

METROPOLITAN/MUNICIPAL/DISTRICT
COORDINATING DIRECTORS'
CONFERENCE

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- TOPIC: HEALTH AND EDUCATION AS DEPARTMENTS OF MMDAS
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- VENUE: PEMPAMSIE HOTEL, CAPE COAST
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- DATE: THURSDAY 12 NOVEMBER 2015
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- PRESENTER: PROFESSOR KWAMENA AHWOI, GIMPA

AUTHORITY FOR HEALTH/EDUCATION SECTOR DECENTRALIZATION

- Article 240 (2) of Constitution: “As far as practicable, persons in the service of local government shall be subject to the effective control of local authorities”

HEALTH SECTOR DECENTRALIZATION

- HISTORY OF HEALTH SECTOR DECENTRALIZATION
- Local Government Law, 1988, PNDCL 207: Provides for devolution of Office of District Medical Officer of Health (DMOH)
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- Local Government Act, 1993, Act 462: Continues the devolution of the Office of the DMOH
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- Ghana Health Service and Teaching Hospitals Act, 1996, Act 525: Establishes the Ghana Health Service as a centralized Service
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- Local Government Service Act, 2003, Act 656: Health is removed from the Decentralization Schedule
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- 2005: Ministry of Health (MOH) establishes internal Health Sector Decentralization Task Force (HSDTF) which recommends Health sector decentralization by de-concentration to the district and sub-district level

- 2012: Inter-Ministerial Coordinating Committee (IMCC) on Decentralization recommends and Cabinet approves Health sector decentralization by devolution
- 2012: Joint Legislative Review Task Force (LRTF) of IMCC and HSDTF start work on draft decentralized Health Bill
- 2013-2015: Stakeholder consultations on draft decentralized Health Bill
- 2015: Draft decentralized Health Bill, 2015, submitted to MOH awaiting submission to Cabinet and then to Parliament for enactment

HIGHLIGHTS OF THE DRAFT

DECENTRALIZED HEALTH BILL, 2015

- Object of the Bill is inter alia to establish a decentralized Health Service
- It de-concentrates Regional Hospitals to the regional level and devolves Primary Health Care (PHC) and District Hospitals to the district and sub-district levels
- It establishes the Department of Health of the MMDA as a merger of the Ghana Health Service (GHS) at the district level and the Environmental Health and Sanitation Department
- It migrates the district-level GHS personnel to the Local Government Service (LGS) in such a manner that the migrating staff do not lose out in terms of emoluments and other conditions of service
- Specific functions are devolved to the district and sub-district levels (under L.I. 1961/2009)
- It provides a formula for the sharing of assets and liabilities as between the GHS and the MMDAs
- It deals with the two-Union issue as between the Health Services Workers Union (HSWU) and the Local Government Workers Union (LGWU)
- It has provisions on training and capacity-building

DEPARTMENT OF HEALTH OF MMDAS

- Comprises the GHS and EHSD at the district level as Sections of the Department of Health of the MMDA
- HLGS appoints the District Director of Health Services (DDHS) who is Head of the Department of Health (DOH)
- Functions of the DDHS are spelt out in the Bill
- Functions of the DOH are as spelt out in L.I. 1961/2009 and reproduced as a Schedule to the Bill
- Units of the DOH are stated in the Bill

DISTRICT HEALTH OVERSIGHT COMMITTEE (DHOC)

- MMDAs establish the DHOCs
- DHOCs report to the Social Services Sub-Committee of the Executive Committee of the MMDA
- The DHOC comprises:
 - The Chairperson of the Social Services Sub-Committee of the Executive Committee of the MMDA;
 - The District Head of the Health Section of the DOH of the MMDA;
 - The DDHS;
 - An experienced health professional appointed by the DCD in consultation with the DDDOH of the MMDA;
 - One representative from the sub-district;
 - One representative of a traditional authority in the district;
 - One female health professional in the district;
 - One representative of the private health service providers in the district

- Functions of the DHOC are spelt out in the Bill and include the following:
- Advising the DCE on the physical, human and material resources for effective health delivery at the district level;
- Advising the DCE on any matter for the effective delivery of the decentralized health system as determined by the MMDA.

