

COMPLEMENTARY EDUCATION AGENCY BILL, 2019

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ENTITLED

COMPLEMENTARY EDUCATION AGENCY ACT, 2019

AN ACT to establish the Complementary Education Agency to oversee the administration of complementary education and to provide for related matters.

PASSED by Parliament and assented to by the President:

Establishment of the Complementary Education Agency

Establishment of the Agency

1. (1) There is established by this Act, a body corporate with perpetual succession to be known as the Complementary Education Agency.

(2) The Agency may, for the performance of its functions, acquire and hold movable and immovable property, dispose of property and enter into a contract or any other related transaction.

(3) Where there is a hindrance to the acquisition of immovable property, the immovable property may be acquired for the Agency under the State Lands Act, 1962 (Act 125) and the cost shall be borne by the Agency.

Objects of the Agency

2. The objects of the Agency are to

- (a) provide complementary education; and
- (b) promote quality complementary education.

Functions of the Agency

3. To achieve the objects under section 2, the Agency shall,
- (a) provide functional basic literacy to disadvantaged groups;
 - (b) provide complementary education pathways from primary to tertiary levels;
 - (c) provide occupational skills training for different trade groups;
 - (a) advise the Minister on the orientation of complementary education in accordance with national development plans;
 - (e) formulate policies and guidelines to advance complementary education;
 - (j) develop curricula, instructional materials and best practice for complementary education;
 - (g) coordinate and implement activities in the complementary education sector;
 - (h) monitor and evaluate the implementation of approved learning activities in the complementary education sector;
 - (i) create community learning platforms for complementary education;
 - (j) develop partnerships to enhance complementary education and occupational skills development;
 - (k) equip learners with the knowledge, attitudes and skills to enable the learners to improve the quality of life in their communities in a lifelong learning framework;
 - (l) equip learners to improve upon their occupational skills through functional basic literacy;
 - (m) design and promote strategies and programmes for the conduct and implementation of all forms of complementary education;
 - (n) determine the qualifications, standards and other relevant criteria for the appointment of the staff of the Agency;
 - (c) determine the application, standards and other criteria for the appointment of the staff of a District Complementary Education Agency; and
 - (p) perform any other functions that are necessary for the attainment of the object of the Agency.

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Governance of the Agency

Governing body of the Agency

4. (1) The governing body of the Agency is a Board consisting of
- (a) a chairperson with considerable experience in the public service nominated by the Minister;
 - (b) two retired senior staff of the Non-Formal Education Division of the Ministry responsible for Education nominated by the Minister;
 - (c) the Chief Executive Officer of the Council for Technical and Vocational Education and Training;
 - (a) one person from the Ministry responsible for
 - (i) Local Government and Rural Development not below the rank of a Director nominated by the Minister responsible for Local Government and Rural Development;
 - (ii) Finance not below the rank of a Director nominated by the Minister responsible for Finance;
 - (iii) Gender, Children and Social Protection not below the rank of a Director nominated by the Minister responsible for Gender, Children and Social Protection;
 - (iv) Employment and Labour Relations not below the rank of a Director nominated by the Minister responsible for Employment and Labour Relations;
 - (v) Education not below the rank of a Director nominated by the Minister;
 - (e) a representative of the Ghana Employers Association nominated by the Ghana Employers Association; and
 - (j) the Executive Director of the Agency;
- (2) The President shall appoint the chairperson and other members of the Board in accordance with article 70 of the Constitution.
- (3) The President shall, in making the appointment under paragraph (a) of subsection (1), consider the knowledge and expertise of the person and in particular the ability of that person to contribute to the work of the Agency.

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(4) The Board shall ensure the efficient and effective performance of the functions of the Agency.

Tenure of office of members of the Board

5. (1) A member of the Board shall hold office for a period of three years and is eligible for re-appointment but a member shall not be appointed for more than two terms.

(2) Subsection (1) does not apply to the Executive Director of the Agency or a person who is a member of the Board by reason of the office of that person.

(3) A member of the Board may, at any time, resign from office in writing addressed to the President through the Minister.

(4) A member of the Board, other than the Executive Director, who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President may, by letter addressed to a member, revoke the appointment of that member.

(6) Where a member of the Board is, for a sufficient reason, unable to act as a member, the Minister shall determine whether the inability would result in the declaration of a vacancy.

