

**"We are not well educated  
but learning on the job"**

# Governance and Accountability in the Provision of Public Primary Education in Uganda

SEPTEMBER 2024



Funded by:



ISER is a registered Non – Governmental Organization (NGO) in Uganda founded in 2012 to promote the effective understanding, monitoring, accountability, implementation and realization of economic and social rights.

This research report is part of the outputs of the Strengthening Public Accountability and Investment in Education (SPAIE) Project. The project aims, among others, to improve the functionality of social accountability mechanisms at the local level to foster equitable learning for all children in Uganda. It is being implemented by the Initiative for Social and Economic Rights (ISER) in partnership with the Civil Society Budget Advocacy Group (CSBAG) and the Uganda Society for Disabled Children (USDC) at the national level and in the three districts of Yumbe, Sheema and Namayingo. The project is funded by Education Out Loud which is Global Partnership for Education's ( GPE's) fund for advocacy and social accountability.

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## Executive Summary

For over two decades, Uganda's Universal Primary Education (UPE) program has been touted by Government as a transformative initiative, making education accessible to millions of children. However, beneath this apparent success story lies numerous challenges that threaten the very foundation of public primary education. Despite a remarkable surge in enrollment, from 3.1 million in 1996 to 8.6 million today, the system remains plagued by issues of quality, equity, and accountability. This report examines the critical governance and accountability challenges that have undermined the promise of UPE, and reveals how insufficient funding, weak oversight, and systemic gaps continue to hinder the delivery of truly equitable and high-quality public primary education for all.

Central to these challenges is the role of the national government in shaping policies, legislation, planning, budgeting, and financing for public primary education in Uganda. The absence of a comprehensive UPE policy has led to inconsistent implementation, uncertain resource allocation, and significant governance and accountability issues, all of which negatively impact the quality of education.

The report also examines the accountability mechanisms at the national level, highlighting the need for efficient and transparent use of public funds in education. Despite the increase in funding with the introduction of UPE, persistent governance issues due to policy and legal gaps continue to undermine the program's potential to deliver quality public primary education.

Additionally, the report explores the decentralized system of primary education delivery, focusing on the role of local governments in managing education services at this level. Local governments face significant challenges, including limited funding and weak governance structures, which hinder their ability to provide effective education services and exacerbate disparities in resource allocation and oversight.

Drawing on extensive primary research, including interviews with stakeholders from forty-eight primary schools in Namayingo, Sheema, and Yumbe districts, as well as consultations with national education officials, the report underscores the urgent need for reforms which must target governance and accountability at all levels to ensure equitable access to high-quality public primary education for Ugandan children. The report concludes with specific recommendations aimed at strengthening governance, enhancing accountability, and optimizing public funds to improve the overall standard of public primary education in Uganda.

## Introduction

Public primary education in Uganda is essentially implemented through the UPE programme, which started in 1997. Currently, there are a total of 36,285 primary schools, 62% of these are privately owned primary schools while 34 percent are government aided primary schools.<sup>1</sup>



**62%** are privately owned primary schools  
**34%** are Government aided primary schools

Of the 12,477 government aided primary schools,<sup>2</sup> 12,433 schools are implementing the UPE programme<sup>3</sup> and constitute what are more known as government primary schools though most of them are founded by religious institutions and local communities.

It is now over twenty-five years of the UPE programme implementation, and it has yielded mixed results. Access to primary education has significantly increased as evidenced by the enrolment. Primary school enrolment increased from 3.1 million in 1996 to 5.3 million in 1997, an increase of 73% compared to the 16% increase between 1995 and 1996.<sup>4</sup> It has now settled at around 8.6 million.<sup>5</sup> The delivery of public primary education is governed and accountable through various institutional levels, from the national level, local government level and down to the school level.

