section 28 (3) The Deputy Regional Director shall hold office on the terms and conditions specified in the letter of appointment.

Observation: This provision is in violation of our scheme of service and collective agreement which provides that the appointment, promotion, discipline and dismissal of personnel of the service from the rank of Senior Superintendent II to Director I is within the mandate of the Education Service Council. This provision as it stands now, has the tendency of politicizing the teaching profession and by extension compromising the integrity of the profession.

Recommendation: The appointment of Deputy Regional Director I (Divisional Directors and Regional Directors) shall be done by the Education Council in consultation with the Public Services Commission.

ISSUE 26:

Section 29 (1) The President shall, in accordance with article 195 of the Constitution, appoint other staff that are necessary for the proper and effective performance of the functions of a Regional Directorate.

Observation: It was noted that the current state of this provision is in conflict and clear violation of the Scheme of Service of the Education Service staff.

It was also noted that this has the potential of affecting the morale and creating disaffection in the service. Hitherto teachers in the service could rise to occupy the various divisions of the GES headquarters but currently it has been given out to non-professional teachers which teachers are not happy with.

It was further noted that this arrangement is in contravention of the ILO/UNESCO Charter of 1965 which adopted teaching as a profession and recognized the status of the teacher as professionals to manage their own affairs.

Recommendations: Aside the Director General and the Deputies, all other appointments in the Education Service should be done by the Director General in consultation with the Education Service Council.

ISSUE 27:

Section 29 (2): The Board shall be (a) responsible for the promotion, transfer, discipline and dismissal of the staff of the Regional Directorate of Education; and (b) responsible for other human resource matters concerned with the Regional Directorate of Education.

Observation: As indicated earlier, the right of employing a staff, discipline, transfer, and termination/dismissal should be vested in the Education Service Council as enjoined by the

collective agreement and Section (8) of the Labour Law.

Recommendation: The right to employ, discipline, transfer, terminate/dismiss shall lie in the Education Service Council.

ISSUE 28: Section 31 (1) The Education Service shall construct, equip and maintain public secondary schools.

Observation: Aside the core business of the Education Service to produce well balanced individuals with the requisite knowledge, skills, values, aptitudes and attitudes, it was noted that the core business of the District Assemblies to construct, equip and maintain basic education has also been added/assigned to the Education Service.

Recommendation: The duty to construct, equip and maintain basic public schools should be the responsibility of the District Assemblies as enjoined by the Local Governance Act, 2016 (Act 936)

ISSUE 29: Section 31 (2) The Education Service shall provide and ensure that the environment created for secondary schools are user friendly for physically challenged persons and children with special education requirements.

Observation: Aside the core business of the Education Service to produce well balanced individuals with the requisite knowledge, skills, values, aptitudes and attitudes, it was again noted that the core business of the District Assemblies to provide and ensure that the environment created for secondary schools are user friendly for physically challenged persons and children with special education requirements has been added/assigned to the Education Service. The Unions disagree with this assertion.

Recommendation: The District Assemblies should provide and ensure that the environment created for secondary schools are user friendly for physically challenged persons and children with special education requirements.

ISSUE 30:

Section 31(3) The Education Service shall ensure that a secondary school that delivers education to students with special needs has access to funding to improve upon the existing infrastructure and provide additional requirements where necessary.

Observation: Aside the core business of the Education Service to produce well balanced individuals with the requisite knowledge, skills, values, aptitudes and attitudes, the Unions noted that funding to improve upon the existing infrastructure at the basic schools and provide additional requirements where necessary to create access and deliver education to students with special needs has been added/assigned to the Education Service.

Recommendation: The MMDAs should be assigned the duty to deliver education that ensures that students with special needs have access to basic education, funding to improve upon the existing infrastructure and provide additional requirements where necessary.

ISSUE 31:

Section 32. (1) The Education Service shall establish a Board of Governors for the human, material and financial management of each secondary school.

Observation: It was noted that currently the Regional Education Directorate are mandated to manage Senior High Schools and therefore should have the prerogative to appoint the Board of Governors.

Recommendation: The Regional Education Directorate shall establish a Board of Governors for the human, material and financial management of each secondary school.

