

Quality education for all in Ghana

Unblocking legislative bottlenecks

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It is always an exciting time for a child when they start senior school. Yet it is also a worrying time. In Ghana, when one girl sadly lost her mother when she was still in Junior High School, a school which has been part of Ghana's universal free public education programme for some time, money became very tight. She dreaded the choice between buying food and sanitary pads or paying for Senior High School. However, thanks to the extension of free education to Senior High School – one of Ghana's recent success stories – she no longer needed to make that choice.¹ But what happens when she and her friends finish their schooling – can their life prospects improve further by moving on to higher education?

Although there are public schools across Ghana, their quality, the resources available to them, and the prospects that they open are often not promising enough to encourage students to pursue higher education. Given prevailing poverty, the incentive is to go straight into the job market, especially in the informal sector. The Government knows this will limit the potential of both individuals and the nation, and so established a policy to have a public university in each region of the country – at no cost to students.

To this end, the Oxford Policy Fellowship (OPF) worked with Ghana's Ministry of Education to unblock the legal and legislative bottlenecks to quality education for all in Ghana. How have these developments in education been made, and what can we expect next?

Education is highly prized but not yet accessible to all in Ghana

Ghana's pre-tertiary education system can be described as a 2-6-3-3 system. Basic education includes two years of Kindergarten, six years of Primary, and three years of Junior High School (JHS). Secondary education consists of three years of Senior High School (SHS) or technical/vocational education. The Free Compulsory Universal Basic Education (FCUBE) program was introduced in 1995 and the free SHS and technical/vocational program was rolled out in 2017/18.

Education in Ghana has always been a highly prioritized sector, and Ghana has exceeded international targets for public spending in education. Public education expenditure accounts for 6-8% of Ghana's GDP, exceeding the recommended benchmarks (6% of GDP and 20% of government expenditure) of the Global Partnership for Education and higher than any of the other 13 countries of the Economic Community of West African States (ECOWAS).²

¹ <http://moe.gov.gh/index.php/free-shs-policy/> (Accessed on 13 April 2021)

² World Bank data

This significant spending has enabled Ghana to make good progress in increasing access to education: Gross Enrolment Rates at the Kindergarten and Primary levels are high. The free SHS program has greatly improved the high transition rates into SHS, which reached 78% in 2017, ten percentage points higher than the previous four years.

Despite this increase in access to basic schools and to SHS, the quality and equity of education delivery from basic to tertiary levels needs improvement. A World Bank report³ from 2016 observed that “Despite this progress, key challenges in the education sector remain including disparities in learning outcomes, insufficient number of qualified teachers, and inequitable access. There were significant disparities in learning outcomes between the north and south of the country and between rural and urban schools. Education outcomes

“The Fellow’s diligence and attention to detail whilst working on numerous bills passed under my tenure as Minister for Education were remarkable. I believe working in Ghana has helped her build another layer of tenacity, to the benefit of her next employer or personal venture.”

Dr. Matthew Opoku Prempeh
Minister for Energy and former Minister for Education

largely followed regional poverty trends with poor districts challenged by weaker education outcomes, untrained teachers, and fewer financial resources for education spending.” While management and accountability structures seek to ensure vertical alignment and decentralized implementation of education services, in practice there are not enough resources for many of these structures and limited coordination among relevant entities⁴. Three major agencies of the Ministry required the independent status of regulatory bodies to be able to perform their objectives and functions effectively and efficiently.

The need for legislative reforms – unblocking paths to quality education

The newly appointment Minister of Education, Dr. Matthew Opoku Prempeh, and his political party, the National Patriotic Party, in their 2016 party manifesto observed that key education sector legislation was outdated or overlapping, and that some new legislation that had been planned was non-existent. This constrained effective management of the sector. On winning the 2016 elections, the Government then prioritized a number of reforms under an overarching Education Sector Strategy with the goal of delivering quality education at all levels from kindergarten to tertiary.

³ Ghana - Partnership for Education Grant Project (English). Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/781501489074241771/Ghana-Partnership-for-Education-Grant-Project>

⁴ Ghana - Ghana Accountability for Learning Outcomes Project (English). Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/415871570586470453/Ghana-Ghana-Accountability-for-Learning-Outcomes-Project>

In 2017, Dr. Prempeh introduced several Bills that had been proposed in his party's manifesto. The legislative reform agenda aimed to strengthen the legal and regulatory framework so that education service delivery would be better governed and more efficient. It had over 20 Bills under its purview covering all levels of education, including the development of non-formal education. These broadly included:

- a) **Strengthening key agencies of the Ministry of Education** as a means of driving quality and affordable education to all – focusing on school management, curriculum, assessment, and inspection.
- b) **Opening new universities or expanding existing ones** to absorb the anticipated increase in the number of SHS graduates from 2020, and to address regional inequalities in access to universities.
- c) **Consolidating some tertiary institutions and giving them the status and independence of full-fledged universities** in order to deliver quality tertiary education in specialised areas like Media, Arts and Communication; Skills Training and Entrepreneurial Development; and Communication Technology.
- d) **Establishing the Complementary Education Agency** to provide for educational programmes outside the formal education system.

