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Act 744



REPUBLIC OF GHANA

THE SEVEN HUNDRED AND FORTY-FOURTH

ACT

**OF THE PARLIAMENT OF THE REPUBLIC
OF GHANA
ENTITLED**

NATIONAL ACCREDITATION BOARD ACT, 2007

AN ACT to establish the National Accreditation Board and to provide for related purposes.

DATE OF ASSENT: *20th August, 2007.*

ENACTED BY the President and Parliament:

The Board

Establishment of the National Accreditation Board

1. (1) There is established by this Act a body known as the National Accreditation Board consisting of

- (a) a chairperson,
- (b) two representatives of the public universities each not below the rank of a senior lecturer,
- (c) one representative nominated by each of the following bodies:
 - (i) the accredited private universities not below the rank of senior lecturer,
 - (ii) other accredited private tertiary institutions,
 - (iii) the association of heads of public polytechnics,
 - (iv) the National Council for Tertiary Education,
 - (v) the Public Services Commission,
 - (vi) the association of professional bodies,
 - (vii) the National Board for Professional and Technician Examinations,
 - (viii) The West African Examinations Council,

(ix) The Attorney-General's Department not below the rank of Principal State Attorney,

(d) the Executive Secretary, and

(e) two other persons nominated by the Minister, one of whom is a woman.

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

Functions of the Board

2. (1) The Board is responsible for the accreditation of both public and private institutions as regards the contents and standards of their programmes.

(2) Without limiting subsection (1), the Board shall

(a) determine the programmes and requirements for the proper operation of an institution and the maintenance of acceptable levels of academic or professional standards in the institution in consultation with that institution;

(b) determine the equivalences of diplomas, certificates and other qualifications awarded by institutions in the country or elsewhere;

(c) publish as it considers appropriate the list of accredited public and private institutions and programmes at the beginning of each calendar year;

(d) advise the President on the grant of a Charter to a private tertiary institution; and

(e) perform any other functions determined by the Minister.

Tenure of office of members

3. (1) A member of the Board other than the Executive Secretary shall hold office for a period not exceeding three years and is eligible for re-appointment.

(2) Where a member of the Board, resigns, dies, is removed from office or is for a sufficient reason unable to act as a member, the Minister shall notify the President of the vacancy and the President shall, acting on the advice of the nominating body and in accordance with article 70, appoint another person to hold office for the unexpired portion of the member's term of office.

(3) A member of the Board other than the Executive Secretary may at any time resign from office in writing addressed to the President through the Minister.

(4) A member of the Board who is absent from three consecutive meetings of the Board without sufficient cause ceases to be a member of the Board.

(5) The President

(a) may, and

(b) shall at the request of a nominating body,

by letter addressed to a member revoke the appointment of that member.

Meetings of the Board

4. (1) The Board shall meet at least once every three months for the despatch of business at the times and in the places determined by the chairperson.

(2) The Chairperson, at the request in writing of not less than one-third of the membership of the Board, shall within fourteen days convene an extraordinary meeting of the Board at the place and time determined by the chairperson and in the absence of the chairperson, the Executive Secretary shall convene the meeting.

(3) The quorum at a meeting of the Board is eight members of the Board or a greater number determined by the Board in respect of an important matter.

(4) The chairperson shall preside at meetings of the Board and in the absence of the chairperson, a member of the Board elected by the members present from among their number shall preside.

(5) Matters before the Board shall be decided by a majority of the members present and voting and in the event of an equality of votes, the person presiding shall have a casting vote.

(6) The Board may co-opt a person to attend a Board meeting but that person shall not vote on a matter for decision at the meeting.

(7) The proceedings of the Board shall not be invalidated by reason of a vacancy among the members or a defect in the appointment or qualification of a member.

(8) Subject to this section, the Board may determine the procedure for its meetings.

Disclosure of interest

5. (1) A member of the Board who has an interest in a matter for consideration by the Board shall disclose in writing the nature of that interest and is disqualified from participating in the deliberations of the Board in respect of that matter.