However, there remain valid concerns about the quality and equity in the public provision of primary education in the country in terms of learning outcomes and learning achievements. While these challenges are primarily attributed to inadequate funding,<sup>6</sup> weak governance and accountability mechanisms play a significant role in undermining effective delivery of quality primary education. Additionally, *the "absence of a UPE policy led to ambiguity in education direction, inconsistent implementation, accountability challenges, uncertain resource allocation,*

<sup>1</sup> Uganda Bureau of Statistics, Report on the Master List of Education Institutions in Uganda (MEIU) 2019, pp.21 & 26.

<sup>2</sup> Ibid.

<sup>3</sup> Wafula Jane, Cabinet approves Shs1.4 trillion to fix UPE gaps, Daily Monitor, September 20, 2023 at <https://www.monitor.co.ug/uganda/news/national/cabinet-approves-shs1-4-trillion-to-fix-upe-gaps-4374740> accessed on August 3, 2024

<sup>4</sup> Uganda Bureau of Statistics (2006), 2002 Uganda Population and Housing Census Analytical Report: Education and Literacy, p.9 at [https://www.ubos.org/wp-content/uploads/publications/03\\_20182002\\_CensusEducAnalyticalReport.pdf](https://www.ubos.org/wp-content/uploads/publications/03_20182002_CensusEducAnalyticalReport.pdf) accessed on August 3, 2024.

<sup>5</sup> Ministry of Education and Sports, Education and Sports Sector Fact Sheet 2002 – 2016 at <https://www.education.go.ug/wp-content/uploads/2019/07/FACT-SHEET-2016.pdf> accessed on August 3, 2024.

<sup>6</sup> National Planning Authority (2020), "Comprehensive Evaluation of the Universal Primary Education (UPE) Programme: Financing and Costing of UPE" No. 09.

*and potential impacts on quality of primary education, hindering the goal of providing equal and quality education for all children."*<sup>7</sup>

Governance and accountability are particularly foundational to efficient use of limited and inelastic public funding for education. While funding for primary education increased with introduction of UPE, governance and accountability has remained problematic. This can be attributed to various factors such as gaps in the policy, legal and structural frameworks. This research report documents the current status of school governance and accountability of public primary education right from the national to the school level. It concludes by recommending the reforms needed for improvement towards strengthened governance and accountability that fosters equitable learning for all children in Uganda.

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<sup>7</sup> Office of the Auditor General, Value for Money Audit Report on the Delivery of Universal Primary Education in Uganda, 2023.

## Methodology

This report was produced through exploratory research approach using both primary and secondary sources. It involved literature review, as well as interview of various stakeholders in the education sector – parents, SMCs, foundation bodies, headteachers, district education officials and Ministry of Education and Sports officials for both quantitative and qualitative data collection.

In total, the research team visited 48 primary schools in the districts of Namayingo, Sheema and Yumbe. In Namayingo, the research team visited nineteen UPE schools; eighteen UPE schools in Sheema and eleven UPE schools in Yumbe district. In each school, the research team interacted with four members of SMCs either individually or in a group; conducted parents focused group discussions with, on average, five parents per group, and individually interviewed one member of foundation body were the team managed to access some of them. The team also conducted interviews with the Headteacher or Deputy Headteacher for all the forty-eight UPE schools, District Education Officers and District Secretary for Education in the three districts. The field interviews were conducted from 20<sup>th</sup> to 24<sup>th</sup> May 2024. In each district, interviews were conducted in two sub-counties. In Namayingo district, interviews were conducted in Buswale and Mutumba sub-counties, in Sheema district, in Kigarama sub-county and Shuuku town council and in Yumbe district, in Odravu and Kei sub-counties.

The sampling was both purposive and random. The selection of district was purposive in that we picked districts where partners are implementing interventions under the SPAIE project. The selection of schools covered all the UPE schools in the sub-counties of the project implementation. In terms of respondents, sampling targeted particular office holders who are in position to provide the relevant information. However, when it came to particular persons to be interviewed, the research relied on random and convenience sampling in that teams interviewed individuals of the selected category, who were accessible and willing to participate.