(7) Where there is a vacancy

(a) under subsection (3), (4) or (5) or subsection (2) of section 7;

(b) as a result of a declaration under subsection (6); or

(c) by reason of the death of a member

the Minister shall notify the President of the vacancy and the President shall appoint a person to fill the vacancy.

Meetings of the Board

6. (1) The Board shall meet at least once every three months for the despatch of business at the time and place determined by the chairperson.

(2) The chairperson shall, at the request in writing of not less than one-third of the membership of the Board, convene an extraordinary meeting of the Board at the time and place determined by the chairperson.

(3) The quorum at a meeting of the Board is seven members of the Board.

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(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board, other than the Executive Director, elected by the members present from among their number, shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a meeting of the Board but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board are not invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

Disclosure of interest

7. (1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of the interest and is disqualified from participating in the deliberations of the Board in respect of that matter.

(2) Where a member contravenes subsection (1), the chairperson shall notify the Minister who shall inform the President in writing to revoke the appointment of that member.

(3) Without limiting any further cause of action that may be instituted against the member, the Board shall recover the benefit derived by a member who contravenes subsection (1) in addition to the revocation of the appointment of the member.

Establishment of committees

8. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function of the Board.

(2) A committee of the Board shall be chaired by a member of the Board.

(3) Section 7 applies to a member of a committee of the Board.

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Allowances

9. Members of the Board and members of a committee of the Board shall be paid the allowances approved by the Minister in consultation with the Minister responsible for Finance.

Policy directives

10. The Minister may issue directives in writing on matters of policy to the Board.

Administration of the Agency

Appointment of Executive Director

11. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Executive Director for the Agency.

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

Functions of the Executive Director

12. (1) The Executive Director is

(a) responsible for the day-to-day administration of the Agency; and

(b) answerable to the Board for the performance of the functions of the Agency.

(2) The Executive Director shall

(a) in consultation with the chairperson, arrange the meetings of the Board; and

(b) record and keep the minutes of the meetings.

(3) The Executive Director may delegate a function to an officer of the Agency, but shall not be relieved of the ultimate responsibility for the performance of the delegated function.

Appointment of Deputy Executive Directors

13. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Executive Directors for the Agency.

(2) A Deputy Executive Director shall hold office on the terms and conditions specified in the letter of appointment.

Functions of a Deputy Executive Director

14. (1) A Deputy Executive Director shall perform the functions assigned by the Board and the Executive Director.

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(2) A Deputy Executive Director is answerable to the Executive Director in the performance of functions.

Appointment of other staff

15. (1) The President shall, in accordance with article 195 of the Constitution, appoint for the Agency other staff that are necessary for the efficient and effective performance of the functions of the Agency.

(2) The President may, in accordance with clause (2) of article 195 of the Constitution, delegate the power of appointment in subsection (1) in writing to the Board.

(3) Other public officers may be transferred or seconded to the Agency.

Secretariat of the Agency

16. (1) The Agency shall have a Secretariat for the effective performance of the functions of the Agency.

(2) The Executive Director is the head of the Secretariat.

Divisions and units of the Agency

17. The Board may establish divisions and units of the Agency that the Board considers necessary for the effective performance of the functions of the Agency.

Internal Audit Unit

18. (1) The Agency 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 of the Agency.

(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 on the internal audit carried out during the period of three months immediately preceding the preparation of the report; and

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(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 Agency.

(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 each report prepared under this section to the

- (a) Minister;
- (b) Auditor-General; and
- (c) chairperson of the Board.

Financial Provisions

Funds of the Agency

19. The funds of the Agency include

- (a) moneys approved by Parliament;
- (b) fees charged and collected in the performance of the functions of the Agency;
- (c) donations, grants and gifts; and
- (a) any other moneys approved by the Minister responsible for Finance.

Bank account of the Agency

20. The moneys for the Agency shall be paid into a bank account opened for that purpose by the Board with the approval of the Controller and Accountant-General.

Accounts and audit

21. (1) The Board shall keep books of account and records in relation to the accounts in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Agency to the Auditor-General for audit at the end of the financial year.

(3) The Auditor-General shall, within six months after the end of the immediately preceding financial year, audit the accounts and forward a copy each of the audit report to the Minister and the Board.