The Oxford Policy Fellowship – filling a critical legal gap for Ghana

The Attorney General (AG) in Ghana is mandated to be the principal legal adviser to the government of Ghana and, by extension, the Ministry of Education. This means that there was no Legal Unit specifically focused within the Ministry of Education. However, in order to support the legislative reforms in education and to ensure good liaison between the Ministry of Education and the office of the Attorney-General, an officer from the AG's office was seconded to the Ministry in late 2017 as an advisor for the legislative reform. When the seconded lawyer then left the Ministry, OPF's technical assistance in the form of a Fellow embedded in the Ministry proved to be very timely: the threatened gap in legal capacity could have led to delays in the much-needed reforms.

"We benefited from significant gains in turnaround time – putting the bills and policies together quickly – because the fellow was embedded in our system, was part of our creative effort, and so shared an appreciation of what we were trying to achieve. The mechanism for giving feedback between us and the Fellow was also easy, unlike with external consultants who can be difficult to catch and manage."

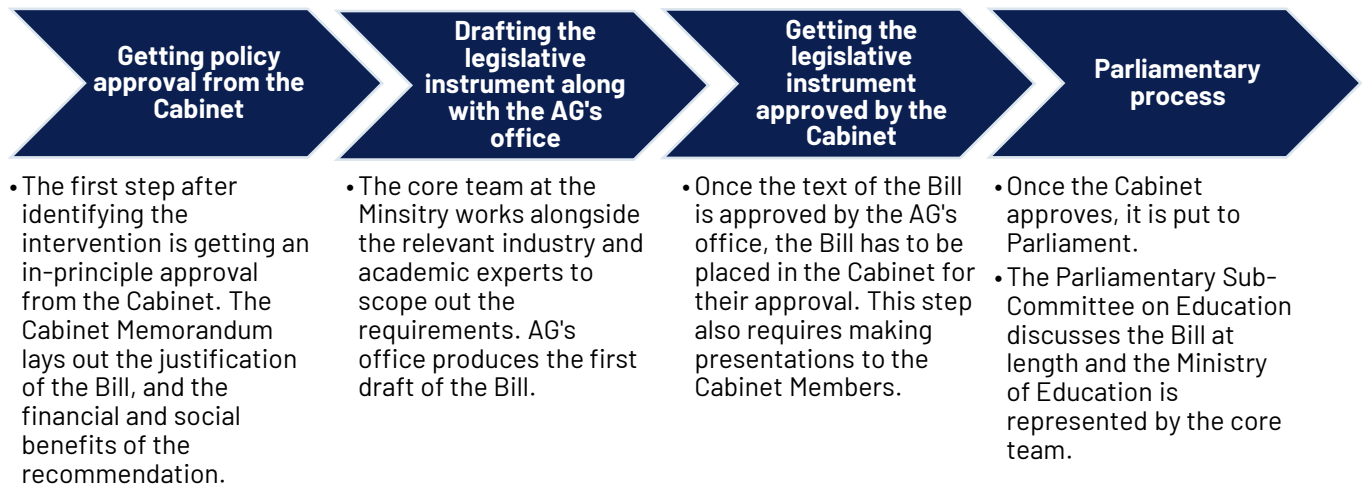
Wilhelmina Asamoah

Former Director General Administration, Ministry of Education

The Fellow worked closely with a team at the Ministry of Education, liaising with the Minister, the Director General Administration, and the Special Assistant of the Minister, as well as all relevant stakeholders notably in meetings of the Parliamentary Sub-

Committee on Education. She had special responsibility to work with the AG's office in shepherding all the legislative instruments from early policy documents to final Acts of Parliament, covering the entire legislative life cycle as depicted below.

Figure 1



Legislative changes that work for effective implementation

The Education Act 2008 (Act 778) established the key education agencies⁵ of: the Ghana Education Service; the National Council for Curriculum and Assessment; the Ghana Tertiary Education Commission; and the National Schools Inspectorate Authority under the Ministry of Education. Both the heads of these agencies and the Minister and his advisors felt there was a need for more agency and autonomy among in order to enable these bodies to effectively perform their functions and put Ghana on the path to educational success. So, the Education Regulatory Bodies Act 2020 (Act 1023) was envisioned to create a reformed regulatory environment for an improved education sector that would help to increase student access and enrolment rates as well as the quality of education. This was to allow Ghana to achieve SDG 4.3: 'By 2030, ensuring equal access for all women and men to affordable and quality technical, vocational and tertiary education, including university'.

The Fellow helped the team at the Ministry of Education to conduct a series of meetings, most significantly with key officials from the agencies to ensure that their respective functions would be clear, independent and without duplication. After rounds of deliberation that followed with the AG's office, a final draft was prepared for submission to the Cabinet.