ISSUE 32: Section 33 (2) the chairperson and members of the Board of Governors shall be appointed by the Minister.

Observation: It was noted that the Minister has been mandated to appoint the Board of Governors without recourse to Institutions where the members will come from.

Recommendation: The provision should be amended to read as follows: *The chairperson and members of the Board of Governors shall be appointed by the Regional Education Directorate in consultation with relevant Stakeholders.*

ISSUE 32: Section 34(3) A member of the Board of Governors other than an ex-officio member, may resign from office in writing addressed to the Minister through the Regional Director of Education.

Observation: It was noted that instead of the Regional Director of Education reporting to the Minister through the Director General of Education, the Director General has been omitted from the chain of command.

Recommendation: The provision should be amended to read as follows: *A member of the Board of Governors other than an ex-officio member, may resign from office in writing addressed to the Regional Director of Education through the Headmaster.*

ISSUE 33: Section 34 (6) Where there is a vacancy (a) under subsection (3) or (4); (b) as a result of a declaration under subsection (5); or (c) by reason of the death of a member; the Regional Director of Education shall notify the Minister of the occurrence of any of the events stated in paragraphs (a) to (c) of subsection (6) of section 34 and the Minister shall appoint another person from the relevant category to hold the office for the remainder of the term.

Observation: It was noted that the Regional Director reports directly to the Minister instead of the Director General.

Recommendation: The provision should be amended to read as follows: *the Regional Director of Education shall notify the Director General who will in turn notify the Minister of the occurrence of any of the events stated in paragraphs (a) to (c) of subsection (6) of section 34 and the Minister shall appoint another person from the relevant category to hold the office for the remainder of the term through the Director General.*

ISSUE 34: Section 34 (3): The quorum at a meeting of the Board of Governors is seven members and shall include the headmaster or headmistress or the person acting in that capacity.

Observation: The quorum is an absolute figure.

Recommendation: The quorum should be stated in fraction (two-thirds majority)

ISSUE 35: Section 35 (c): establish public basic schools on the recommendation of the District Officer in Charge of Education at the District Assembly; and

Recommendation: Recast Section 37 (c) as follows: *establish public basic schools on the recommendation of the District Director of Education in the District*

ISSUE 36: Section 36 (d): ensure the performance of any other functions as prescribed by the Minister

Recommendation: Recast Section 37 (d) as follows: *ensure the performance of any other functions as prescribed by the Director General of Education.*

ISSUE 37: Section 38. (1) Each District Assembly shall establish a District Education Section.

Observation: It was noted that the District Assembly is to establish a body (District Education Directorate) which already exist.

It was also noted in relative terms that the District Education Directorate has been reduced to a section under the Assembly.

Recommendation:

1. it is the Unions firm conviction that the District Assemblies should work with the existing District Directorate of Education.
2. the District Education Directorate should stand on its own.

ISSUE 38: Section 38 (3) (d) the preparation, administration and control of budgetary allocations as determined by the District Assembly;

Observation: It was noted that the duty to determine the preparation, administration and control of budgetary allocations has been assigned to the District Assembly.

Recommendation: The preparation, administration and control of budgetary allocations should rather be determined by the Minister responsible for Education.

ISSUE 39: Section 39. (1): The Head of the Local Government Service, in consultation with the Ministry of Education and Education Service shall

- a) appoint the Head and staff of the District Education Section;
- b) be responsible for the promotion, transfer, discipline and dismissal of the staff of the District Education Section; and
- c) be responsible for other human resource management matters concerned with the District Education Section

Observation: It was noted with concern that the Head of the Local Government Service in consultation with the Ministry of Education both of whom are politicians have been assigned the duty/responsible for the appointment, promotion, transfer, discipline and dismissal of the staff of the District Education office and other human resource management matters concerned with the District Education Office.

Recommendation: As indicated in our earlier rendition, it is the firm conviction of the Unions that the Education Service as provided for in Article 190 of the 1992 constitution and specifically, the Education Service Council should be assigned the duty/responsibility for the appointment, promotion, transfer, discipline and dismissal of the staff of the District Education office and other human resource management matters concerned with the District Education Office.

