Oxford Policy Fellowship

STORIES OF CHANGE

Sierra Leone

Policy and Pedagogy

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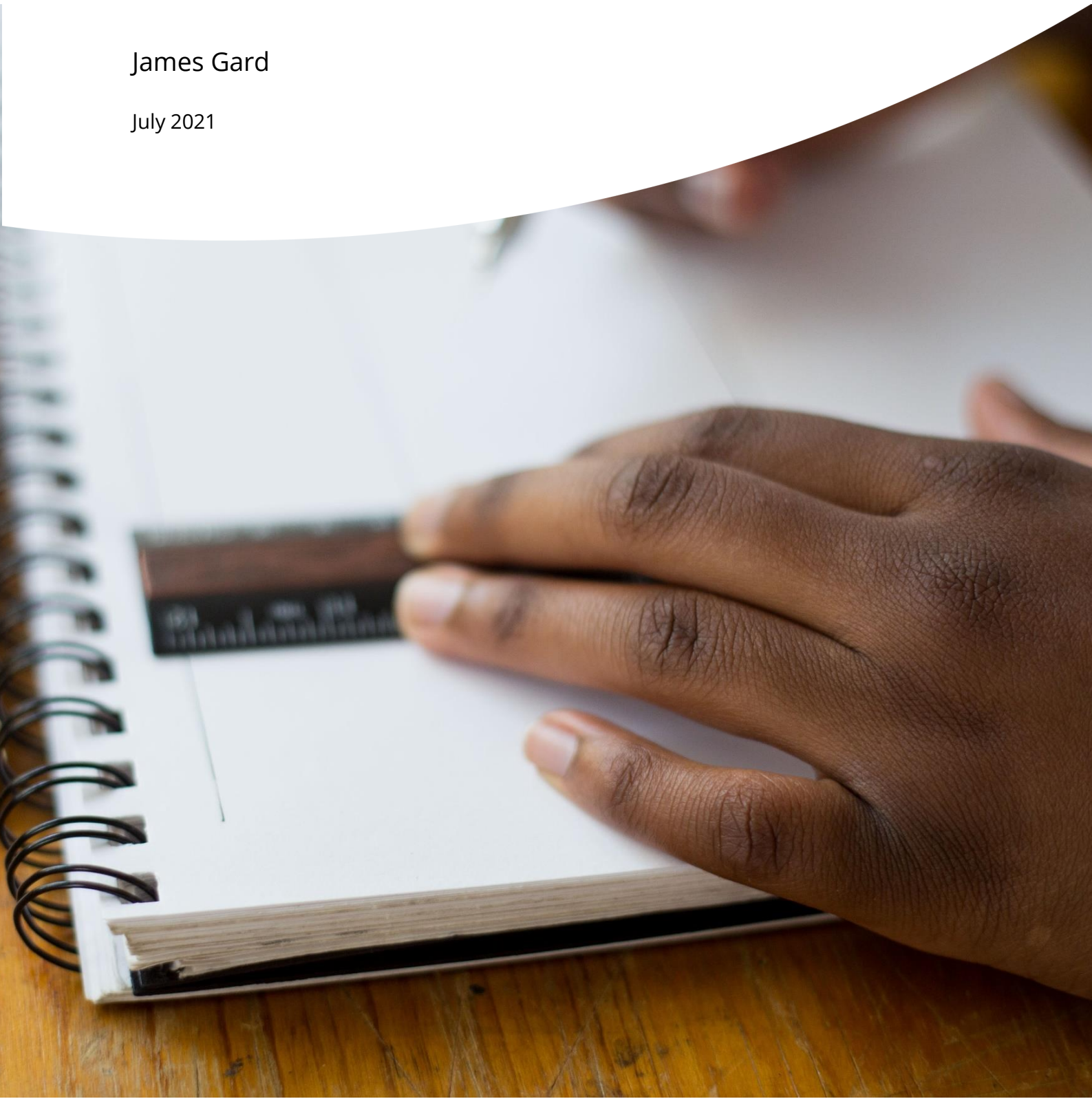

Education is a basic human right. It is also the fuel of economic growth. According to the OECD, achieving universal basic skills for the population through education would increase the Gross Domestic Product of a lower-middle income country by an average of 28% for each year of an individual's eighty-year life.[1]