(2) A member who contravenes subsection (1) ceases to be a member.

Establishment of committees

6. (1) The Board may establish committees consisting of members of the Board or non-members or both to perform a function the Board may determine except that a committee composed entirely of non-members may only advise the Board.

(2) A committee of the Board may be chaired by a non-member of the Board.

Allowances

7. Members of the Board and members of a committee of the Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Accreditation

Accreditation exercise

8. (1) An accreditation exercise may be initiated by the Board or an institution itself and shall be in relation to the institution or its programme or to both.

(2) Despite subsection (1), the Board shall carry out an accreditation exercise in respect of each institution at least once every five years.

(3) An institution shall not operate or run a programme without accreditation.

Appointment of panel

9. (1) The Board may appoint a panel to conduct an accreditation exercise.
(2) The panel which shall consist of a chairperson and other persons not exceeding eight shall be constituted by the Board having regard to their professional, academic, industrial or commercial competence.
(3) The panel may include members of the Board.

Board to issue certificate

10. The Board shall issue a certificate in respect of accreditation granted to an institution or given for a programme.

Variation or Revocation of Accreditation

11. The Board may
- (a) vary a certificate of accreditation where the Board is of the opinion, that the variation:
 - (i) is necessary having regard to the national education policy,
 - (ii) may assist the institution concerned to carry out its function in a more efficient manner, or
 - (b) revoke a certificate of accreditation, where the Board is of the opinion that:
 - (i) the institution concerned is not carrying out its functions in a proper manner,
 - (ii) the institution is in breach of its certificate of accreditation, or
 - (iii) the revocation is necessary having regard to the national education policy.

Grant of Charter

12. The President may grant a Charter to a private tertiary institution to enable the institution issue certificates, diplomas or degrees.

Foreign Registration

13. A foreign tertiary institution that seeks to operate in Ghana shall apply to the Board to be registered.

Administration

Executive Secretary

14. (1) The President shall, appoint the Executive Secretary of the Board in accordance with article 195 of the Constitution.
(2) The Executive Secretary shall hold office on the terms and conditions specified in the letter of appointment.
(3) The Executive Secretary is the secretary to the Board.

Functions of the Executive Secretary

15. (1) The Executive Secretary is responsible for the day to day administration of the affairs of the Board and is answerable to the Board in the performance of functions under this Act.

(2) The Executive Secretary shall perform other functions determined by the Board.

(3) The Executive Secretary may delegate a function to an officer of the secretariat of the Board but shall not be relieved from the ultimate responsibility for the performance of the delegated function.

Appointment of other staff

16. (1) The President shall in accordance with article 195 of the Constitution, appoint other staff of the Board that are necessary for the proper and effective performance of its functions.

(2) Other public officers may be transferred or seconded to the Board or may otherwise give assistance to it.

(3) The Board may engage the services of advisers and consultants on the recommendation of the Executive Secretary.

Finance and miscellaneous matters

Funds of the Board

17. (1) The funds of the Board include

- (a) moneys approved by Parliament,
- (b) grants received from the Government,
- (c) fees charged by the Board in the performance of its functions,
- (d) return an investments by the Board, and
- (e) donations or gifts.

(2) The Board may invest moneys that are not required for immediate use.

Accounts and audit

18. (1) The Board shall keep books of account and proper records in relation to them in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Board to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after the receipt of the accounts, audit the accounts.

(4) The Internal Audit Agency Act, 2003 (Act 658) shall apply to this Act.

(5) The financial year of the Board is the same as the financial year of the Government.

Annual report and other reports

19. (1) The Board shall within one month after the receipt of the audit report, submit an annual report to the Minister covering the activities and the operations of the Board for the year to which the report relates.

(2) The annual report shall include the report of the Auditor-General.

(3) The Minister shall, within one month after the receipt of the annual report, submit the report to Parliament with a statement that the Minister considers necessary.