(4) The financial year of the Agency is the same as the financial year of the Government.

Annual report and other reports

22. (1) The Board shall, within thirty days after receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Agency for the year to which the annual report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within thirty days after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall submit to the Minister any other report which the Minister may require in writing.

Organisation of Complementary Education

Complementary education

23. (1) The Agency shall organise all forms of complementary education in the country.

(2) The Agency shall, on an annual basis, determine the communities in which complementary education shall be provided and where training shall be held.

(3) The Agency shall, in the organisation and conduct of all forms of complementary education, take into account the following:

- (a) the access to complementary basic education;
- (b) the access to youth and adult learning and education;
- (c) gender issues pertaining to the literacy and empowerment of women;
- (d) the income and literacy levels of the members of the community;
- (e) the development of programmes for specific groups including drop outs at various educational levels, non-literates youths and adults and out of school children;
- (f) the enhancement of disadvantaged groups; and
- (g) the delivery of quality programmes.

Establishment of learning centres

24. (1) The Agency shall establish learning centres with the aim to extend individual learning to community life.

(2) The Agency shall determine the communities in which a learning centre shall be established taking into consideration subsection (3) of section 23.

(3) The objects of a learning centre are to

- (a) promote literacy in a community;
- (b) improve lifelong learning and education for children who are out of school, women, the youth and the elderly;
- (c) create and sustain literacy skills for a sustainable livelihood;
- (d) harness communal spirit in literacy delivery;
- (e) develop good citizenship and democratic practice; and
- (f) promote adult learning festivals.

Validation and accreditation of complementary education

25. (1) The Agency shall, in consultation with relevant organisations, validate and mainstream all forms of complementary education.

(2) For the purposes of subsection (1), the Agency shall

- (a) take into consideration the knowledge and skills that a learner will gain outside a formal education system; and
- (b) institute a mechanism to recognise prior learning for the purpose of
 - (i) certification;
 - (ii) qualification; and
 - (iii) progress within a lifelong learning framework.

(3) The Agency shall grant accreditation to a learning centre within the National Qualifications Framework.

Facilitators of complementary education

26. (1) The Agency shall engage facilitators to undertake all forms of complementary education on behalf of the Agency.

(2) The Agency shall ensure that a facilitator

- (a) has the ability to facilitate or conduct lessons;
- (b) has experience in working with the youth and adults; and
- (c) is capable of working in different and diverse environments.

(3) The Agency shall collaborate with the National Service Secretariat and the Youth Employment Agency for the purpose of engaging personnel to serve as facilitators for the Agency.

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Decentralised Complementary Education

Regional Complementary Education Agency

27. (1) There is established in each region, a Regional Complementary Education Agency.

(2) A Regional Complementary Education Agency is a department of a Regional Co-ordinating Council of a region.

Functions of a Regional Complementary Education Agency

28. A Regional Complementary Education Agency shall

- (a) co-ordinate the activities of the complementary education subsection of the Department of Education of a District Assembly in the region;
- (b) co-ordinate regional complementary education activities with relevant institutions; and
- (c) advise and collaborate with the Regional Co-ordinating Council to implement national complementary education policies and strategies in the region.

Regional Director of Complementary Education

29. (1) The Board shall, subject to clause (2) of article 195 of the Constitution, appoint a Regional Director of Complementary Education in each region.

(2) A Regional Director of Complementary Education is the head of a Regional Complementary Education Agency.

(3) A Regional Director of Complementary Education shall hold office on the terms and conditions specified in the letter of appointment.

Functions of a Regional Director of Complementary Education

30. A Regional Director of Complementary Education is responsible for the day-to-day administration of a Regional Complementary Education Agency.

Budget of a Regional Complementary Education Agency

31. The budget of a Regional Complementary Education Agency shall form part of the budget of the national office of the Complementary Education Agency.

District Complementary Education Agency

32. (1) There is established in each district, a District Complementary Education Agency.

(2) A District Complementary Education Agency shall form part of the Department of Education of a District Assembly.

Functions of a District Complementary Education Agency

33. A District Complementary Education Agency shall, in accordance with the complementary education policy of the Ministry responsible for Education, ensure the efficient delivery of all forms of complementary education to meet the needs of the areas within the district.

District Director of Complementary Education

34. The Board shall, subject to clause (2) of article 195 of the Constitution, appoint a District Director of Complementary Education in each district.