At national level, the following were interviewed: the various Head of education secretariats for the Uganda Muslim Supreme Council and the Uganda Muslim Education Association; the Church of Uganda; and Catholic Church; Director Basic and Secondary Education; Ag. Director, Directorate of Education Standards; Commissioner Special Needs Education; Assistant Commissioner Basic Education; and Technical Advisor, Gender Unit of the Ministry of Education and Sports (MoES).

Interviews at the school-community level were conducted in either English or Runyankore, Lusoga, Samia, Aringati directly or through interpreters. No one was interviewed in the presence of their employer or any government official.

Interviews were structured, covering topics related to the schools' level of governance and accountability to parents and the community in general at primary school level, and financing for UPE with the ultimate aim of contributing towards improved public investment, strengthen governance and accountability that fosters equitable learning for all children in Uganda.

Most interviews lasted 40 to 60 minutes. All interviews took place in person. All interviewees were informed of the purpose of the interview, its voluntary nature, and the ways in which the information would be collected and used. Interviewers assured participants that they could decline to participate, end the interview at any time, or decline to answer any questions, without any negative consequences. Researchers obtained the consent of the interviewees to use the information they provided in this report. The names of all interviewees quoted in this report have been put with the interviewees consent. Interviewees were not provided with compensation in exchange for an interview. The researchers also conducted a review of secondary sources, including government reports and policy documents, legal framework, and literature on the topic.

## General Public Primary Education Governance and Accountability Context

Francis Fukuyama defines governance as government's ability to make and enforce rules, and to deliver services.<sup>8</sup> He takes Woodrow Wilson's approach which categorized governance as strictly about public administration as opposed to politics.<sup>9</sup> Bush on the other hand defines governance as a structure, with legitimate power and relationships, which involves processes for making decisions about the overall purpose of an educational institution.<sup>10</sup>

Kaufmann stretches the definition further by stating that governance, whether at the central or local level, must be seen to be democratic. Democratic governance implies a mandate for governments to create or strengthen mechanisms for public participation in decision-making, to abide by the rule of law, increase transparency in public procedures, and hold officials accountable.<sup>11</sup>

Accountability at the very basic level refers to the willingness and practice of individuals or institutions to take responsibility in given positions or arrangements and ensure that assigned roles are played, obligations and commitments are fulfilled and expectations are met in a demonstrable manner.<sup>12</sup> Here, accountability is seen not just as a reporting mechanism, but more so, as an assurance tool for social responsibility, which, nevertheless has to be demonstrable.<sup>13</sup> The World Bank, on its part, looks at accountability as the processes by which the education system holds itself responsible for delivering the appropriate services and meeting its goals for educating students.<sup>14</sup>

In general, governance involves shaping the overall direction of the school policy formulation and review and monitoring implementation, while accountability is about demonstration of how well the system or institution is using the allocated resources to achieve its core mandate.

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<sup>8</sup> Fukuyama Francis, (2013) What is Governance? Center for Global Development Working Paper No. 314, Available at <http://dx.doi.org/10.2139/ssrn.2226592> accessed on August 2, 2024.

<sup>9</sup> Wilson, W. (1887). The Study of Administration. *Political Science Quarterly*, 2(2), 197–222. <https://doi.org/10.2307/2139277> accessed on July 25, 2024.

<sup>10</sup> Bush's definition of Governance - Bush, T. (2011). Theories of educational leadership and management (4<sup>th</sup> ed.). London: Sage.

<sup>11</sup> Kaufmann et al, Governance Matters, Policy Research Paper 2196, World Bank, 1999.

<sup>12</sup> Wagner, Robert B (2013), Accountability in education: A philosophical inquiry. Routledge.

<sup>13</sup> Escap, U. (2006). What is Good Governance? United Nations Economic and Social Commissions for Asia and the Pacific.

<sup>14</sup> Baghdady, A., & Zaki, O. (2019). Secondary education governance in sub-Saharan Africa. *World Innov. Summit Educ.* Qatar.

In this case, the core mandate is promoting and facilitating equitable learning or education. In Uganda, the governance of primary education is a shared responsibility at the different levels; central government, local government and the school. Under the decentralization policy, primary education is supposed to be the responsibility of the local governments; however, the central government has retained significant control in terms of resource allocation and curriculum and quality standards.