⁵ These are the current names of the agencies which have been changed in the recent past as part of the legislative reform agenda. The names of these agencies under the Act 778 were different for some of the agencies.

Challenges with major stakeholders

One of the most anticipated bills was the Pre-Tertiary Bill, legislation that would have far-reaching implications on a hotly contested topic: decentralisation. It aimed firstly to provide for a decentralised pre-tertiary education system with powers devolved down to regions for SHS and District Assemblies for basic education; and secondly to establish a Technical and Vocational Education and Training (TVET) Service to manage, oversee and implement approved national policies and programmes for non-tertiary technical and vocational education and skills development.

Attempts to decentralise education by devolution to District Assemblies and regions has had a very checkered history in Ghana and has been debated many times since independence in 1957. The Bill came about in 2018 following rounds of deliberation by committees and stakeholder engagements that had resulted in a report on decentralisation. But once the Pre-Tertiary Bill was put to Parliament, it received a severe backlash from Teachers' Unions. They were concerned about the "unified conditions of service" and a "unified teaching service" noted in the Bill. Devolving the education to 272 Districts spread over 16 regions in Ghana would have meant that each district would have their own conditions and requirements of teachers in public schools – thereby creating new power centres which could impede teachers' progress.

The team at the Ministry addressed the various queries and letters received from the teachers' unions and facilitated high-level meetings between the Ministry of Education and heads of the teachers' unions. The Fellow was involved in drafting while other colleagues attended the meetings. The whole team made sure that the outcomes of these meetings, and that all relevant, important aspects of the Bill, were promptly addressed so that it could progress well through Parliament. The final outcome, following months of discussion and numerous tabling of the Bill to the Parliamentary sub-committee, was that all provisions relating to decentralisation were deleted from the Pre-Tertiary Bill. Each team member had a specific role in the process: for example, the Special assistant to the Minister found himself adept at leading the engagements at the Parliamentary level because he was also closely affiliated to the political party, NPP. As the only lawyer in this team, the Fellow's unique role was to work closely with the Attorney General's office and with the relevant agencies on inputs relevant to the shape and content of the law.

Opening the door to promising social and economic impacts from quality education

Education is crucial to social and economic progress. The new legislation will certainly enhance equitable access to basic, secondary and tertiary education and improve the quality of learning opportunities. The new investment in education should help almost all

livelihoods, reduce demand for welfare support, increase civic participation, and cut the burden on health services. Economic benefits are expected from higher labour market returns to improved education, and from more people benefiting from the wage premiums that result from improved education attainment. Tertiary education in particular will contribute to knowledge creation, absorption and dissemination, and will drive innovation and economic growth. The bulk of the economic benefits is expected to flow from the improved quality of education – improvements which are likely to persist due to the new, stronger accountability framework with improved monitoring and supervision.⁶ Globally, the private average rate of return to one extra year of schooling is estimated at 9% a year, and social returns to schooling are above 10% at the secondary and higher education levels.⁷ Ghana's new education legislation can be expected to catalyse similar gains.

In addition, improving TVET service delivery will directly support Ghana's industrial growth through supplying a more capable and skillful workforce. There is much scope to increase TVET under the new legislation and the gains could be good: countries such as Germany and Finland have over 50 percent of upper secondary students enrolled in TVET, compared to only 13% in Ghana. These countries have been able to develop a strong manufacturing base and remain competitive economically because they steered a large share of their secondary and higher education students into technical fields of study.

⁶ Ghana - Ghana Accountability for Learning Outcomes Project (English). Washington, D.C.: World Bank Group. <http://documents.worldbank.org/curated/en/415871570586470453/Ghana-Ghana-Accountability-for-Learning-Outcomes-Project>

⁷ Psacharopoulos, George, Harry Anthony Patrinos. 2018. Returns to Investment in Education: A Decennial Review of the Global Literature. Policy Research Working Paper; No. 8402. Washington, DC: World Bank.

Fellow reflection

Working as an Oxford Policy Fellow in Ghana's Ministry of Education has taught me the value of patience, building relationships, and having faith in my ability to operate in constrained environments. These virtues are under-valued in the corporate sector, where the majority of my previous work experience is from. This Fellowship has had a deep impact on my career goals and direction.

Working on the legislative reform agenda as the only lawyer in the Ministry presented me with a steep learning curve and gave me privileged exposure to the Ministry's management, development partners and various other officials across Ministries and agencies. Working with non-legal colleagues helped me gain sector knowledge and a deeper understanding of policy-making and drafting in a unique country context. Each step of the legislative process, and notably stakeholder consultations, was enriching, affirming the value of embracing different perspectives and of ways to reconcile them. Indeed, to represent the Ministry in Parliamentary Sub-committee meetings, and to listen to Members of Parliament discuss each section in detail, are learning experiences that cannot be gained in a law school.

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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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