

PART FOUR – THE NATIONAL SCHOOLS INSPECTORATE AUTHORITY

National Schools Inspectorate Authority

Establishment of the National Schools Inspectorate Authority

87. (1) There is established by this Act a body corporate known as the National Schools Inspectorate Authority.

(2) For the performance of the functions of the Authority, the Authority may acquire property, dispose of property and enter into a contract or any other related transaction.

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

Objects of the Authority

88. The objects of the Authority are to

- (a) develop;
- (b) publish;
- (c) promote; and
- (d) enforce

highest quality standards and guidelines for quality education in public and private pre-tertiary education institutions.

Functions of the Authority

89. (1) To achieve the objects of the Authority, the Authority shall

- (a) develop and enforce highest quality standards and guidelines to be observed in public and private pre-tertiary education institutions throughout the country;
- (b) advise District Assemblies on the maintenance of highest quality academic and educational standards and guidelines;
- (c) support the District Education Unit in the implementation of highest quality academic and educational standards and guidelines;
- (d) monitor school based assessments, end of course examinations and external assessments at the pre-tertiary level;
- (e) submit half yearly reports on school inspections with appropriate recommendations to the Minister and the

relevant institutions for the improvement of learning outcomes;

- (f) advise the Minister on matters related to the functions of the Authority; and
- (g) perform any other function ancillary to the attainment of the objects of the Authority.

(2) The Authority shall, in the performance of the functions under subsection (1),

- (a) publish the school effectiveness standards and guidelines developed for pre-tertiary education institutions under paragraph (a) of subsection (1) and periodically review the standards and guidelines;
- (b) prescribe disciplinary measures for a pre-tertiary education institution that fails to comply with the standards and guidelines issued by the Authority;
- (c) publish reports and findings on the performance of pre-tertiary education institutions; and
- (d) register pre-tertiary education institutions.

(3) The Authority may, in the performance of the functions under subsection (1),

- (a) in consultation with the Minister, and on the advice of the Regional Education Directorate or District Assembly concerned, recommend for the closing down temporarily or permanently, a pre-tertiary education institution that fails to meet the standards and guidelines issued by the Authority;
- (b) close down a school in an emergency situation after consultations with the Minister and the Regional Education Directorate or District Assembly concerned; and
- (c) recommend that a pre-tertiary education institution be managed through Public Private Partnership.

(4) The Authority shall, in the performance of functions under paragraph (d) of subsection (2), keep and maintain a register of pre-tertiary education institutions.

Governing body of the Authority

90. (1) The governing body of the Authority is a Board consisting of

- (a) a chairperson with at least ten years academic and administrative experience;
- (b) one special education specialist or practitioner nominated by the Minister;
- (c) one representative of the National Teaching Council not below the rank of a Director nominated by the National Teaching Council;
- (d) one representative of the National Council for Curriculum and Assessment not below the rank of a Director nominated by the National Council for Curriculum and Assessment;
- (e) one representative of the associations of private schools nominated by the associations of private schools on a rotational basis;
- (f) one representative of the West African Examinations Council not below the rank of a Director nominated by the West African Examinations Council;
- (g) one representative of the teacher associations nominated by the teacher associations on rotational basis;
- (h) one representative of the Technical and Vocational Education and Training Service not below the rank of a Director nominated by the Technical and Vocational Education and Training Service;
- (i) one representative from the Education Service not below the rank of a Director nominated by the Education Service;
- (j) one female educationist nominated by the Minister; and
- (k) the Inspector-General of Schools.

(2) The President shall, in accordance with article 70 of the Constitution, appoint the chairperson and other members of the Board.

(3) The Board shall ensure the effective and efficient performance of the functions of the Authority.

Establishment of committees

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

(2) Without limiting subsection (1), the Board shall establish the following committees:

- (a) Finance and Administration Committee;
- (b) Research, Monitoring and Evaluation Committee;
- (c) Structural and Facility Assessment Committee; and
- (d) Quality Assurance Committee.

(3) The Board shall determine the membership and functions of a committee.

(4) The Board shall appoint members of the committees.

(5) The Board may assign a function to a committee established under subsection (2).

(6) Section 116 applies to a member of a committee established under this section.

Inspection of Pre-Tertiary Education Institutions

Inspection panels

92. (1) The Authority shall establish inspection panels to provide an independent external evaluation of the quality and standards in pre-tertiary institutions.

(2) The inspection panels shall focus on

- (a) the quality of
 - (i) leadership and management of pre-tertiary education institutions;
 - (ii) teaching and learning provided in pre-tertiary education institutions;
- (b) the levels of scholarship attained by pre-tertiary education institutions;
- (c) the facilities available in pre-tertiary education institutions;
- (d) the system of internal and external examinations in place in pre-tertiary education institutions;
- (e) the values including community service emphasised and taught in pre-tertiary education institutions; and
- (f) the statistical data of the pre-tertiary education institutions and tracer studies tracking the achievement of past students.

(3) A director or a supervisor within the Regional Education Directorate, District Education Unit or Education Unit shall undertake routine inspection of a pre-tertiary education institution to ensure the maintenance of the highest standards of performance in teaching and learning in accordance with the guidelines of the Board.