Noteworthy, there is express guarantee for the right to primary education that facilitates the holding of the various entities accountable. There are several international and regional human rights laws and standards on governance and accountability for public primary education. The Universal Declaration of Human Rights (UDHR) 1948 recognizes the right to education for all. The guarantees for the right to education contained in the UDHR have been provided in several human rights treaties and charters, both at the international and regional levels that the state of Uganda has ratified. These include; the International Covenant on Economic, Social and Cultural Rights (ICESCR),<sup>15</sup> the Convention on the Rights of the Child (CRC),<sup>16</sup> the African Charter on Human and Peoples Rights (ACHPR),<sup>17</sup> the African Charter on the Rights and Welfare of the Child (ACRWC)<sup>18</sup> they all guarantee the right to basic/primary education. Also, the Abidjan Principles mandate states to prioritize the funding and provision of free, quality, public education and establishment of adequate mechanisms to ensure they are accountable for their obligations to respect, protect, and fulfil the right to education.<sup>19</sup> Additionally, target 4.1 of the Sustainable Development Goals requires states to ensure that by 2030, all all girls and boys complete free, equitable and quality primary education, with relevant and effective learning outcomes.

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<sup>15</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, adopted 16 December 1966, entered into force January 3, 1976, ratified by Uganda on January 21, 1987, art 13. At <https://www.refworld.org/legal/agreements/unga/1966/en/33423> accessed July 31, 2024.

<sup>16</sup> UN General Assembly, *Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, adopted 20 November 1989, entered into force September 2, 1990 and ratified by Uganda on August 17, 1990, art 28 & 29 at <https://www.refworld.org/legal/agreements/unga/1989/en/18815> accessed 31 July 2024.

<sup>17</sup> Organization of African Unity (OAU), *African Charter on Human and Peoples' Rights ("BanjulCharter")*, CAB/ LEG/67/3 rev. 5, 21 I.L.M. 58 (1982), adopted 27 June 1981 and ratified by Uganda on October 21, 1986, art. 17 at <https://www.refworld.org/legal/agreements/oau/1981/en/17306> accessed 01 August 2024.

<sup>18</sup> Organization of African Unity (OAU), *African Charter on the Rights and Welfare of the Child*, CAB/LEG/24.9/49 (1990), 11 July 1990 and ratified by Uganda on August 17, 1994, Art 11 at <https://www.refworld.org/legal/agreements/oau/1990/en/13798> accessed 01 August 2024.

<sup>19</sup> The Abidjan Principles, Guiding Principles on the human rights obligations of States to provide public education and to regulate private involvement in education, adopted on February 13, 2019, Overarching Principle 5 and 7 at [https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES+\\_ENGLISH\\_August2021.pdf](https://static1.squarespace.com/static/5c2d081daf2096648cc801da/t/61484ef2125d785da37eb98d/1632128758265/ABIDJAN+PRINCIPLES+_ENGLISH_August2021.pdf) accessed on September 12, 2024.

Article 2 of the ICESCR, as reiterated in Article 1 of the ACHPR, requires states to adopt legislative measures towards the realization of all socioeconomic rights including the right to education. All governments, including the Ugandan one, are obliged to adopt a plan of action for ensuring the realization of compulsory basic education for all.<sup>20</sup> It is a requirement that there should be full participation of all the key stakeholders in developing the plan of action and ensuring periodic review of the progress and accountability in the implementation of the plan.<sup>21</sup>

While the Uganda government commenced the implementation of the UPE program in 1997, it was not preceded with a detailed formal plan of action or policy to guide its implementation. To date there is no documented plan or policy on UPE and there has not been a systematic review of the program by the MoES to establish areas that require reforms in implementation.

Article 3 of the CRC guarantees the welfare principle. It requires that for all public or private social welfare institutions, courts of laws, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration. It is, therefore, a requirement on states to ensure that school governance and accountability institutions, as well as legislation, are in the children's education best interests.