Sierra Leone is a very low-income country, facing major challenges in educating its youth. 42% of its population is under the age of fifteen.[2] The skills gaps are wide: among the 7 to 14 year old cohort, functional literacy is only 17%, functional numeracy a mere 13%. [3] So is the attendance gap: in 2018, 34.7% of children between the ages of 6 and 18 were out of school,[4] and only 64% completed primary school in 2017.[5] Many students simply do not go to school due to crushing poverty, the need for children to stay at home to supplement the family income, a lack of classrooms, and the long distances required to travel to many schools.[6]

There are issues concerning teachers, too: students frequently find themselves in outsized classes taught by demoralised teachers who are either under- or unqualified – 41% of male and 28% of female teachers either lacked qualifications or were teaching above their qualification level in 2016.[7] Despite the first six years of school being nominally free, and for some the next three years as well, in practice under-resourced schools and poorly paid teachers find many ways to impose formal or informal charges on their pupils. Cheating in exams is recognised as a major issue even as test results remain poor by international standards.

Finally, there is an equity gap: girls' education is particularly weak. While girls are a slight majority in primary school, their participation in formal education decreases thereafter until, by senior secondary school, they are very much in a minority – 39.9% of eligible boys attend secondary school, but only 33.2% of eligible girls.[8] High rates of teenage marriage and some of the highest teen pregnancy rates in the world all work against female education.[9]

It wasn't always like this. There was a time when Sierra Leone was called the Athens of Africa, such was the quality of its education. It boasts the first Western-style university established south of the Sahara (Fourah Bay College, founded in 1827), the first school

[1] OECD 2015, *Universal Basic Skills: What Countries Stand to Gain*, OECD Publishing, 10
[2] UNICEF, *Country Office Annual Report 2018: Sierra Leone*, at https://sites.unicef.org/about/annualreport/files/Sierra_Leone_2018_COAR.pdf, 2
[3] UNICEF, *Country Office Annual Report 2018: Sierra Leone*, at https://sites.unicef.org/about/annualreport/files/Sierra_Leone_2018_COAR.pdf, 2
[4] UNICEF, *Country Office Annual Report 2018: Sierra Leone*, at https://sites.unicef.org/about/annualreport/files/Sierra_Leone_2018_COAR.pdf, 2
[5] UNICEF, *Country Office Annual Report 2018: Sierra Leone*, at https://sites.unicef.org/about/annualreport/files/Sierra_Leone_2018_COAR.pdf, 2
[6] https://www.unicef.org/sierraleone/education
[7] https://www.globalpartnership.org/where-we-work/sierra-leone
[8] https://borgenproject.org/education-sierra-leone/
[9] https://borgenproject.org/education-sierra-leone/

for boys (Sierra Leone Grammar School in 1845), and the first school for girls (Annie Walsh Memorial School in 1849). Would-be administrators, doctors and teachers from across British West Africa came to Freetown for their education.

But the education system didn't really evolve through the long dry of colonialism. By Sierra Leone's independence in 1961 it was geared to providing a pathway for academically gifted children of the middle class into the public service rather than to grant educational opportunities for all.[10] Most ordinary Sierra Leonians did not finish primary school, often being forced to leave school by pressures to work. Less than 5% of eligible children were in secondary school.

Things did not really begin to change until the beginning of the 1990s when the government started to move to a more comprehensive education system.[11] This promise was soon dashed by the bitter civil war fought between 1991 and 2002. By the time peace came, 1,270 primary schools had been destroyed,[12] and 67% of all primary-aged children were not going to school.[13] The country returned to the huge task of rebuilding its education sector. The government moved to adopt free education policies, rebuild its schools, and attract quality teachers into the profession, all in the face of an impoverished and growing population. The number of students finishing primary school rose from 55 to 76%, youth literacy improved, and teacher training programmes multiplied.[14]

And yet, for all these efforts, today about two-thirds of the adult population in Sierra Leone is illiterate.[15] In the 2018 Presidential Election, Retired Brigadier General Julius Maada Bio of the opposition Sierra Leone People's Party campaigned on a platform for improving the nation's human capital as an integral foundation for long term sustainable development.