Administrative Provisions

Inspector-General of Schools

93. (1) The President shall, in accordance with article 195 of the Constitution, appoint an Inspector-General of Schools.

(2) The Inspector-General of Schools shall hold office

- (a) for a term of four years and is eligible for re-appointment for another term only; and
- (b) subject to any other terms and conditions specified in the letter of appointment.

Functions of the Inspector-General of Schools

94. (1) The Inspector-General of Schools is responsible for the implementation of the decisions of the Board and for the day-to-day administration of the affairs of the Authority.

(2) Without limiting subsection (1), the Inspector-General of Schools shall

- (a) undertake the inspection of pre-tertiary education institutions;
- (b) evaluate school inspection and assessment reports on pre-tertiary education institutions periodically; and
- (c) submit half yearly reports with recommendations on the inspection of schools to the Board.

(3) The Inspector-General of Schools shall cause to be recorded and kept the minutes of the meetings of the Board.

(4) The Inspector-General of Schools shall perform any other functions that the Board may assign.

(5) The Inspector-General of Schools may delegate a function to an officer of the Authority but shall not be relieved of ultimate responsibility for the performance of the delegated function.

Deputy Inspector-General of Schools

95. (1) The President shall, in accordance with article 195 of the Constitution, appoint two Deputy Inspectors-General of Schools for the Authority.

- (2) A Deputy Inspector-General shall hold office
 - (a) for a term of four years and is eligible for re-appointment for another term only; and
 - (b) on the terms and conditions specified in the letter of appointment.

Functions of the Deputy Inspectors-General of Schools

96. (1) The Deputy Inspectors-General of Schools shall assist the Inspector-General of Schools in the performance of the functions of the Inspector-General of Schools.

(2) A Deputy Inspector-General of Schools shall perform such other functions that may be assigned by the Inspector-General of Schools.

(3) The Deputy Inspectors-General of Schools shall be responsible to the Inspector-General of Schools in the performance of the functions under this Act.

(4) The more senior Deputy Inspector-General of Schools shall act in the absence of the Inspector-General of Schools.

Divisions of the Authority

97. (1) The Authority shall have the following Divisions:

- (a) Inspection and Supervision Division;
- (b) Research, Monitoring and Evaluation Division; and
- (c) Operations and Quality Control Division.

(2) The Board may establish any other division necessary for the efficient and effective performance of the functions of the Authority.

Miscellaneous Provisions

Offences and penalties

98. (1) A pre-tertiary education institution that fails to comply with a disciplinary measure imposed by the Authority commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.

(2) A pre-tertiary education institution established before the coming into force of this Act shall, within six months of the coming into force of this Act, register with the Authority.

(3) A pre-tertiary education institution established after the coming into force of this Act shall, within six months of its establishment, register with the Authority.

(4) A pre-tertiary education institution that contravenes subsection (2) or (3) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.

(5) A pre-tertiary education institution that is closed down under paragraph (b) of subsection (3) of section 89 shall not operate unless authorised in writing by the Authority.

(6) A pre-tertiary education institution that contravenes subsection (5) commits an offence and is liable on summary conviction to a fine of not less than one thousand penalty units and not more than five thousand penalty units.

(7) Where a pre-tertiary education institution commits an offence under this section and is convicted, the director, general manager, secretary and any other senior officer of the pre-tertiary education institution shall be considered to have committed the offence.

(8) A person shall not, pursuant to subsection (7),

(a) be charged of an offence except with the prior written consent of the Attorney-General; and

(b) be convicted of an offence where it is proved to the satisfaction of the Court that

(i) the person did not consent to, or did not connive with another person in the commission of the offence; or

(ii) the person exercised the degree of reasonable diligence as ought in the circumstances to have been exercised to prevent the commission of the offence.

Regulations

99. The Minister shall, within twelve months of the coming into force of this Act and on the advice of the Board, by legislative instrument make Regulations to

(a) prescribe disciplinary measures for a pre-tertiary education institution that fails to comply with the standards and guidelines issued by the Authority; and

(b) provide generally for the efficient and effective implementation of this Part.

Interpretation

100. In this Part, unless the context otherwise requires,

“Authority” means the National Schools Inspectorate Authority established under section 87;

“Board” means the governing body of the National Schools Inspectorate Authority established under section 90;

“District Assembly” includes a Metropolitan Assembly and a Municipal Assembly;

“Inspector-General of Schools” means the person appointed under section 93;

“Minister” means the Minister responsible for Education; and

“relevant institutions” includes the Education Service, the National Council for Curriculum and Assessment, the Technical and Vocational Education and Training Service, and the District Assembly.

Transitional provisions

101. (1) The assets, rights, obligations and liabilities accrued in respect of the properties vested in the National Inspectorate Board and the persons employed by the National Inspectorate Board immediately in existence before the coming into force of this Act are transferred to the Authority established under this Part and, accordingly, proceedings taken by or against the National Inspectorate Board may be continued by or against the Authority.

(2) Any moneys in a bank account held by or on behalf of the National Inspectorate Board immediately in existence before the coming into force of this Act is transferred to the Authority established under this Part.

(3) A contract subsisting between the National Inspectorate Board and another person immediately before the coming into force of this Act shall subsist between the Authority established in this Part and the other person.