The African Commission on Human and People Rights has underscored the importance of public participation in social service delivery and decision-making process. The Commission has noted that in the African Democracy Charter, States undertake to implement 'transparent and accountable systems of government that foster popular participation and partnership'.<sup>22</sup> This facilitates the transformation of social services, such as primary education, by designing its implementation around the concerns and priorities of the general public. African states are, therefore, required to develop national plans, policies and systems at all levels that ensure that education is physically and economically accessible to everyone.<sup>23</sup> However, in the event of any violation of the right to education, the Commission has further mandated states that

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<sup>20</sup> UN Economic and Social Council, *General Comment No. 11: Plans of Action for Primary Education* (Art. 14 of the Covenant), E/1992/23, UN Committee on Economic, Social and Cultural Rights (CESCR), 10 May 1999, paras 8 & 9 at <https://www.refworld.org/legal/general/cescr/1999/en/8359> accessed 01 August 2024.

<sup>21</sup> Ibid.

<sup>22</sup> African Commission on Human and Peoples' Rights, *General Comment 7: State Obligations under the African Charter on Human and Peoples' Rights in the context of private provision of social services* Adopted during the 72<sup>th</sup> Ordinary Session of the African Commission on Human and Peoples' Rights on 28 July 2022 in Banjul, The Gambia, p.14 at <https://www.chr.up.ac.za/images/publications/GC7/general-comment-7-english.pdf> accessed on August 1, 2024.

<sup>23</sup> African Commission on Human and Peoples' Rights, *Principles and Guidelines on the Implementation of Economic, Social and Cultural Rights in The African Charter On Human And Peoples' Rights*, p. 34 at <https://achpr.au.int/index.php/en/node/871> accessed on August 1, 2024.

*"all rights recognized in the African Charter must be made effective under national legal systems. Violation of economic, social and cultural rights protected under the African Charter must entitle affected individuals and peoples to effective remedies and redress under domestic law."*<sup>24</sup> Such effective remedies can be either administrative or judicial but must be accessible, affordable and timely.<sup>25</sup> It is important to note that within Uganda's education system there are some form of established administrative mechanisms to address grievances right from the school level (School Management Committees), sub-counties, district and ministry levels. Those that feel dissatisfied with the education inbuilt remedy system have the option of resorting to the judicial system.

At the domestic level, Objective XIV (b) of the National Objectives and Directive Principles of State Policy of the Constitution of the Republic of Uganda, 1995 as amended, mandates the state to endeavor to ensure that all Ugandans' right to education is fulfilled. One of the education objectives states that the state shall promote free and compulsory basic education.<sup>26</sup> Equally, Article 30 of the Constitution offers broad protection for the right to education of all Ugandans. Particularly, Article 34 (2) recognizes the right to basic education of all children. It, further, charges that the attainment of basic education is the responsibility of the state and parents of the child.

To a larger extent, the constitutional provisions on basic education have been effected through Acts of parliament, policies – both written and unwritten (pronouncements). For instance, section 4 (1) and (2) of the Education (Pre-Primary, Primary and Post-Primary) Act, Cap. 247, hereinafter referred to as Education Act, reiterates the provisions of the Constitution that the provision of education and training to the child shall be a joint responsibility of the State, the parent or guardian and other stakeholders. Further, that basic education shall be provided and enjoyed as a right by all persons. Additionally, Section 10(3) (a) of the Act provides for universal and compulsory primary education for pupils aged 6 (six) years and above to last for a period of seven years.

Currently, the government is implementing public primary education under the UPE program. UPE is the State funded universal primary education program where tuition fees are paid by Government.<sup>27</sup> The principle of equitable access to conducive, quality, relevant and affordable

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<sup>24</sup> Ibid, p. 14.

<sup>25</sup> Ibid.

<sup>26</sup> Government of Uganda, The Constitution of the Republic of Uganda, objective XVIII (i), of the National Objectives and Directive Principles of State Policy.

<sup>27</sup> Government of Uganda, Education (Pre-Primary, Primary and Post-Primary) