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THE GHANA EDUCATION SERVICE BILL

by

Professor J.S.Djangmah, Professor Florence Dolphyne and Mr. K.B. Asante

Introduction

The Ghana Education Service (GES) Bill has been presented to Parliament. The accompanying memorandum states that the objective of the Bill is to consolidate with amendments the law relating to the Ghana Education Service. The Bill brings the law on the GES in conformity with Section 190(1)(a) of the Constitution which provides that the GES is one of the Public Services of Ghana.

The Bill is most welcome as it outlines the functions of the GES as an implementing agency. What the Service needs most is sufficient autonomy within the law to discharge effectively its function as the state organ responsible for the implementation of government policies in the pre-tertiary education sector. The new Act should ensure that the GES enjoys the full powers that are granted to all state implementing agencies. These powers, and the measure of autonomy which comes with them, are necessary to enable the Director-General and

his staff to exercise their professional judgement, with the guidance of the GES Council and the support of the Minister for Education. Undue political interference has been identified as a major cause of the poor performance of many state organizations. Such interference alienates the professional people who require considerable independence to be innovative. It has been a major factor in the difficulties which have characterized implementation of the current educational reforms.

Recent History of the Ghana Education Service

The Ghana Teaching Service (GTS) was established in 1974 by NRC 247. Its establishment was the culmination of a spirited campaign mounted over 20 years by teachers, led by the Ghana National Association of Teachers (GNAT). For a long time teachers harbored the notion of a teaching service which would have responsibility to manage and

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implement national policies on education. It was envisaged that such a service would give teachers parity of treatment with other professional groups such as the police and the army, to implement national policies in the area of their expertise. Naturally, teachers were hopeful that the establishment of the GTS would enhance the image of the teaching profession which had, for a long time, been treated as the Cinderella among the professions.

The 1974 decree defined membership of the GTS to include professional teachers in the classroom, their counterparts in administrative positions within the Ministry of Education, and non-teaching supporting staff in institutions. It set up a governing board, namely, the Ghana Teaching Service Council, with responsibility "for the general control of the management of the service in matters of policy". The service was later renamed the Ghana Education Service. The Council was assigned the responsibility to oversee the financial management of the GES under the following provisions:

8(i) The Council shall submit to the Commissioner as soon as possible after the months of June, September, December and March in each year, a statement showing the revenue and expenditure of the Service and the fluctuations in the number of members of the Service for the preceding three months and the revenue and expenditure of the Service for the corresponding period in the previous year.

(ii) The Council shall prepare estimates of receipts and expenditure for each period of twelve months ending on the 30th day of June in each year, and a copy of such estimates shall be submitted to the Commissioner.

(iii) The Council shall also submit to the Commissioner such other reports concerning the Service as the Commissioner may, by writing, request from time to time.

Thus, from the onset, the GES Council was empowered to determine the funds the Service needed to discharge its responsibilities, and to

exercise control over the uses to which these funds were put. Some provisions of the decree, however, limited the independence of the GES Council in its decision-making process, and deprived it of the authority and autonomy it required to advise the political head of the Ministry of Education. Two such provisions, lifted verbatim into the current GES Bill are:

(9) The Secretary of the Council appointed under section 13(1) shall submit to the Commissioner, a copy of all minutes recorded as soon after each meeting as possible.

(17) The Commissioner may issue directives in writing to the Council on matters of policy and the Council shall be bound to comply with such directives.

PNDC Law 42 dissolved the GES Council and vested the powers it enjoyed in the PNDC Secretary for Education. The arbitrariness which characterized the use of these powers by certain PNDC appointees should guide the framers of the new GES Act. As an organization, the GES has not been spared the spate of embezzlements which have bedevilled many state organisations since independence. There is, however, no rational basis for denying the GES alone among state organisations, the powers and the full authority to operate within the limitation imposed by the laws of the land.

SPECIFIC COMMENTS ON THE DRAFT GES BILL

Functions of the Service

Section 3(1) stipulates that the GES shall be responsible for providing the details for the implementation of approved national policies and programs relating to pre-tertiary education. The role of the GES as an implementing agency should be more emphatically spelled out. In practice, an implementing agency is the best qualified organ of state to draw up programs which it then implements after approval and release of funds. The GES should therefore have full responsibility for the implementation of government policy on pre-tertiary education.

One of the prescribed functions of the GES (under Section 3(2)(c)) and also of the GES Council (under Section 5(b)) is to submit to the Minister recommendations for educational policies and programs. It is suggested that this function should be retained for the Council only. This would give the Council the opportunity to debate fully all policy matters which are referred by the GES to the Minister of Education.

