
Institutional and Legal Framework for Liberalised Higher Education in Ghana

Introduction

The essence of this chapter is to address two main concerns, namely: the legal and policy framework that guides the operation of higher education in Ghana; and an examination of the statutory institutional arrangements for ensuring high academic standards in the country. The focus of attention in dealing with these matters is on the roles of the National Council for Tertiary Education (NCTE) and the National Accreditation Board (NAB). A narration is provided on the context in which the two institutions emerged and their respective roles as regulatory bodies. The discussion also touches on the interface that exists between the two regulatory bodies on one hand; and the institutions of higher education, on the other.

The Statutory Institutions and their Regulatory Roles

The Universities Rationalisation Commission's (URC) report was to make a far-reaching impact on the future of higher education in Ghana. The recommendations resonated well with the government's ideological position; and hence there was no difficulty for its adoption. The government's White Paper (1991) *Reforms to the Tertiary Education System*, just as its root URC report, was clearly bent on disengaging the state from its prior responsibilities as the sole founder and funder of university education in the country. The developments in the Ghanaian higher education scene to a great extent mimicked the prevailing World Bank agenda for higher education in Africa.

The rationalisation policy for pre-university education which aimed at universal compulsory education at the basic level had begun to churn out large numbers of school leavers. The consequence was that a large number of higher education seekers, which the existing public universities could hardly absorb, were now applying for admissions. The government, therefore, adopted a two-pronged approach in dealing with the emerging situation. In the first place, the government sought the support of the World Bank through the International Development Association (IDA), to undertake infrastructural expansion in the existing public universities to increase intake. The second approach was to liberalise the higher education landscape for private sector participation. This enabled the private sector players to strategically position themselves in the space to provide higher education services.

But in implementing the liberalised higher education system, the government had anticipated the challenges that the corporate governance cultures were going to bring to bear on higher education leadership. The critical role higher education is expected to play everywhere is the development of the critical corps of human resources for national development. In sum, this means that universities should strive in maintaining their intrinsic and extrinsic qualities so as to remain nationally and internationally relevant. However, the logics of the marketplace can confound the intrinsic qualities of higher education especially in a developing country; if they are not subjected to effective regulatory mechanisms. It is for this reason that the White Paper entailed proposals for the establishment of statutory regulatory bodies that were to be vested with enough authority to sanitise, restructure and reorganise the tertiary education landscape in Ghana. The implementation of the proposals saw the establishment of the following statutory regulatory bodies: The National Council for Tertiary Education (NCTE), National Accreditation Board (NAB) and the National Board for Professional and Technician Examinations (NABPTEX).

The role of these statutory institutions in regulating higher education has been fortified by legal provisions that define their powers and the kind of interface that should exist between the regulators and the institutions. We shall look at their respective roles in turn; and in our specific case we shall focus on the National Council for Tertiary Education (NCTE) and the National Accreditation Board (NAB) only, since the activities of the National Board for Professional and Technician Examinations (NABPTEX) do not affect the institutions covered in the study.¹³ It should be added that the superintendent roles of these statutory bodies are exercised over both public and private institutions for the sake of protecting the integrity of higher education standards. The bodies act jointly in advising the Minister responsible for Education, who then advises the government on all

matters concerning education in the country. We will now discuss the regulatory responsibilities of the NCTE and the NAB in turn.

National Council for Tertiary Education

The National Council for Tertiary Education (NCTE) is the statutory body that oversees the administration of institutions that are classified as tertiary educational institutions in Ghana. The NCTE serves mainly as the supervisory and regulatory body that advises government through the Minister responsible for Education on matters that relate to tertiary education. The NCTE was established by an Act of Parliament Act 454 of 1993; and charged, under Section 2(1) of the Act, to perform a myriad of functions that span the following:

- a. to advise the Minister on the development of institutions of tertiary education in Ghana;
- b. to enquire into the financial needs of the institutions of tertiary education and advise the Minister accordingly;
- c. to recommend to the Minister for the purpose of the preparation of annual national education budget;
 - i. block allocations of funds toward running costs; and
 - ii. grants towards capital expenditure of each institution of tertiary education, indicating how the allocations are to be disbursed;
- d. to recommend national standards and norms, including standards and norms on staff, costs, accommodation and time utilisation for the approval of the Minister and to monitor the implementation of any approved national standards and norms by the institutions;
- e. to advise governing councils of institutions of tertiary education on suitable measures for generating additional funds for their institutions;
- f. to advise the institutions of tertiary education on the applications for and acceptance of external assistance in accordance with government policy;
- g. to advise the Minister generally on rates of remuneration and other conditions of service of staff of the institutions;
- h. to publish information on tertiary education in Ghana; and
- i. to perform any other functions relating to tertiary education as are incidental to the functions specified in this Act.