(4) The Board shall also submit to the Minister any other reports which the Minister may require in writing.

Obtaining information

20. (1) The Board may, for the proper and efficient performance of its functions, authorise the Executive Secretary, an employee of the Board or any other person to request information from an institution and the institution shall comply with the request.

(2) The Executive Secretary, an employee or any other person authorised by the Board shall have access to the relevant records, books or facilities of the institution requested to provide the information.

Closure of institution

21. (1) Where the Board is satisfied that

(a) the location and operations of an institution are detrimental to the physical or moral welfare of the students who attend it,

(b) the institution is operating below the minimum standard acceptable to the Board, or

(c) the continued existence of the institution is against the public interest, the Board shall formally notify the institution to rectify the deficiencies within a period not exceeding six months.

(2) If at the end of the period the rectification has not been effected, the Board shall inform the Minister who shall notify the proprietor to close the institution within a specified time.

(3) Where the proprietor fails to close down the institution as provided for in subsection (2), the Board shall close down the institution.

Cost recovery

22. Where the Board incurs any expenditure as a result of failure of an institution to comply with a direction given by the Board to the institution, the Board shall take the action it considers appropriate for the recovery of the expenditure.

Sanction for operating an unaccredited institution or programme**23.** Where

- (a) the accreditation of an institution is not renewed, or
- (b) the accreditation of a programme is not renewed

and the institution continues to operate or run the programme the Board may recommend the appropriate action or sanction which may include withdrawal of public funds, student loans or the transfer of students to another institution.

Offences and penalties**24.** A person who

- (a) operates an unaccredited institution,
- (b) runs an unaccredited programme,
- (c) advertises an unaccredited institution or an unaccredited programme,
- (d) fails to register a foreign institution,
- (e) refuses to comply with a request for information made by or on behalf of the Board,
- (f) denies access to relevant records, books or facilities to a person authorised by the Board to obtain the information,
- (g) obstructs a person authorised by the Board to obtain information, or
- (h) provides information which that person knows is false or does not have a reason to believe to be true

commits an offence and is liable on summary conviction to a fine of not more than three hundred penalty units or to a term of imprisonment of not more than two years or to both.

Regulations**25.** The Minister may on the recommendations of the Board, make

Regulations, by legislative instrument, for

- (a) the types of accreditation to be granted to an institution;
- (b) the procedure for the conduct of an accreditation exercise;
- (c) procedure for registration;
- (d) the fees to be charged for services rendered by or on behalf of the Board; and
- (e) any other matter necessary for the effective implementation of the provisions of this Act.

Interpretation

- 26.** In this Act, unless the context otherwise requires,
- “accreditation” means the status accorded a tertiary institution or programme that satisfies the relevant standards determined by the Board;
 - “Board” means the National Accreditation Board established under section 1;
 - “Executive Secretary” means the Executive Secretary appointed under section 14;
 - “function” includes powers and duties;
 - “institution” means tertiary educational institution;
 - “Minister” means Minister responsible for Education;
 - “Moral welfare” means wellbeing concerned with the goodness and badness of human character, the distinction between right and wrong within accepted standards of human behaviour;
 - “public funds” means money from the Consolidated Fund, the Contingency Fund and other funds under the authority of an Act of Parliament;
 - “operating” includes advertising programmes and enrolling students;
 - “public university” means a university sponsored from public funds; and
 - “tertiary institution” includes a university, university college, post-secondary diploma awarding institution, professional body awarding certificates or diplomas or professional training institution.

Repeal and saving

27. (1) The National Accreditation Board Law, 1993 (P.N.D.C.L. 317) is hereby repealed.

(2) Despite the repeal of P.N.D.C.L. 317, the Regulations, notices, orders, directions, appointments or any other act lawfully made or done under the repealed enactment and in force immediately before the commencement of this Act shall be considered to have been made or done under this Act and shall continue to have effect until reviewed, cancelled or terminated.