

GHANA EDUCATION SERVICE ACT, 1995 (ACT 506)

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**THE FIVE HUNDRED AND SIXTH
ACT
OF THE PARLIAMENT OF THE REPUBLIC OF GHANA
ENTITLED
THE GHANA EDUCATION SERVICE ACT, 1995**

AN ACT to consolidate with amendments the law relating to the establishment of the Ghana Education Service and to provide for related matters.

DATE OF ASSENT: 31ST AUGUST, 1995

BE IT ENACTED by Parliament as follows—

PART I—ESTABLISHMENT OF THE GHANA EDUCATION SERVICE

Section 1—Establishment of Ghana Education Service.

There is established by this Act the Ghana Education Service referred to in this Act as “the Service”.

Section 2—Membership of the Service.

The Service shall be made up of—

- (a) the personnel of the Ghana Education Service existing immediately before the coming into force of this Act;
- (b) teachers and non-teaching supporting personnel in pre-tertiary educational institutions in the public system;
- (c) managers of educational units and their supporting staff;
- (d) persons holding posts created as Ghana Education Service posts by or under any enactment; and
- (e) other persons that may be employed for the Service.

Section 3—Functions of the Service.

(1) The Service shall be responsible for the implementation of approved national policies and programmes relating to pre-tertiary education.

(2) Without prejudice to subsection (1) of this section it shall be the duty of the Service—

(a) to provide and oversee basic education, senior secondary education, technical education and special education;

(b) to register, supervise and inspect private pre-tertiary educational institutions;

(c) to submit to the Minister recommendations for educational policies and programmes;

(d) to promote the efficiency and the full development of talents among its members;

(e) to register teachers and keep an up-to-date register of all teachers in the public system;

(f) to carry out such other functions as are incidental to the attainment of the functions specified above; and

(g) to maintain professional standards and the conduct of its personnel.

Section 4—Governing Body of the Service.

(1) There is established by this Act a governing body for the Service which shall be known as Ghana Education Service Council referred to in this Act as "the Council".

(2) The Council shall consist of—

(a) a chairman who shall be a person with extensive academic and administrative experience;

(b) one representative of the Public Services Commission not below the rank of director;

(c) two distinguished educationists one of whom shall be a woman;

(d) two eminent citizens, one of whom shall be a woman;

(e) two representatives of the christian group made up of the Christian Council, the National Catholic Secretariat and the Ghana Pentecostal Council;

(f) one representative of the Federation of Muslim Councils and Ahmadiyya Mission;

(g) one member of the Ghana National Association of Teachers;

(h) one member of the Teachers and Educational Workers Union;

(i) one member of the National Council for Tertiary Education;

(j) one representative of the Association of Proprietors of Private Educational Institutions;

(k) the Chief Director of the Ministry of Education; and

(l) the Director-General of the Service.

(3) The members of the Council shall be appointed by the President in consultation with the Council of State.

Section 5—Functions of the Council.

The Council shall have general control over the management of the Service and shall—

- (a) ensure the implementation of the function of the Service;
- (b) submit to the Minister recommendations for pre-tertiary educational policies and programmes;
- (c) promote collaboration between the Ministry of Education and the Service; and
- (d) advise the Minister on such matters as the Minister may request.

Section 6—Tenure of Office of Members of the Council

(1) The members of the Council other than the ex-officio members shall hold office for three years and shall on the expiration of that period be eligible for re-appointment.

(2) Any member of the Council other than an ex-officio member may resign his office in writing addressed to the President through the Minister.

(3) Where the office of a member of the Council other than an ex-officio becomes vacant before the expiration of his term of office or by his death, the Minister shall notify the President of the occurrence of the event and the President shall, acting in consultation with the Council of State appoint another person in his place to hold office for the unexpired portion of his term of office.

(4) Where it appears to the President on the recommendation of the Minister that any member of the Council is incapacitated by absence from Ghana or illness or any other sufficient cause from performing the duties of his office the president shall appoint another person to hold office in his place until such time as the President is satisfied that the incapacity of that person has terminated or until the term of the member expires whichever first occurs.

(5) A member of the Council who is absent from three consecutive meetings of the Council without sufficient cause shall cease to be a member.

Section 7—Allowances for Members.

Members of the Council, co-opted members and members of committees of the Council shall be paid such allowances as shall be determined by the Minister in consultation with the Minister for Finance.

Section 8—Meetings of the Council.