To perform its assigned functions, the NCTE has crafted a Charter, in which is proffered a vision of '[L]eading tertiary education to greater heights.' The

realisation of the vision is embedded in its mission statement that the 'NCTE is devoted to providing leadership in the direction, functions, role and relevance of tertiary education in Ghana.' The tasks that the NCTE is responsible for are:

- Considering applications for the introduction of new programmes in tertiary institutions and advising on their relevance for national development;
- Advising on the establishment of norms for effective management of tertiary institutions and monitoring their performance;
- Preparation of composite budgets for the tertiary sector;
- Presentation of the tertiary sector budget to the Ministry of Finance and Economic Planning and to the Parliamentary Select Committee on Education;
- Processing inputs for the release of subventions;
- Disbursement of approved subventions to tertiary institutions;
- Collection of and submitting monthly returns on subvention and internally generated funds from the institutions to Ministry of Finance and Economic Planning and the Controller and Accountant Generals Department;
- Preparation of Annual budget reports of the tertiary sector;
- Collection of data from tertiary institutions and publishing annual statistical digest;
- Facilitation of negotiations for salaries and Conditions of Service for staff of Universities and Polytechnics;
- Providing information on tertiary education to local and international stakeholders;
- Coordination of donor projects involving the entire tertiary sector such as Teaching and Learning Innovation Fund (TALIF) with the World Bank support;
- Liaison between tertiary institutions, government and other stakeholders on tertiary education issues;
- Publishing information on tertiary education in Ghana; and
- Organisation of orientation workshops on leadership development for newly appointed heads of institutions and in governance for newly appointed Council members.

It is important to note that the NCTE has recognised the need for organising 'orientation workshops on leadership development for newly appointed heads of institutions and in governance for newly appointed Council members.' This is an indication that the NCTE recognises the need to strengthen the capacity of

leadership in these institutions as a way of fulfilling its vision of leading tertiary education to greater heights.

Even though the NCTE was established to oversee the affairs of both public and private tertiary institutions, its attention is more steeped to addressing matters of public higher education institutions than those of the private sector. It is obvious from the list of its proclaimed tasks that the NCTE is tilted towards the public institutions where it is expected to intermeditate between the public tertiary institutions and government. The scope of this intermediation covers budgeting for the tertiary sector, processing and disbursement of funds for the tertiary institutions, among other things. The NCTE is also responsible for publishing information about tertiary institutions in Ghana. The most vital information about all the tertiary institutions for the general public are about their accreditation status in respect of the courses and programmes they roll out. It is in this respect that role of the NAB becomes an essential complement to that of the NCTE.

The National Accreditation Board

The National Accreditation Board (NAB) is another stakeholder charged by the state to superintend the affairs of tertiary educational institutions in Ghana. The NAB works in close collaboration with the NCTE to actualise the objective of ensuring that leadership capabilities are apt and academic standards are high. The NAB, therefore, serves principally as the quality assurance body in the higher education sector. The proposal for the establishment of a body to that effect was mentioned in both the URC report and the White Paper. In both documents, it was envisaged that a Board of Accreditation that could contribute to the 'furtherance of better management of tertiary education' as the quality assurance body at the tertiary education level was one of the efforts in achieving this goal. It was this body that was christened the National Accreditation Board (NAB) upon its establishment; which was to ensure that the integrity of Ghana's higher education was not compromised.

The NAB was also established in 1993 with the enactment of PNDCL 317, 1993. The original legislation was replaced by the National Accreditation Board Act, 2007, Act 744. As a stakeholder in higher education in Ghana, the NAB is mandated to:

- Accredite both public and private (tertiary) institutions with regard to the contents and standards of their programmes.

- Determine, in consultation with the appropriate institution or body, the programme and requirements for the proper operation of that institution and the maintenance of acceptable levels of academic or professional standards;
- Determine the equivalences of diplomas, certificates and other qualifications awarded by institutions in Ghana or elsewhere.
- Publish as it considers appropriate the list of accredited public and private institutions at the beginning of the calendar year.
- Advise the President on the grant of a Charter to a private tertiary institution.
- Perform any other functions determined by the Minister.