Appointments to the GES Council

It is suggested that nomination and appointment of members who represent identified interest groups should be done by the groups themselves, rather than by the President. This would better serve the interests of the various groups. It would be sufficient for the President or his office to receive the CVs of all such members.

Considering that teachers who are members of GNAT constitute about 80% of the GES staff, it is also suggested that GNAT representation on the Council should be increased to two, one being a woman.

Meetings of the Council

Section 8(5) stipulates that questions before the Council shall be decided by consensus. It is suggested that matters on which the Council deliberates, should be decided by vote and the decisions duly recorded. The national predilection for consensus sometimes sweeps important matters under the carpet.

Section 8(10) requires the Secretary to the Council to submit to the Minister a copy of the minutes of Council meetings as soon as possible after each meeting. This provision should be expunged from the Bill because it constrains the Director General, particularly, and other members from expressing independent and controversial views freely. Rather, it is desirable that the Council, particularly the Chairman and the Chief Director, should interact freely and cordially with the incumbent Minister, and that memoranda and other papers should circulate freely between the Minister and the Council.

District Education Oversight Committee

In view of the fact that one of the functions of the District Committee would be to receive annual reports on the performance of all schools in the district, the establishment of school boards should be a requirement in the management of all schools in the country.

Compliance with Directives from the Minister to the GES Council

Under Section 10, "The Minister may issue directives in writing to the Council on matters of policy, and the Council shall be bound to comply with the directives. This requirement robs the Council of the independence it requires to give free and unfettered advice to the Minister. Moreover, it does not conform to the present democratic order which consciously delimits the powers of all holders of state office. The provision should be expunged from the Bill.

Tenure of Office of Director-General

Section 12(2) stipulates that the Director-General shall hold office on such terms and conditions as shall be specified in his letter of appointment. It is suggested that the Director-General should hold office for a specific term, preferably five years, subject to renewal, but should retire at the statutory retiring age for all public servants.

Appointment of GES Staff Below the Rank of Deputy Director-General

Under Section 14(4), "the President may, in accordance with Section 195(2) of the Constitution, delegate the power of appointment of the public officers under this Part". It is suggested that this power should be delegated to the GES Council in order not to slow down the process of appointments, and of promotions.

Summary of Suggestions

1. The role of the GES as an implementing agency should be more emphatically spelled out. The GES should have full responsibility for the implementation of government policy on pre-tertiary education.

2. The function of submitting recommendations for educational policies and programs to the Minister, should be assigned to the GES Council only.
3. Nomination and appointment of representatives of identified interest groups to the GES Council should be done by the groups themselves. GNAT representation should be increased to two, one being a woman.
4. It is suggested that matters on which the Council deliberates, should be decided by consensus and where necessary by vote and the decisions duly recorded.
5. Section 8(10), requiring the Secretary to the Council to submit to the Minister a copy of the minutes of Council meetings, should be expunged from the Bill.
6. The establishment of school boards should be a requirement in the management of schools in the country.
7. Section 10, which makes the Council subject to ministerial directives in matters of policy, should be expunged from the Bill.
8. It is suggested that the Director-General should hold office for a specific term, preferably five years, subject to renewal, but should retire at the statutory retiring age for all public servants.
9. It is suggested that power should be delegated to the GES Council to appoint GES staff below the rank of Deputy Director-General.

List of Some Contributors to the Roundtable

- * *Prof. J.S. Djangmah, Former Director-General, GES*
- * *Prof. Florence Dolphyne, Former Member, GES Council*
- * *Mr. K.B. Asante, Former Secretary for Education*
- * *Prof. D. A. Bekoe - Former Vice Chancellor, University of Ghana*
- * *Ms. Joyce Aryee - Former Secretary for Education*
- * *Mr. V. B. Freeman - Conference of Heads of Assisted Secondary Schools*
- * *Mrs. Nancy Thompson - Conference of Heads of Assisted Secondary Schools*
- * *Hon. (Dr.) Owusu Agyekum - MP*
- * *Hon. Col. Anku-Tsede - MP*
- * *Mr. Malcolm Watson - British High Commission*
- * *Mr. Appaw Adinkra - TEWU*
- * *Ms. Bogobiri - TEWU*
- * *Mr. D Ayim Antwi - TEWU*
- * *Mr. A. Hartwell - USAID*
- * *Mr. Mitch Kirby - USAID*
- * *Mr. Greg Hancock - World Bank*
- * *Mrs. Paula Hancock - World Bank*
- * *Mr. John Nyoagbe - GNAT*
- * *Mr. C.O.C Amate - Former Ambassador to Japan, Liberia, Ethiopia and the OAU*

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Editor

Dr. Charles Mensa

Assistant to Editor

Ms. Freda Donkor

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