PROVISION OF HEALTH SERVICES AT THE SUB-DISTRICT LEVEL

- Health Centres and clinics are overseen by the Urban/Zonal/Town/Area Councils (UZTACs)
- Community Health Planning Services Compounds (CHPS) at the community level are overseen by the Unit Committees (UCs)
- Functions of the Health Centres are spelt out in the Bill
- The DOH of the MMDA is responsible for the establishment of CHPS Compounds at the unit level

MISCELLANEOUS MATTERS

- Staff of the decentralized Health Service are members of the GHS employed by the LGS to work for MMDAs
- Conditions of service of such staff shall not be worse than those of analogous grades in the GHS
- HLGS in consultation with the GHSC shall determine which assets and liabilities of the GHS at the district level shall be transferred to the MMDAs

INTERNAL HOSPITAL MANAGEMENT

- HLGS in consultation with GHSC appoints a Medical Director for each hospital within the Service to be in charge of the hospital
- Provision is made for a Clinical Coordinator and a Hospital Administrator
- Provision is also made for Hospital Management Committees and Sub-District Health Management Committees and their functions

EDUCATION SECTOR

DECENTRALIZATION

- HISTORY OF EDUCATION SECTOR DECENTRALIZATION
- Local Administration (Amendment) Decree, 1974, NRCD 258: Decentralizes basic education (primary and middle schools) by devolution to the District Councils
- Ghana Education Service (Amendment) Decree, 1976, SMCD 63: Re-centralizes basic education in Ghana Education Service (GES)
- Local Government Law, 1988, PNDCL 207: Decentralizes basic education by devolution to MMDAs
- Local Government Act, 1993, Act 426: GES “disappears” from the Decentralization Schedule to the Act

- Ghana Education Service Act, 1995, Act 506: Confirms the GES as the centralized apex body for pre-tertiary education
- Local Government Service Act, 2003, Act 656: GES stays removed from the Decentralization Schedule to the Act
- Education Act, 2008, Act 778: Decentralizes basic and second-cycle education by de-concentration to the MMDAs but concedes that some provisions contradict provisions in Act 506
- 2009: Ministry of Education (MOE) establishes Education Sector Decentralization Committee (ESDC) to implement Act 778 and reconcile its provisions with those of Act 506

- 2009: Local Government (Departments of District Assemblies) (Commencement) Instrument, L.I. 1961, details out the functions of a decentralized Department of Education, Youth and Sports (DEYS) as envisaged under Act 462/1993
- 2012: IMCC recommends and Cabinet approves for Education sector decentralization by devolution
- 2012: Joint LRTF of IMCC and ESDC of MOE start work on draft decentralized Education Bill
- 2012-2014: stakeholder consultations on draft decentralized Education Bill conducted
- 2015: Draft decentralized Education Bill almost ready for submission to the MOE and subsequently to Cabinet and Parliament for enactment

HIGHLIGHTS OF DRAFT EDUCATION Bill, 2015

- Object is inter alia to provide a decentralized pre-tertiary education system
- It de-concentrates second-cycle education to the regional level and devolves basic education to the district level
- It establishes the DEYS of the MMDA as a merger of the GES, GLB, NYC and NSC at the district level
- It migrates the staff of the district GES to the LGS in such a manner that they do not lose out in terms of emoluments and other conditions of service
- Specific functions are devolved to the MMDA level (L.I. 1961 functions)
- Transfer of assets and liabilities from GHS to the MMDAs is provided for
- It deals with the two-Union issue as between GNAT/NAGRAT/TEWU/CCTG and LGWU/CLOGSAG

MMDAS' RESPONSIBILITY FOR BASIC EDUCATION

- The Bill makes the MMDA responsible for basic education covering:
- Overseeing the implementation of the decentralized basic education schools;
- Construction, equipment and maintenance of public basic education schools;
- Establishment of basic education schools on the recommendation of the DDDEYS
- MMDA through its DOH is required to undertake health screening of school children before admission and regular medical examination of school children

DEPARTMENT OF EDUCATION, YOUTH AND SPORTS (EDUCATION SECTION)

- DEYS comprises the GES, GLB, NYC and NSC at the district level as Sections of the DEYS
- HLGS appoints the Head and other staff of the Education Section in consultation with the PSC based on qualifications and standards determined by the GESC
- HLGS is also responsible for other human resource management issues of the Head and other staff of the Education Section of the DEYS

- DDDEYS on behalf of the HLGS appoints the Head teachers and staff of basic education schools in the district based on qualifications and standards determined by the GES
- DDDEYS is also responsible for other human resource management issues of the Head teachers and staff of basic education schools in the district
- Functions of the Education Section of the DEYS are provided in the Bill (L.I. 1961 functions)