(1) The Council shall meet for the despatch of business at such times and in such places as the Chairman may determine but shall meet at least once in every month.

(2) The Chairman shall upon the request of not less than one-third of the membership convene a special meeting of the Council.

- (3) The quorum at a meeting of the Council shall consist of seven members and shall include the Director-General or the person acting in that capacity.
- (4) Every meeting of the Council shall be presided over by the Chairman and in his absence by a member of the Council elected by the members present from among their number.
- (5) Questions before the Council shall be decided by a simple majority of members present and voting.
- (6) The Council may co-opt any person to act as an adviser at its meetings but no co-opted person is entitled to vote at the meeting.
- (7) The validity of the proceedings of the Council shall not be affected by a vacancy among its members or by a defect in the appointment or qualification of a member.
- (8) Any member of the Council who has an interest in a contract or other transaction proposed to be entered into with the Service shall disclose in writing to the Council the nature of his interest and shall be disqualified from participating in any deliberations of the Council in respect of the contract or other transaction.
- (9) A member of the Council who infringes subsection (8) of this section shall be liable to be removed from the Council.
- (10) The Secretary to the Council shall submit to the Minister a copy of the approved minutes after each meeting.
- (11) Except as otherwise expressly provided for under this Act, the Council shall determine and regulate the procedure for its meetings.

Section 9—Committees of the Council.

- (1) The Council may for the discharge of its functions appoint committees comprising members of the Council or non-members or both and may assign to these committees such functions of the Council as it may determine.
- (2) Without prejudice to subsection (1) of this section, the Council shall appoint in every district a District Education Oversight Committee composed of the following members—
 - (a) the District Chief Executive, who shall be the Chairman;
 - (b) the District Director of Education;
 - (c) the District Director of Health;
 - (d) the District Inspector of Schools;
 - (e) the District Social Welfare officer;
 - (f) two representatives of the District Assembly nominated by the Assembly of whom shall be a woman;

- (g) one representative of traditional rulers in the District;
- (h) one representative each of the Christian and Muslim groups;
- (i) one representative of the Ghana National Association of Teachers (GNAT) in the District;
- (j) one representative of the District Parent/Teachers' Association (PTA); and
- (k) one woman identified generally with social development in the district.

(3) A District Education Oversight Committee shall, in the relevant district and subject to the directives of the Council, be concerned with and oversee—

- (a) conditions of school buildings and other infrastructural requirements of the schools;
- (b) the provision of teachers and the regular and punctual attendance of teachers and pupils at the schools;
- (c) the proper performance of duties by staff at the schools;
- (d) the moral behaviour of staff and pupils and matters relating to general discipline;
- (e) complaints relating to or from teachers, non-teaching staff and pupils;
- (f) the environmental cleanliness of schools and facilities therein; and
- (g) the supply of textbooks and other teaching and learning materials.

(4) The Council shall also appoint the following committees the—

- (a) Appointments and Promotions Committee;
- (b) Disciplinary Committee;
- (c) Administration and Finance Committee;
- (d) Education Planning and Research Committee; and
- (e) Monitoring and Evaluation Committee.

(5) Subject to this Act, the Council shall determine the membership and functions of a committee appointed under this section.

Section 10—Minister to give Directives.

The Minister may issue directives in writing to the Council on matters of policy and the Council shall comply with the directives.

PART II—ADMINISTRATION

Section 11—Organisation of the Service.

The Council may with the approval of the Minister create such units or divisions in the Service as it may consider necessary for the efficient discharge of the functions of the Service.

Section 12—Director-General and his Functions.

(1) There shall be appointed by the President in accordance with the advice of the Council given in Council given in consultation with the Public Services Commission, a Director-General of the Service who shall be the chief executive of the Service.

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

(3) Subject to such general directives as the Council may give, the Director-General shall be responsible for the direction of the work of the Service and for the day-to-day administration of the Service and shall ensure the implementation of the decisions of the Council.

(4) The Director-General may delegate such of his duties as he may determine to any officer of the Service but the Director-General shall not be relieved from ultimate responsibility for the discharge of any delegated function.

Section 13—Deputy Directors-General.

(1) There shall be appointed by the President in accordance with the advice of the Council given in consultation with the Public Services Commission two Deputy Directors-General for the Service.

(2) The Deputy Directors-General shall hold office on such terms and conditions as may be specified in their letters of appointment.

(3) The two Deputy Directors-General shall be responsible to the Director-General in the performance of their functions under this Act.