Functions of a District Director of Complementary Education

35. A District Director of Complementary Education shall oversee the activities of the Agency in the district.

Miscellaneous Provisions

Regulations

36. The Minister may, in consultation with the Board, by legislative instrument make Regulations to provide for

- (a) the delivery of complementary education;
- (b) the criteria for the establishment of learning centres in communities;
- (c) the strategies and programmes for complementary education and training in a lifelong learning framework;
- (d) accessibility to out-of-school children, youth and adult learning; and
- (e) the effective implementation of this Act.

Interpretation

37. In this Act, unless the context otherwise requires, “adult learning festival” means an organised event celebrating and promoting adult learning;

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- “Agency” means the Complementary Education Agency established under section 1;
- “Board” means the governing body of the Agency established under section 4;
- “communal spirit” means the willingness and desire to participate in activities that promote a community;
- “community learning platforms” means centres for community learning;
- “complementary education” means educational programmes outside the formal education system;
- “disadvantaged group” means groups of persons that experience a higher risk of poverty, social exclusion, discrimination and violence than the general population, and may be in the nature of ethnic minorities, migrants, people with disabilities, isolated elderly people and children;
- “elderly” means adults who are sixty years and above;
- “equitable programme” means access and inclusion into all forms of complementary education and lifelong learning;
- “facilitator” means an instructor at a learning centre;
- “functional basic literacy” means sufficient basic skills in reading and writing to be able to function effectively in everyday situations;
- “learner” means a person who is learning a subject or skill;
- “lifelong learning” means a learning activity undertaken at any stage of the development of life which is aimed at improving knowledge, skills and competencies;
- “lifelong learning framework” means education and training that is designed, implemented and evaluated and which provides knowledge and skills for improved livelihood;
- “Minister” means the Minister responsible for Education;
- “National Service Secretariat” means the Secretariat of the National Service Scheme established under the National Service Scheme Act, 1980 (Act 426);

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“National Qualifications Framework” means the instrument for the development and classification of qualifications according to a set of criteria for levels of learning achieved; “occupational skills development” means the development of the work-related skills of learners; and “prior learning” means the knowledge of an individual gained previously.

Date of *Gazette* notification: 21st June, 2019.

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MEMORANDUM

The object of the Bill is to establish the Complementary Education Agency to provide for educational programmes outside the formal education system.

The Non-Formal Education Division of the Ministry responsible for Education has been in existence since the first Republic. The Division has been providing a range of programmes, relative to adult and lifelong education. However, the Government wants to ensure access to education in all forms, therefore, it has become necessary to enact legislation to establish an Agency responsible for Complementary Education to ensure the carrying out of the myriad of changes and innovations taking place in the field of complementary education.

The Complementary Education Agency aims to provide learning opportunities and complementary education for those who are outside the mainstream Ghanaian education system to equip them with requisite knowledge, skills and attitudes needed for their personal, community and national development. The name is changing from Non-Formal Education to Complementary Education to reflect the myriad of changes that have taken place in the area of non-formal education and to acknowledge that complementary education can be formal and recognised within a qualifications framework.

The Bill in *clauses* 1 to 3 deals with the establishment of the Complementary Education Agency. *Clause* 1 establishes the Agency as a body corporate with perpetual succession. The object of the Agency as set out under *clause* 2 of the Bill is to provide complementary education and promote quality complementary education. *Clause* 3 provides for the functions of the Agency and these include the formulation of policies and guidelines to advance complementary education; the monitoring and evaluation of the implementation of approved learning activities in the complementary education sector and the development of partnerships to enhance complementary education and occupational skills development. The Agency is also responsible for equipping learners with the knowledge, attitudes and skills to enable them to improve the quality of life in their communities in a lifelong learning framework.

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Clauses 4 to 10 provide for the governance of the Agency. The governing body of the Agency is established under *clause 4* of the Bill. The governing body of the Agency is a Board comprising eleven members including the chairperson who is required to be a person of considerable experience in the public service and two retired senior staff of the Non-Formal Education Division of the Ministry of Education nominated by the Minister. The Board is required to ensure the efficient and effective performance of the functions of the Agency.