DISTRICT EDUCATION OVERSIGHT

TEAM

- MMDAs establish DEOTs
- DEOTs report to the Social Services Sub-Committee of the Executive Committee of the MMDA
- The DEOT comprises:
- The Chairperson of the Social Services Sub-Committee of the Executive Committee;
- The Director of the DEOT;

- Functions of the DEOT are spelt out in the Bill and include:
- Advising the DCE on the physical, human and material resources for the effective basic education delivery at the district level;
- Advising on the discipline of teaching and non-teaching staff at the district and sub-district level;
- Advising the DCE on any other matters for the effective delivery of the decentralized education system as determined by the MMDA.

SCHOOL MANAGEMENT COMMITTEES

- MMDAs establish SMCs for each basic education school in the district
- The SMC comprises:
 - A Chairperson appointed by the DDDEYS in consultation with the DEOT;
 - The school head teacher;
 - One representative of the UC within whose Unit the school is located;
 - One representative of the traditional authorities within whose area the school is located;
 - One representative of the teaching staff;
 - Two representatives of the PTA of the school one of whom is a woman;
 - Two representatives of FBOs.

- Functions of the SMC are provided for in the Bill and include the following:
- Exercising oversight responsibility over the school head teacher;
- Advising on the appointment, transfer and discipline of teaching and non-teaching staff;
- Advising on the supply of textbooks and other teaching and learning materials; the condition of school buildings and other school infrastructure; the provision of teachers and the regularity and punctuality of teachers and pupils at the school; and the moral and professional behavior of staff and pupils of the school.

PRIVATE BASIC EDUCATION SCHOOLS

- A private basic educational school shall be approved by the MMDA
- The MMDA grants provisional approval for one year to enable preparatory work to be done
- Private basic schools in existence before the Act comes into force have 90 days within which to register with the MMDA
- Any change in ownership of a private basic school shall be notified to the MMDA

- Where a private basic school is to be closed down for a long period, the MMDA shall be notified by the proprietor 90 days before the closure and the proprietor shall indicate the proposed date for the re-opening of the school
- An MMDA on the advice of DDDEYS may withdraw approval of a private basic school on stated grounds
- A grievance procedure involving the MMDAs is provided for persons who are dissatisfied with the standard of teaching or learning in a private basic school or who have cause to suspect discrimination or apathy
- Where the MMDA is dissatisfied with the outcome of the grievance process, it may close down the private basic school

DOH/DEYS: REPORTING RELATIONSHIPS

- The horizontal and vertical reporting relationships between the Departments and the MMDAs and between the Departments and their former Regional and National Headquarters are provided for in the district organograms already in use as follows:
- In relation to the Office of the DCE, the Heads of the Health and Environmental Sanitation Sections and of the Education, Youth and Sports Sections work to the DDDOH and the DDDEYS respectively, who work to the DCE through the DCD

- In relation to the General Assembly of the MMDA, the Heads of the Health and Environmental Sanitation Sections and of the Education, Youth and Sports Sections work to the DDDOH and the DDDEYS respectively, who work to the Coordinator of the Social Services Cluster of Departments, who works to the Chairman of the Social Services Sub-Committee, who works to the Chairman of the Executive Committee (DCE) who reports to the Presiding Member (PM) of the MMDA through the Secretary to the MMDA (DCD)
- Correspondence to the DCE is copied to the Regional Director of Health Services (RDHS) and the Regional Director of Education (RDE) and the National Director of the GHS and the GES as appropriate

- Correspondence from the National Directors and Regional Directors of the two Services to the DDDOH and the DDDEYS are routed through the DCE

CHALLENGES

- Getting the migrating professional staff of the GHS/GES to accept the political authority of the DCE and the MMDA
- Understanding the horizontal and vertical reporting relationships
- The extra load on the DCD in terms of his dual roles as Head of the district bureaucracy (including Health and Education) and as Secretary to the MMDA
- Integrating the Health/Education Budgets into the District Composite Budget but ring-fencing them so as to avoid viring and misapplication
- Establishing the mechanisms, structures and procedures to perform the new functions assigned to the MMDA, eg, mechanisms and procedures to conduct medical examinations of school children;

- structures to approve the establishment of private basic schools;
- procedures for dealing with grievances