(4) The Deputy Directors-General shall, subject to the provisions of this Act—

(a) assist the Director-General in the discharge of his functions and perform such other functions as the Director-General may delegate to them; and

(b) be responsible for the direction of the Service when the Director-General is absent from Ghana or is otherwise unable to perform his functions.

Section 14—Appointment of Other Staff of the Service.

(1) The Service shall have such other officers and employees as may be necessary for the proper and effective performance of its functions.

(2) The staff of the Service shall, subject to this Act perform such functions as the Director-General may assign to them.

(3) The President shall in accordance with the advice of the Council given in consultation with the Public Services Commission and on such terms and conditions as he may determine appoint the staff and employees of the Service.

(4) The President may in accordance with article 195(2) of the Constitution delegate the power of appointment of the public officers under this Part.

(5) The Council may engage the services of such consultants and advisers as it may upon the recommendation of the Director-General determine.

Section 15—Secretary to the Council.

(1) The Minister shall, acting in consultation with the Director-General, designate an officer of the Service as Secretary to the Council.

(2) The Secretary shall arrange the business for and cause to be recorded and kept the minutes of the meetings of the Council.

(3) The Secretary shall also perform such functions as the Council or the Director-General in consultation with the Council may assign to him and shall be assisted in the discharge of his functions by such of the staff of the Services as the Council may on the recommendation of the Director-General direct.

(4) The Secretary shall in the discharge of his functions be under the administrative control of the Director-General.

Section 16—Organisations of Employees of the Service.

(1) The organisations known as the Ghana National Association of Teachers and the Teachers and Educational Workers Union of the Trades Union Congress are hereby recognised as organisations formed to seek and promote in accordance with law the interest and welfare of their members in the Service.

(2) Subject to the Industrial Relations Act, 1965(Act 299) these organisations may make representation to the Council on matters concerning the terms and conditions of service of its members in the Service.

(3) Subject to subsection (4) of this section the Minister acting on the advice of the Council, may on an application made to him by any of these organisations approve the deduction of contributions from the emolument of any employee of the Service who is a member of these organisations.

(4) No contribution shall be deducted from the emolument of an employee of the Service who is a member of these organisations without the consent in writing of the employee concerned and the consent may be withdrawn by the employee after having given the organisation six months notice in writing of his intention to withdraw his consent.

Section 17—Employment of Registered Teachers.

Subject to section 20 of this Act no person shall be employed as a teacher in a pre-tertiary educational institution in the public system unless he has been registered as a teacher by the Council.

Section 18—Registration of Teachers.

(1) The Council shall cause the Director-General to keep and maintain a register of teachers referred to in this Act as "the Register" in which shall be recorded the particulars of any person registered as a teacher under this Act.

(2) A person wishing to be registered as a teacher shall submit for approval by the Director-General an application in the prescribed form.

(3) A person shall not qualify to be registered as a teacher—

(a) if he does not possess at least the initial prescribed teacher training certificate or equivalent qualification;

(b) if he has been disqualified from teaching on grounds of grave professional misconduct; or

(c) if within a period of six months immediately preceding the date of his application—

(i) he has been refused registration as a teacher; or

(ii) his registration as a teacher has been canceled.

(4) Subject to subsection (2) of this section the Director-General may refuse to register any person as a teacher—

(a) if he suffers from any mental disability likely to interfere with the practice of teaching; or

(b) if he has been convicted of any criminal offence of such nature as to render him in the opinion of the Director-General not a proper person to be a teacher in any educational institution; or

(c) if he has in an application for registration as a teacher made a statement or furnished information which he knows to be false in any material particular.

(5) A person aggrieved by the refusal of the Director-General to register him as a teacher under this Act may appeal to the Council against the decision and the Council shall upon the determination of the matter confirm, vary or rescind the decision of the Director-General.

(6) Where a decision or of the Director-General is rescinded by the Council, it shall direct the Director-General to register as a teacher the person affected by his decision.

Section 19—Disciplinary Proceedings.

(1) The Disciplinary Committee provided under section 9 (4) shall examine disciplinary matters that may be referred to it by the appointing authority.

(2) Where any disciplinary proceeding is conducted by the Committee, the Committee shall make its recommendations in writing to the Council.

(3) The Council may in respect of any disciplinary matter advise the appointing authority (unless the Council itself is the appointing authority) to take such disciplinary action as the circumstances require.

(4) Disciplinary action for the purposes of subsection (3) may where the member of the Service is a registered teacher include the suspension of his registration for a period not exceeding one year or the removal of his name from the Register.