On winning the election, President Bio made education the centrepiece of his new government's programme. At its centre was the Free Quality Education Programme. 35.5% of the budget was devoted to education[16], the highest percentage of any country in the world. Education spending rose from 4.64% of GDP in 2017[17] to 7.7% in 2019,[18] well above the 5% average for the continent.[19]

[10] https://www.k12academics.com/Education%20Worldwide/education-sierra-leone
[11] https://www.k12academics.com/Education%20Worldwide/education-sierra-leone
[12] https://www.k12academics.com/Education%20Worldwide/education-sierra-leone
[13] https://www.k12academics.com/Education%20Worldwide/education-sierra-leone
[14] https://borgenproject.org/education-sierra-leone/
[15] https://schoolingforlife.net/sierra-leone/
[16] http://www.thepatrioticvanguard.com/sierra-leone-s-free-quality-education-in-perspective
[17] https://www.theglobaleconomy.com/rankings/education_spending/
[18] https://www.theglobaleconomy.com/rankings/education_spending/
[19] https://www.brookings.edu/blog/africa-in-focus/2020/02/13/figures-of-the-week-public-spending-on-education-in-africa/

Table 1[20]

	2011	2012	2013	2014	2015	2016	2017	2018	2019
Government expenditure on education									
as % of GDP	2.67	2.87	2.38	2.66	...	3.06	4.64	6.99	7.7
as % of total government expenditure	12.4	14.1	15.2	15.1	...	12.5	19.9	32.7	35.5
Government expenditure per student (in PPP$)									
Primary education	92.7	107.2	107.2	...	...	90.4	78.2	206.2	236.4
Initial Government funding per secondary student PPP$	157.1	162.8	151.5	...	...	88	234.3	...	...

President Bio also split the former Ministry of Science, Education and Technology into two – a new Ministry of Technical and Higher Education responsible for the higher education sector, and a Ministry for Basic and Senior Secondary Education (the MBSSE) responsible for schools.

Under both the initial Minister, Alpha Timbo, and his successor, David Moinina Sengeh, the MBSSE began working on policies to back up the new vision: policies for school feeding programmes, policies to streamline the approval of new schools, policies to eliminate cheating in exams and, in what Minister Sengeh called the Radical Inclusion Policy, policies to open up schools to girls – including those who are pregnant or nursing - the disabled, children from low-income families and those from rural and underprivileged areas.

Embarking on the Free Quality Education Programme in the early days, Minister Timbo, himself with legal training, realised that the Ministry, with no legal department, had no-one in place to ensure that these new policies aligned with legislation that dated from the immediate aftermath of the civil war.

At a basic level, having policies work within the rules set by legislation is essential for the rule of law – the rule of law being the foundation of good government 'needed to realise full social and economic potential'.[21] Democratic governments like Sierra Leone's appreciate that the rule of law requires government agencies to work within the bounds of statute, and that this is in itself a good thing for building the kinds of society they wish to leave for their children. More practically, legislation represents a systematic attempt to set out the distribution of power and authority among different actors. Ignoring it, therefore, can lead to conflict, inefficiency, and divided authority.[22]

[20] http://uis.unesco.org/en/country/sl
[21] World Bank, *World Development Report 2017*, 83
[22] World Bank, *World Development Report 2017*, 83

Even more practically, the last thing the Ministry wants is to find itself in a dispute where a court rules that it has acted illegally – if, for instance, a private school is found to have been wrongly approved, or a measure designed to combat exam cheating is declared null and void.

Having heard impressive things of the work that Oxford Policy Fellows had been doing for Sierra Leone's Ministry of Health, Minister Timbo approached OPF to ask for a trained lawyer who could be placed in the Ministry to act as a legal advisor.

Up until this time, the Ministry had tended to draft its own contracts, though these had to be approved by the Government Legal Office. Often the drafting was done by the lawyers acting for those with whom the Ministry was entering into a contract or memorandum of understanding, resulting in legal documents heavily weighted in favour of that partner. In the event of a legal dispute external lawyers would be engaged. Within the Ministry, therefore, there was no real sense of operating within legal constraints. Not that everyone was simply ignoring the law: officials were certainly aware the legislation was there, but in the day-to-day efforts to deliver education to the nation's youth, practicality ruled and practice could slowly drift from what Parliament many years before had said it should be, without anyone in place to give a gentle tug back on the reins.

One of the early policies put before us had been many months in development, concerning changes to the way private schools were approved. The Fellow observed that the people the policy said were to approve primary schools were not the people the legislation mandated do the job. When this was pointed out, there was some surprise, as the policy was following practice. So how long had this practice been going on? Basically since anyone could remember.