The Education Service as a policy implementation body should perform functions as provided in Section 39 of the Bill in consultation with the Ministry of Education.

ISSUE 40: **Section 40 (1):** The District Officer in charge of Education at the Department of Education, Youth and Sports on behalf of the Head of the Local Government Service and acting on the recommendation of the Head of the District Education Section, is responsible for the appointment, promotion, discipline and dismissal of the head teachers and staff of basic schools in the Districts.

Observation: Some disturbing issues were observed which has to do with assigning the District Officer of Education with the responsibility such as the appointment and dismissal of the head teachers and staff of basic schools in the Districts.

Recommendation: The responsibility of appointment and dismissal of the head teachers and staff of basic schools in

the Districts shall lie in the Education Service Council.

ISSUE 41: **Section 40 (4):** Inter-District transfer of a head teacher or staff of a basic school may only be undertaken by the Head of the Local Government Service.

Observation: The Unions disagree that the Inter-District transfer of a head teacher or staff of a basic school may only be undertaken by the Head of the Local Government Service.

Recommendation: The Inter-District transfer of a head teacher or staff of a basic school shall lie with Regional Director of Education through the District Director of Education.

District Education Oversight Team

ISSUE 42: **Section 42 (2) (c):** the District Officer in Charge of Education at the Department of Education, Youth and Sports;

Recommendations: 1. the title for the head for the District Education should be *District Director of Education*.

2. The District Education should stand as independent body from the Youth and Sports.

ISSUE 43: Omission of Teacher Unions from Section 42 (2) The Oversight Team consists of.....

Observations: It was noted that there was no representation of the Teacher Unions in the proposed Oversight Team.

Recommendations: There shall be a representation of the teachers' unions.

Composition of School Management Committee

ISSUE 44: **Section 45. (1)** The basic School Management Committee consists of.....

Observation: It was observed that the secretary to the School Management Committee who is always a teacher was omitted.

Recommendation: There should be a Secretary to the School Management Committee of whom shall be a professional teacher.

Status and conditions of service of the decentralized service

ISSUE 45: Section 49. (1): Staff of the Decentralized Service that include teachers in basic schools are members of the Education Service employed by the Local Government Service to work for the Ministry responsible for Education, the Education Service and a Regional Coordinating Council or a District Assembly as appropriate. (2) The conditions of service of the staff of the Education Service employed by the Local Government Service shall not be worse than the conditions of service of staff of the Education Service working in analogous grades.

Observation: The Teacher Unions disagree that the Basic Schools Staff of the Education Service shall be employed by the Local Government Service. This is because they are already Public Service employees of the Education Service as provided for in Article 190 of the 1992 Republican Constitution of Ghana.

Recommendation: Basic School teachers should be employed by the Education Service.

Transfer of assets

ISSUE 46: **Section 50.** The Head of the Local Government Service in consultation with the Ministry responsible for Education and the Board shall determine which assets and liabilities of the Education Service at the district level are to be transferred to a District Assembly on a District-by-District basis.

Observation: It was noted that the transfer of assets from the Ministry of Education in consultation of the Local Government Service is inappropriate and therefore the Unions disagree.

Recommendation: All assets of the Education Service must remain with the Education Service.

Establishment of a private basic school 51.

ISSUE 47: Section 51(1): A person may establish, manage and operate a private basic school in accordance with guidelines issued and regulations made by the Minister through the National Inspectorate Authority.

Observation: It was noted that aside the core function of the proposed National Inspectorate Authority (NIA) to provide quality assurance in private basic schools, it has also been assigned the core functions of the Education Service such as a person interested in establishing, managing and operating a private basic school should do so in accordance with guidelines issued and regulations by NIA.

Recommendation: The Unions are of the firm conviction that the provision in Section 3 (b) of the Ghana Education Service Act, 1995 (Act 506) which enjoins the Ghana Education Service to register, supervise and inspect private pre-tertiary education should be maintained.

ISSUE 48: **Section 51 (3)(f):** send a copy of its annual report on its programmes and activities to the District Assembly

Observation: It is not clear and specific as to the exact body /section of the assembly of the private basic schools' report should be submitted to.

