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MODULE TWO

UNIT TWO

Government Organisation and Functions

Introduction

In Unit 1 you were introduced to the concept of the school as an organisation. In this unit, we will look at the government as another type of organisation and how this is likely to affect the quality of management in your school. The unit should also enable you to relate the application of the general principles of management to the running of public affairs in your country.

Individual study time: 2 hours

Learning outcomes

After working through this unit you should be able to:

- relate your responsibilities and duties to the functions of the central government ministries and organisations responsible for education and training
- advise teachers on their roles, responsibilities and duties in relation to functions of government
- promote responsible citizenship based on your understanding of the legislative, administrative and judicial provisions in your country
- abide by the laws of the land while discharging your official executive duties.

What is government?

A government is the part of the organisation of a state which has powers to legislate, that is to make laws. The purpose of a government is to promote and propagate justice for all the citizens of a country for the public good.

The legal framework of a government is the constitution of the country. A constitution describes all the constituent parts of the government, their composition and their powers and functions. It also states and guarantees the fundamental rights and freedoms of each individual.

Activity 2.1

It is important that you should realise that as a head you have a local role in determining the quality of government in your country. Explain how this might be and how you may also influence the attitude and behaviour of the pupils and teachers, as well as parents and members of the public, towards the government.

Comments

You may help to determine the quality of government locally through voting, but also as a community leader. Although some people maintain that the social position of the head in the local community has diminished in recent years, this depends on the view heads have of themselves and what they can, and perhaps should, contribute to the wider community. You should be able to think of many cases of heads who have done this, and usually you will also find that their schools are recognised as good. By involving staff and pupils in the management of your school you will be demonstrating in a practical way how (on a smaller scale) democracy may work.

Unitary and federal systems of government**Decentralisation**

Three different types of decentralisation may be recognised:

Deconcentration: The dispersion of authority to branch offices, for example, the payment of teachers' salaries at district level.

Devolution: Powers transferred by law to sub-national bodies, for example, tax raising powers given to local authorities.

Delegation: Central powers 'lent' to local authorities (but readily revoked without legislation), for example, district education offices responsible for the opening of new schools.

In unitary systems of government, the central authority has all the principal powers of the state. The decentralisation of functions to regions may be done through deconcentration, devolution and delegation from the central authority. Examples of unitary states include Ghana, Kenya, Namibia and Zimbabwe.

In federal systems of government, provinces or states have powers delegated by the constitution. Nigeria, Pakistan and the United States of America provide examples.

With increased demands for democracy, for people to take more decisions on matters affecting their lives, many unitary systems of government are increasing levels of decentralisation of some powers and functions to the administrative regions, districts and local authorities and also to schools.

Activity 2.2

- (1) Do you have a federal or unitary system of government in your country?
- (2) Give three examples of how authority has been decentralised in your country.

15 minutes

Comments

In many countries governments still maintain quite tight central control over most aspects of education. However, there are, increasingly, moves to provide more local

management and authority to schools. The examples you have given of decentralised authority will depend very much on the political situation in your country. In countries with limited decentralisation schools may be allowed to:

- choose their own textbook titles (from a prescribed list)
- select their own teaching staff (within a prescribed establishment)
- decide on when the staff may take their annual leave.

In countries with considerably more decentralisation schools may be allowed to:

- decide how the school budget is distributed
- select their own teaching staff
- raise funds for the school.

The arms of government

Many countries have three main arms of government. In management, this is a principle involving the separation of powers. The three arms are:

- the Legislature
- the Judiciary
- the Executive.

The Legislature

Parliament is made up of the President of the Republic and the National Assembly. Elected, and maybe also nominated, Members of Parliament who belong to various political parties constitute the National Assembly.

Subject to the provisions of the Constitution, Parliament has the power to make laws for the peace, order, liberty and good governance of the country. Its main functions are:

- legislation and formulation of policies
- control of the public budget and expenditure
- control of the executive
- representation of the people on matters of national concern (Note: in some countries, presidential directives become law without being debated by Parliament. However, this arrangement depends on the presidential powers in the constitution.)