The tenure of office of the members of the Board is three years as stated under *clause 5*. The standard provisions on meetings of the Board, disclosure of interest, establishment of committees and allowances are set out under *clauses 6, 7, 8 and 9* respectively. The Minister is required, by *clause 10*, to issue directives to the Board on matters of policy and the Board is required to comply with policy directives issued by the Minister.

Clauses 11 to 18 deal with matters relating to the administration of the Agency. *Clause 11* provides for the appointment of the Executive Director who is required to hold office on the terms and conditions specified in the letter of appointment. The Executive Director is responsible for the day-to-day administration of the Agency and is answerable to the Board for the performance of the functions of the Agency under *clause 12*.

Clause 13 provides for the appointment of two Deputy Executive Directors who are answerable to the Executive Director. A Deputy Executive Director is to perform the functions assigned by the Board and the Executive Director. A Deputy Executive Director is answerable to the Executive Director in the performance of functions assigned, *clause 14*.

Clause 15 provides for the appointment of other staff of the Agency. In accordance with article 195 of the Constitution, the President is mandated to appoint other staff of the Agency for the proper and effective performance of the functions of the Agency. The President may, however, delegate the power of appointment in writing to the Board.

The Secretariat of the Agency is provided for under *clause 16*. The Executive Director is to be the head of the Secretariat. The Board is empowered under *clause 17* to establish divisions or units of the Agency

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that the Board considers necessary for the effective performance of the functions of the Agency. *Clause 18* provides for the Internal Audit Unit in compliance with section 83 of the Public Financial Management Act, 2016 (Act 921).

Clauses 19 to 22 deal with financial matters. The funds of the Agency include moneys approved by Parliament, donations, grants and gifts, fees charged and collected in the performance of the functions of the Agency and any other moneys approved by the Minister responsible for Finance *clause 19*. *Clause 20* provides for the bank account of the Agency. Moneys for the Agency are to be paid into a bank account opened for the purpose with the approval of the Controller and Accountant-General. The standard provisions on accounts and audit and annual and other reports are set out under *clauses 21 and 22* respectively.

Clauses 23 to 26 provide for the organisation of complementary education. *Clause 23* requires the Agency to organise all forms of complementary education in the country, taking into account access to complementary basic education, access to youth and adult learning and education, gender issues pertaining to the literacy and empowerment of women, the income and literacy levels of the members of the community, the development of programmes for specific groups, the enhancement of disadvantaged groups and the delivery of quality programmes.

The Agency is required to establish learning centres for extending individual learning to community life under *clause 24*. The Agency is mandated under *clause 25* to work in consultation with relevant organisations to validate and mainstream all forms of complementary education. Furthermore, the Agency is mandated under *clause 26* to engage facilitators to undertake all forms of complementary education on behalf of the Agency.

Clauses 27 to 35 provide for decentralised complementary education. *Clause 27* establishes a Regional Complementary Education Agency in each region as a department of the Regional Co-ordinating Council. The functions of a Regional Complementary Education Agency as specified in *clause 28* include the coordination of the activities of the complementary education subsection of the Department of Education of the District

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Assembly in the region and the co-ordination of regional complementary education activities with relevant institutions.

The appointment of the Regional Director of Complementary Education is provided for under clause 29. A Regional Director of Complementary Education is responsible for the day-to-day administration of the Regional Complementary Education Agency, *clause 30*. *Clause 31* makes the budget of the Regional Complementary Education Agency a part of the budget of the national office of the Complementary Education Agency.

Clause 32 establishes a District Complementary Education Agency in each district. A District Complementary Education Agency is to form part of the Department of Education of a District Assembly. *Clause 33* deals with the functions of a District Complementary Education Agency. A District Complementary Education Agency is responsible for ensuring the efficient delivery of all forms of complementary education to meet the needs of the areas within the District in accordance with the complementary education policy.

The appointment of a District Director of Complementary Education is provided for under *clause 34*. The function of a District Director of Complementary Education is provided for in *clause 35*.

Clauses 36 and 37 deal with miscellaneous provisions. *Clause 36* empowers the Minister to make Regulations to provide for matters including the delivery of complementary education and the criteria for the establishment of learning centres in communities. Finally, *clause 37* provides for the interpretation of words and phrases used in the Bill.

DR. MATTHEW OPOKU PREMPEH (MP)
Minister responsible for Education

Date: 6th June, 2019.