Recommendation: The private basic schools report should be submitted to the District Education Office.

ISSUE 49: **Section 51(4):** A private basic school shall be approved by a District Assembly.

Section 51(5): A District Assembly may grant provisional approval for a maximum period of one year to enable preparatory work to be done towards the establishment of a private basic school.

Observation: It is not clear and specific as to the exact body/section of the District assembly to approve the operations/establishment of private basic schools.

Recommendation: The approval of the private basic schools should be done by the District Education Office.

ISSUE 50: **Withdrawal of approval 54. (1)**

A District Assembly may in accordance with the guidelines issued by the Minister through the National Inspectorate Authority withdraw the approval of a private school on the grounds that.....

Recommendation: Any other breach of the guidelines issued by the Education Service.

Section 54. (1)(c): Any other breach of the guidelines issued by the Minister through the National Inspectorate Authority.

Recommendation: A District Assembly may in accordance with the guidelines issued by the *Education Service* withdraw the approval of a private school on the grounds that...

Establishment of a private secondary school

ISSUE 51: **Section 55.** A person may establish, manage and operate a private secondary school in accordance with guidelines issued and regulations made by the Minister through the National Inspectorate Authority. (2) The person referred to in subsection (1), shall apply to the Ministry of Education and Education Service for approval to establish, manage and operate the private school.

Observation: The Unions disagree that a person seeking to establish, manage and operate a private secondary school should do so through the

National Inspectorate Authority (NIA) to the Minister.

Recommendation: A person seeking to establish, manage and operate a private secondary school should do so through the Education Service.

ISSUE 52: **Section 55 (3) (e):** operate under the supervision of the Regional Director of Education and the regulatory bodies;

Recommendation: Operate under the supervision of the Regional Director of Education.

ISSUE 53: **Section 55 (3) (g):** make available to the Ministry responsible for Education and the Education Service and any other information in writing requested by the Ministry responsible for Education, the Education Service and Regional Directorate of Education.

Observation: Making the Ministry responsible for Education and the Education Service duty bearers of receiving information from the private school has the potential of role conflict.

Recommendation: The Education Service should be the body to receive information from the private secondary school to avoid role conflict.

ISSUE 54: **Section 55 (4):** A private secondary school shall be approved by the Ministry responsible for Education and the Education Service.

Observation: Making the Ministry responsible for Education and the Education Service duty bearers for the approval of private school has the potential of role conflict.

Recommendation: The Education Service should be the body to approve the private secondary school to avoid role conflict.

Change of ownership

ISSUE 55: **Section 56.** Where there is a change in the ownership or location of a private school, the proprietor of the school shall notify the Ministry

responsible for Education or Education Service in writing about the change.

Closure of a private secondary school

ISSUE 56: **Section 57.** Where there will be a long period of closure of a private secondary school, the proprietor of the private basic school shall notify the Ministry responsible for Education and the Education Service of the impending closure ninety days before it occurs, give reasons for it and provide the proposed date to re-open the private basic school

Withdrawal of approval

ISSUE 57: **Section 58. (1):** The Ministry responsible for Education and the Education Service may in accordance with the guidelines issued by the Minister through the National Inspectorate Authority withdraw the approval of a private secondary school on the grounds that

Observation: Making the Ministry responsible for Education and the Education Service as duty bearers of change of ownership, closure and withdrawal of approval the private school has the potential of role conflict.

Recommendation: The Education Service should be the body to be notified for the change of ownership, closure and withdrawal of approval of the private secondary school to avoid role conflict.

Relations of private schools with the Ministry responsible for Education

ISSUE 58: Section 60. The Ministry responsible for Education shall improve and strengthen its relations with private basic and secondary schools by involving them in free and open participation in education programmes.

Observation: It was observed that the Ministry of Education which is a policy formulation body has also been assigned effective oversight responsibility for Secondary Schools.

Recommendation: Section 1 defines basic education to include:

- i. Kindergarten
- ii. Primary Education
- iii. Junior High School
- iv. Secondary level education.

It is our strong conviction and opinion that the entire basic education system should be placed under the supervision of the Education Service.