Section 20—Employment of Unregistered Teachers.

(1) The appointing authority may subject to such conditions as shall be determined, authorise the employment of persons not registered under this Act as teachers in pre-tertiary educational institutions.

(2) The provisions in subsection (3) (b) and (c) and subsection (4) of section 18 on qualifications and conditions relating to registered teacher shall apply to the employment of unregistered teachers.

PART III—FINANCIAL AND MISCELLANEOUS PROVISIONS

Section 21—Funds, Expenses of the Service.

The administrative expenses of the Service including salaries, operational and other allowances, gratuities and pensions payable in respect of persons employed by the Service shall be a charge on the Consolidated Fund.

Section 22—Accounts and Audits.

(1) The Service shall keep books of account and records in relation to them and the account books and records of the Service shall be in a form approved by the Auditor-General.

(2) The accounts of the Service shall be audited by the Auditor-General within six months after the end of each financial year.

(3) The financial year of the Service shall be the same as the financial year of the government.

(4) The Director-General shall prepare budget estimates for each financial year and present the estimates to the Council for its approval not later than two months before the end of the financial year.

Section 23—Annual Report and other Reports.

(1) The Council shall as soon as possible after the expiration of each financial year but within six months after the end of the year, submit to the Minister an annual report covering the activities and the operations of the Service for the year to which the report relates.

(2) The annual report submitted under subsection (1) shall include the report of the Auditor-General.

(3) The Minister shall within two months after the receipt of the annual report submit a report to Parliament with such statement as he may consider necessary.

(4) The Council shall also submit to the Minister such other reports as the Minister may in writing require.

Section 24—Regulations.

(1) Subject to subsections (1) and (2) of this section the Council may in consultation with the Minister by legislative instrument make such regulations as it considers expedient for the purpose of giving effect to the provisions of this Act and for regulating any matter that falls within the scope of the functions of the Service.

(2) The appointing authority may make regulations providing for the terms and conditions of service and the code of discipline of the members of the Service.

(3) An instrument made under subsection (1) of this section shall be under the hand of the Chairman of the Council and an instrument made under subsection (2) of this section shall, where the appointing authority is the Council, be under the hand of the Chairman of the Council.

Section 25—Transfer of Assets and Liabilities.

(1) All assets, rights and properties in any manner held on behalf of or for the purposes of the Ghana Education Service in existence immediately before the coming into force of this Act are hereby transferred to the Service established under this Act.

(2) All obligations and liabilities subsisting against the Ghana Education Service immediately before the coming into force of this Act shall on the coming into force of this Act subsist between the Service and that other party.

Section 26—Interpretation.

In this Act unless the context otherwise requires—

“appointing authority” includes the Council, a committee of the Council or any public officer to whom the power of appointment has been delegated by the President by virtue of article 195(2) of the Constitution;

“Christian and Muslim groups” means the Christian group (the National Catholic Secretariat, the Christian Council and the Pentecostal Council) and the Federation of Muslim councils and Ahmadiyya Mission;

“Council” means the Ghana Education Service Council established under section 4 of this Act;

“Director-General” means the Director-General of the Ghana Education Service appointed under section 12 of this Act;

“Minister” means the Minister responsible for Education;

“pre-tertiary education” means education below university, university college, polytechnic and diploma award teacher training level;

“pre-tertiary educational institutions in the public system” means schools and institutions for pre-tertiary education for which Government has direct responsibility in providing teachers, teaching and learning material; and

“Register” means the Register of Teachers

Section 27—Repeals and Savings.

(1) The following enactments are repealed—

Ghana Education Service Decree, 1974 (N.R.C.D. 247);

Ghana Education Service (No. 2) Decree, 1975 (N.R.C.D. 252);

Ghana Education Service (Amendment) Decree, 1975 (N.R.C.D. 357); and

Ghana Education Service (Amendment) Decree, 1976 (S.M.C.D. 63).

(2) Notwithstanding the repeal of the enactments specified in subsection (1) of this section—

(a) any regulations, bye-laws or other instruments made under any of these enactments and in force immediately before the coming into force of this Act shall continue in force of this Act shall continue in force until amended or revoked under this Act; and

(b) any appointments made under any of the repealed enactments and valid on the coming into force of this Act shall remain valid as if made under the corresponding provision of this Act until terminated or otherwise dealt with under this Act.

Date of Gazette Notification: 8th December, 1995.