In other areas, too, the world had moved on but the legislation had not. The acts all assumed there was one Minister of Education. Now there were two. So which Minister appointed the Chairman of the Board of Education? And where was it, this Board of Education that was supposed to be the primary advisory authority, the Minister's high council? Did it still exist? Nobody was really quite sure. Rumours flowed – someone thought that maybe a couple of years ago someone they knew had said they were a member of the Board. And what of the National Curriculum Research and Development Council. Ah – now that, that doesn't exist anymore.

And while all this may not seem that important as long as the student is being taught, consider the case of the child who goes to a school slowly deteriorating through poor school management. Someone who thinks they have the power to do so tries to remove the principal. Someone else who thinks they have the power to do so orders the principal returned. And the school sails blithely on, bearing within it the futures of the students within, with a principal who isn't a principal or may be one, while two bodies squabble –

because the legislation, even after an amendment or two, forgot to say who actually has the authority to remove school heads.

So we began a long analysis of the legislation in Sierra Leone that had a direct bearing on education. The acts were read closely for cohesion, and stakeholders were consulted to understand how the statutes affected their practical ability to do their jobs. It wasn't just Sierra Leone's laws – extensive reading was made of legislation from other countries, particularly those in sub-Saharan Africa, to understand how they approached the same issues facing the Sierra Leonians, or indeed for things that they had addressed in their laws and which the Sierra Leonians hadn't.

We looked at Africa because it comprises a community of countries that face similar challenges to Sierra Leone's, and many also work within Common Law legal traditions. This research proved to be a challenge, as many countries on the continent lack extensive on-line legal databases, and sometimes the only way to access the relevant laws was through international organisations that had seen fit to present a copy. Having to fall back on Google a lot of the time, we were not even certain we were dealing with the most recent legislation.

Moreover, it was paramount to look to the new policies the Ministry was trying to implement, and to advise where the existing legislation should be changed to meet their requirements. This included searching for ways to strengthen Government involvement in early childhood education, to modify the anti-discrimination components so as to expand protected categories to include pregnant mothers and the parents of young children, to allow positive discrimination, to outlaw corporal punishment in the nation's schools, and to increase penalties for things like exam cheating – which, because the relevant act had been passed in 1984 and never updated, include fines that today are less than the price of a bottle of water.

The process resulted in a sixty-page report to generate discussion within and without the Ministry. It covered the major issues identified with the legislation, with suggestions for clearing up lines of authority, removing ambiguities, and reinforcing anti-discrimination provisions. It offered a detailed analysis of the acts, broken down clause by relevant clause, drawing out possible issues, how they can be reworded in light of experience and the government's agenda. It also presented examples of legislation from other common law countries that faced the same issues as Sierra Leone.

The report written, the Ministry now wants to use it to inform the process of changing Sierra Leone's education legislation. The path ahead will still be long, for stakeholders need to be consulted in the drafting or amending of legislation, and the final product will need to be agreed by Parliament. But the important thing is that the Minister now has a

detailed legal analysis and some robust suggestions from which productive discussions and decisions can proceed.

Fellow reflection

Building legal capacity is not simply an arcane endeavour. It builds the very foundations for human systems that work. The law can set the rules within which government functions. Targets can be codified, roles settled, rules explicated, the results of negotiations set down, and suppliers and partners held to account.

As Sierra Leone continues to build its education system, the education ministries will need to continue to develop their legal capacity so they can educate the nation's youth as efficiently and effectively as possible. The laws that govern education need to be up-to-date and allow all players to understand what is expected of them. For two years, the Oxford Policy Fellowship has been able to work with the Ministry of Basic and Senior Secondary Education to build the foundations on which a fine education system can continue to be built.

James Gard

OPF is a demand-led Fellowship Programme that works with governments to deliver legal capacity support and development. We do this through Fellows, networks, and learning. We source high performing legal advisors to work within current government systems and processes for two years so that their work contributes to ongoing policymaking, rather than creating parallel structures for getting things done. By providing governments with key support that they themselves have defined and requested, we deliver sustainable and locally-owned development impact. We also host a network of government practitioners working at the interface of law and public policy, promoting a culture of knowledge sharing and learning across governments and the wider community.

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