Grievances

ISSUE 59: **Section 61. (1):** A person may petition a District Assembly or the Ministry responsible for Education or the Education Service for review and action.....

Observation: The Ministry responsible for Education and the Education Service as duty bearers for both to be involved in processes to *review* and take *action* or decision on private school has the potential of role conflict.

Recommendation: The Education Service should be the body to *review* and take *action* of decision on the private secondary school.

Accounts and audit

ISSUE 60: **Section 65. (1):** The finance department of a District Assembly shall keep proper books of account on basic schools within the districts in the form approved by the Auditor-General.

Observation: The responsibility of the Finance department of Education and the Finance department of District Assembly to keep account on basic schools has the tendency of role conflicts.

Recommendation: The finance department of the District Education should keep proper books of account on basic schools within the districts.

Annual report and other reports

ISSUE 61:

Section 66. (1): A basic school shall submit an annual report to the District Assembly through the Department of Education, Youth and Sports.

Section 66 (2): A secondary school shall submit an annual report to the Ministry responsible for Education and the Education Service through the Regional Education Director.

Observation: There must be a specific body responsible for the receipt of annual report from the basic education.

Recommendation: The Education Service should be responsible for the receipt of the annual report from basic education.

PART TWO - TECHNICAL AND VOCATIONAL EDUCATION AND TRAINING SERVICE

Establishment of the Technical and Vocational Education and Training Service

ISSUE 62:

Section 70 (1): There is established by this Act a body corporate with perpetual succession to be known as the Technical and Vocational Education and Training Service.

Recommendations We recommend putting together all the institutions involved in the Technical and Vocational Education and Training under different Ministries be placed in a unified body under the Education Service.

Therefore the unified body so established within the Education Service should be headed by a Deputy Director General rather than setting up a whole new Service.

Function of the Service

ISSUE 63: Section 73 (n): advise the Minister on matters that will promote effective delivery of Technical and Vocational Education and Training in Ghana;

Observation: it was noted that the duty to advise the minister has been assigned to the Service instead of the Board

Recommendation: The Board should be the advising authority to the Minister.

Governing Body of the Commission

ISSUE 64: Section 74 (1): The governing body of the Commission is a Board consisting of;

Observations: The Teaching and non-teaching employees are not represented on the Board.

Recommendations Include three representatives of the Unions Standing Committees of the Commission.
One representative of the non-teaching employees

ISSUE 65: Section 75 (b) provide the scheme and conditions of service for members of the Service;

Recommendation: Section 75 (b) should be recast to read as follows: *provide the scheme and conditions of service for members of the Service through a Joint Standing Negotiation Committee;*

ISSUE 66: Section: (d) determine the qualifications, standards and other criteria for the staff of the Service; and

Recommendation 1: the determination of qualifications, standards and other criteria for the staff of the Service is the function of the regulatory bodies;

Recommendation 2: Section 75 the functions of the Board should include: *advise the Minister on matters that will promote effective delivery of Technical and Vocational Education and Training in Ghana;*

ISSUE 67:

Director-General of the Service

Section 82. (1) There shall be a Director-General of the Service appointed by the President in accordance with article 195 of the Constitution.

(2) The Director-General shall hold office on the terms and conditions specified in the letter of appointment.

(3) The Director-General shall be the head of the Service.

Observation: It was noted that two Director Generals are to be appointed to handle Basic Education. This has the tendency to create duplication of Functions, waste, high cost of operations, turf war and delay in delivering approved programmes and policies.

Recommendation: The Education Service as provided by Article 190 of the 1992 constitution of the Republic of Ghana is currently headed by one Director General and it is Unions conviction that the current system be maintained.
Since the Director-General is the head of the Education Service, the Unions recommend that a third Deputy Director-General be appointed for the Technical and Vocational Education and training.

ISSUE 68:

Secretary to the Board

Section 86.(1) The Director-General shall designate a senior officer of the Service not below the rank of a Director as Secretary to the Board.

(2) The Secretary is answerable to the Director-General in the performance of functions under this Act.

(3) The Secretary shall (a) arrange the business for and cause to be recorded and keep the minutes of the meetings of the Board, and (b)

perform any other functions that the Director-General in consultation with the Board may assign.