The Speaker presides over meetings of the National Assembly. The Speaker is elected from among persons who are members of the National Assembly, excluding the President, Vice-President, Ministers, Deputy Ministers, and the Attorney-General. The Speaker is an ex-officio member of the National Assembly.

The Principal Administrative Officer of the National Assembly is the Clerk. He is responsible for the management of the staff of the National Assembly, its finances, and all other matters relating to the operation of the National Assembly.

The Judiciary

The judicial arm of government settles disputes which arise out of the laws made by the Legislature. When such laws are administered by the Executive, disagreements inevitably occur, which need to be settled by an independent body, the Judiciary. This

should ensure that justice prevails. Laws are intended to guide and regulate the behaviour of individuals in society for their own common good, and to serve individual interests without fear or favour. Justice is administered in courts of law where civil and criminal cases are heard before a judge or magistrate and with lawyers arguing for each side: the prosecution and the defence.

The Chief Justice and other senior judges are appointed by the President on the advice of the Judicial Service Commission, where such exists. Once appointed, it is not easy to remove a judge. The security of tenure for the office of the judge is stated in the constitution. The Chief Justice is usually the head of the Judiciary.

Types of disputes

Civil disputes between individuals and the state may be settled through the courts according to the provisions of the law. The individual is protected against the excesses of government through the arbitrary action of government officials. Civil disputes may also occur between individuals.

In criminal cases, the state prosecutes a person for an alleged crime. The sentence for those found guilty is within the discretion of the court.

Thus the Judiciary acts as the guardian of the constitution in both civil and criminal matters. The Judiciary makes sure that the action of the officials of the Executive are in accordance with the provisions of the Constitution. Thus it is that Acts of Parliament are seen to be constitutional in both word and deed.

Judges

Independence of the Judiciary is ensured through the security of tenure of judges. Salaries for judges are a permanent charge on the Consolidated Fund and are not subject to debate by Parliament in the National Assembly, except where the salaries of judges as a professional body are to be reviewed. Sub judice cases, that is cases which are before the court, are not subject to discussion outside courts. Questions and debates in the National Assembly concerning cases in court are not allowed by the standing orders. Like Members of Parliament in the National Assembly, judges in the courts enjoy special privileges and cannot be sued for anything they do while officially discharging their duties. Any judge or magistrate can decide a case without any fear of recrimination for the decision made in a court of law. Decisions made by judges are legally binding and cannot be criticised in public. Such decisions can be reviewed in a superior court of law on appeal by the aggrieved parties. People may be tried and convicted for contempt of court when they are found accused of discussing sub judice cases outside the law courts.

[Module 7, The Governance of Schools](#), also touches on the relationship between schools and the law.

The Executive

The executive arm of the government administers and enforces the laws which are enacted by the National Assembly. The Executive consists of:

- the President, who is the Head of State and Government; the Commander-in-Chief of all the Armed Forces
- the Vice-President (or the Prime Minister in some countries)
- Ministers and Deputy Ministers: all these are members of the National Assembly
- all public servants.

In some countries, teachers and Education Officers are all employees of the Public Service Commission. In other countries, teachers are employed by a Teachers' Service Commission. In any case, all civil servants, judges, teachers, doctors employed by the government and its agencies are public servants.

Some of the important bodies in the Executive include:

- the Cabinet and Government Ministers
- the Office of the Attorney-General
- the Public Service
- local authorities
- parastatals - government agencies and state corporations
- non-ministerial departments: the Exchequer and Audit Department.

The Cabinet

The Cabinet consist of the President, the Vice-President, Ministers and the Attorney-General. The function of the Cabinet is to assist and advise the President on matters pertaining to the running of the country. The Cabinet considers and formulates the entire government policy. In the Cabinet, the principle of collective responsibility to the National Assembly is emphasised. All things done by or under the authority of the President, the Vice-President or any other Minister in execution of their office may be regarded as the best joint effort of the government. The members of the Cabinet are expected to act together as a team and speak with one voice.