In accordance with its mandate, the NAB has indicated in its strategic plan a vision for ensuring 'high standards in tertiary education' in Ghana. And in consonance with the declared vision, the NAB stated further in its mission statement that it is to 'provide the best basis for establishing, measuring and improving standards in tertiary education in Ghana.'

In doing so, the NAB seeks to:

- Reach out to a wider public by providing objective information about tertiary educational institutions and standards of their academic programs;
- Determine the equivalences of both local and foreign qualifications,
- Guide the Nation's effort to expand the access to tertiary education, ensuring the quality is not sacrificed in this quest,
- Establish credibility through relentless responsiveness to the needs of the nation and stakeholders in the tertiary education sector in Ghana.

The Accreditation Process in Ghana

The NAB has put in place a rigorous accreditation process for all programmes and courses that are run in institutions of higher education in the country. This brings the NAB to interface with the public and private tertiary institutions in ensuring that the integrity of high academic service delivery in the country is maintained. By the rules, an institution of higher education is only recognised to award certificates if it is duly accredited. The accreditation process demands that an institution applies to the NAB for the consideration of its programmes and courses for accreditation. The NAB, on receipt of the application, activates a demanding process of examining the capacity of the institution to carry out the programmes they applied for. A number of variables come under a close scrutiny in assessing the contents of the programmes and the environment in which the intended courses would be rolled out.

In the assessment of a programme, there are requirements for the institution to indicate the philosophy that girds the programme; and also for the statement of the objectives of the programme. The prospects of the programme for national development and the benefits that the programme would bring to the students are required as well. In terms of the benefits of the programme to the student, it is expected that the institution seeking the accreditation should indicate the job prospects for the student in the domestic economy. These requirements are necessary for ensuring transparency to the consumer and the avoidance of short-changing the general public.

The institutional capacity to run an intended programme is critical to the pursuance of the philosophy of the programme and the realiaation of the objectives. The NAB therefore takes a serious view of the academic capacity of the staff by examining, among other things, the academic qualification of teaching, research and administrative staff. Beyond the academic qualification, NAB takes a close look at the level of experience, professional ranking of faculty and evidence of contribution to knowledge of faculty through publications. In addition, the NAB also looks at the capacity of the support staff in the academic service delivery. The working environment for the staff and the equipment available for the services are also examined. This is to, for instance, ensure that laboratories are adequately equipped for the demands of the programme that accreditation is being sought for.

In carrying out its responsibility, the NAB relies on experts drawn from within and/or outside the country. In the case of professional courses, experts from recognised professional associations are invited to assist in the accreditation process. This is to ensure the integrity of the professional status of the programmes and to provide recognition to the products that are churned out. In the process of programme accreditation, the NAB seeks to avoid undue duplication of programmes that are offered by institutions.

Since cost has become an important element in the contemporary higher education system, the NAB also finds out the cost and the sources of funding of programmes. For public institutions in particular, the cost implications on the national purse comes under scrutiny, as this is needed for the workings of the composite budget for tertiary institutions by the NCTE.

An important aspect of the accreditation process is an examination of the infrastructural and logistics capacity of the institution in question. This is done to create a good teaching and learning environment that would be comparable to international standards. In this regard, the lecture spaces, libraries, laboratories, teaching aids, equipment in the laboratories, office equipment and any other

ancillary materials are examined by the NAB. Related to this is an assessment of the student/lecturer ratio. The negative implication of massification in lecture halls has underscored the need for the NAB to take a hard look at such matters.

The NAB has definite assessment criteria, whereby institutions being assessed are awarded scores on all the issues that are being examined. Upon a comprehensive examination of the issues, an institution that seeks an accreditation may either be recommended for accreditation or fail to be recommended. In all cases, the NAB may make recommendations to the institution for the remediation of the deficiencies that had been identified. Programme accreditations are for definite period of time and institutions are required to initiate moves for reaccreditation of their programmes when existing accreditations are about to elapse.

By October 2013, the NAB had accredited eight public universities, namely: Kwame Nkrumah University of Science and Technology in Kumasi; University of Education in Winneba; University for Development Studies in Tamale; University of Cape Coast in Cape; University of Energy and Natural Resources in Sunyani; University of Ghana in Accra; University of Health and Allied Science in Ho; University of Mines and Technology in Tarkwa and the University of Professional Studies in Accra.¹⁴

The number of accredited private degree awarding institutions is 51. Forty-eight of these are university colleges; that are affiliated to public universities. There are four chartered private universities; which are the Akrofi-Christaller Institute of Theology, Mission and Culture in Akropong-Akuapem; Trinity Theological College in Accra, Central University and the Valley View University in Accra.¹⁵