Observation: it was noted there is an existing Secretary to the Education Service Council who performs all the above stated functions in Section 86 (1-3) under the authority of the Director General of the Education Service. Therefore, creating a new Body will only lead to increase in the education expenditure and waste of public funds.

Recommendation: It is recommended that the Education Service Council should be expanded to include one representative from the following:

(a) *National Commission for
Technical and Vocational
Education and Training*

(b) *Association of Ghana
Industries and*

(c) *Ghana Employers Association*

ISSUE 69:

Section 87. The Service shall have the following Divisions:

- (a) Trainer and Facilitator Development Division;
- (b) Research, Innovation, Monitoring and Evaluation Division;
- (c) Infrastructure Development Division;
- (d) Finance Division;
- (e) Administration Division;
- (f) Human Resource Division;
- (g) Internal Audit Division; and
- (h) any other Division that the Board may consider necessary for the efficient performance of the functions of the Service.

Observation: It was noted that at all material time TVET is one of the divisions at the Education Service headquarters. The key challenge is the provision of resources both human and material to enable it perform. Therefore, the way forward is resourcing the division to deliver its mandate.

Recommendation: It is the Unions recommendation that a TVET Division under the Education Service be created and Technical and Vocational Institute resourced with the state-of-the-art equipment.

ISSUE 70:

Appointment of other staff

Section 88(1) The President shall, in accordance with article 195 of the Constitution, appoint other staff of the Service that are necessary for the proper and effective performance of the functions of the Service.

(2) Other public officers may be transferred or seconded to the Service or may be required to give assistance to it.

(3) The Service may engage the services of advisers and consultants on the recommendation of the Director-General.

Observation:

It was noted that the current state of this provision is in conflict and clear violation of the Scheme of Service of the Education Service staff.

It was also noted that this has the potential of affecting the morale and creating disaffection in the service. Hitherto, teachers in the service could rise to occupy the various divisions of the GES headquarters but currently it has been given out to non-professional teachers which teachers are not happy with.

It was further noted that this arrangement is in contravention of the ILO/UNESCO Charter of 1965 which adopted teaching as a profession and recognized the status of the teacher as professionals to manage their own affairs.

Recommendations: Aside the Director General and the Deputies, all other appointments in the Education Service should be done by the Director General in consultation with the Education Service Council.

ISSUE 71:

Regional Technical and Vocational Education Office

Section 90(1) There shall be established a Regional Technical and Vocational Education Office in each region.

(2) The Regional Technical and Vocational Education Office shall be headed by the Regional Director of Technical and Vocational Education.

(3) The Regional Technical and Vocational Education Office shall act in accordance with guidelines, standards and directions from the

Ministry responsible for Education, the Service and other regulatory bodies

Observation: it was noted that this Bill is trying to re-establish an existing Body such as the Regional Education Directorates in each Region.

Recommendation: In view of our observation, Section 90 (1) should read as follows; *there shall be a Regional Technical and Vocational Education Office at the Regional Education Directorate in each region.*

ISSUE 72: Section 90(2) The Regional Technical and Vocational Education Office shall be headed by the Regional Director of Technical and Vocational Education.

Recommendation: Section 90 (2) should be recast to read as follows:

The Regional Technical and Vocational Education Office shall be headed by the Deputy Regional Director at the Regional Education Directorate.

Section 90 (3) The Regional Technical and Vocational Education Office shall act in accordance with guidelines, standards and directions from the Ministry responsible for Education, the Service and other regulatory bodies.

Observation: it was noted that the Ministry responsible for Education and the regulatory bodies could issue directives and guidelines to the Regional Educational Directorate without recourse to the Education Service which has the mandate to coordinate and implement all guidelines within the Service.

Recommendation: The Regional Education Directorate shall implement programmes and policies in accordance with guidelines, standards and directives from the Education Service

Functions of the Regional Technical and Vocational Education Office

ISSUE 73: Section 91 A Regional Technical and Vocational Education Office shall perform the following functions in the region:
(a) coordinate technical and vocational education and training in schools and institutions in collaboration with the appropriate institutions and authorities;

Observation: it was observed that the core function of the Education Service to coordinate and harmonise all approved programmes, guidelines and activities of the Service in the region has also been assigned to the Regional Technical and Vocational Education office.