The Attorney-General

The Attorney-General or Solicitor General in some countries is an ex-officio member of the National Assembly. He or she is the principal legal adviser to the government and is a member of the Cabinet with ministerial status. All the legal needs of government ministries and departments are provided by the Attorney-General's chambers. The security of tenure of the office of the Attorney-General is provided for in the Constitution.

(Note: The head of a government school may have the representation of the Attorney-General in all legal matters of an official nature.)

The Public Service

The Public Service is made up of the civil service, the local authorities and the parastatal government agencies. The Public Service Commission is the personnel agency of the government, involved, for example in all recruitment and disciplinary matters.

Local Authorities

These are composed of elected councillors, who are expected to control and

administer local government areas. The types of Local Authorities which exist varies between countries and may include: County or District Councils, and Municipal, Town or City Councils.

The overall policy operations and functions of the local authorities are usually co-ordinated by a Ministry of Local Government.

Parastatals

These government agencies are state corporations which are established through Acts of Parliament in pursuance of government policy. The corporations are manned by non-civil servants but in close co-operation and under the supervision of the parent government ministries.

Ministries

The civil service in many countries is divided into ministries and departments. Each of these is responsible for some particular aspect of government activity.

The political head of the government ministry is the Minister, who is constitutionally and politically responsible and accountable to the National Assembly for its operation. The Minister is responsible for the general policy, direction, and control of the ministry.

The Permanent Secretary is the administrative head of the ministry. In some countries, the Permanent Secretary is called the Principal Secretary. The Permanent Secretary is the chief executive, accounting officer, and the authorising officer in a ministry for all operational and administrative functions. Beneath the Permanent Secretary there are Directors who provide professional advisory services to the Permanent Secretary and to the Minister, as well as administer their fields of responsibility.

There are many different types of ministries, which may be broadly categorised into:

Government policy co-ordination ministries: These are primarily concerned with the formulation of high level policy and co-ordination of functions and operations of other government ministries and departments. These ministries include: the Office of the President, the Office of the Prime Minister, the Treasury, the Ministry of Planning and National Development, the Ministry of Local Government and Regional Administration.

The service and welfare ministries: These include Education and Culture, Health, Public Works, Agriculture, etc.

The structure of a government ministry may vary in matters of detail between countries but generally, in most ministries, below the Permanent Secretary, there are: one or more professional or technical divisions dealing with specialised areas, such as school inspection and curriculum support services. For example, administrative divisions to deal with Finance, Accounts, Supply Services, Personnel Matters,

Planning and Development, Research and Evaluation. These may be headed by a Deputy Secretary or Under Secretary.

Within each ministry there will be ministerial management committees, for example:

- a Consultative Committee chaired by the Minister
- a Management Committee chaired by the Permanent Secretary
- an Advisory Committee and Tender Board chaired by the Deputy Permanent Secretary
- a Training Committee
- Directorate Management Committees for each of the various professional/technical groups.

All these committees exist to ensure the effective management of a government ministry. Task Forces and ad hoc committees may also be set up to look into specific problems and issues.

Activity 2.3

Obtain an organisation chart for the Ministry of Education in your country. Indicate clearly your position on the chart and the lines of communication between you and the Minister.

15 minutes

Summary

In all systems of government all ministries and departments are under political direction. In democratic systems, where the party in power has been chosen by popular vote in a public election held in free competition with other parties, Acts of Parliament and other statutes provide the rules which define how the education system is to be organised and managed. All public servants are accountable for their work, to Parliament and to the party in power. The executive, judicial and legislative arms of government each provide a different balance in the operation of political power and its application to the government of our country. Thus, in theory, public servants including school heads, should not be afraid of direct interference in the day-to-day management of their schools. In reality, in many countries in Africa, a school head must be prepared to accommodate some political influence in the manner in which he or she manages the affairs of the school. This is an important point to bear in mind when considering school management functions, the topic of the next unit, [Unit 3](#).

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