Recommendation: Section 91 (a) should be recast as follows:
facilitate technical and vocational education and training in schools and institutions in collaboration with the appropriate institutions and authorities;

Regional Director of Technical and Vocational Education

ISSUE 74: **Section 92. (1)** There shall be a Regional Director of Technical and Vocational Education for each region who shall be the head of the Regional Technical and Vocational Education Office.

Recommendation: Section 92 (1) should be recast to read as follows:

There shall be a Deputy Regional Director of Education for each region who shall be the head of the Regional Technical and Vocational Education Office.

(2) The President shall, in accordance with article 195 of the Constitution, appoint each Regional Director of Technical and Vocational Education.

Observation: It was noted that the current state of this provision is in conflict and clear violation of the Scheme of Service of the Education Service staff.

It was also noted that this has the potential of affecting the morale and creating disaffection in the service. Hitherto teachers in the service could rise to occupy the various divisions of the GES headquarters but currently it has been given out to non-professional teachers which teachers are not happy with.

It was further noted that this arrangement is in contravention of the ILO/UNESCO Charter of 1965 which adopted teaching as a profession and recognized the status of the teacher as professionals to manage their own affairs.

Recommendations: Aside the Director General and the Deputies, all other appointments in the Education Service should be done by the Director General in consultation with the Education Service Council.

ISSUE 75:

Section (3) The Regional Director shall hold office on the terms and conditions specified in the letter of appointment.
(4) The Regional Director shall be responsible for the performance of the functions of the Service at the regional level and shall ensure the implementation of the decisions of the Service.
(5) The Regional Director may delegate a function of the Service to an officer but shall not be relieved from ultimate responsibility for the performance of the delegated function.

Recommendation: Section 90 (3)(4)(5) should be recast to read as follows: The *Deputy* Regional Director shall.....

Appointment of other staff of the Regional Office

ISSUE 76:

Section 93 The President shall in accordance with article 195 of the Constitution appoint other staff that are necessary for the proper and effective performance of the functions of a Regional Office

Observation: It was noted that the current state of this provision is in conflict and clear violation of the

Scheme of Service of the Education Service staff.

It was also noted that this has the potential of affecting the morale and creating disaffection in the service. Hitherto teachers in the service could rise to occupy the various divisions of the GES headquarters but currently it has been given out to non-professional teachers which teachers are not happy with.

It was further noted that this arrangement is in contravention of the ILO/UNESCO Charter of 1965 which adopted teaching as a profession and recognized the status of the teacher as professionals to manage their own affairs.

Recommendations: Aside the Director General and the Deputies, all other appointments in the Education Service should be done by the Director General in consultation with the Education Service Council.

Internal Audit Unit

ISSUE 77:

Section 96 (1): The Service shall have an Internal Audit Unit in accordance with section 83 of the Public Financial Management Act, 2016 (Act 921).
(2) The Internal Audit Unit shall be headed by an internal auditor who shall be appointed in accordance with the Internal Audit Agency Act, 2003 (Act 658).
(3) The internal auditor is responsible for the Internal Audit Unit of the Service.
(4) The internal auditor shall, subject to subsections (3) and (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658), at intervals of three months
(a) prepare and submit to the Board a report of the internal audit carried out during the period of three months immediately preceding the preparation of the reports; and
(b) make recommendations in each report with respect to matters which appear to the internal auditor as necessary for the conduct of the affairs of the Service.
(5) The internal auditor shall in accordance with subsection (4) of section 16 of the Internal Audit Agency Act, 2003 (Act 658) submit a copy of the report prepared under this section to the Minister and the chairperson of the Board.

- Observation:** There is an already existing Internal Audit Unit in the Education Service, Regional and District Education Directorates carrying out the above duties. There is therefore a potential Danger of this new body resulting into duplication of functions, increase in cost, turf war and wastage.
- Recommendation:** The Internal Audit Unit at the Education Service, Regional and District Education Directorate should solely carry out these duties.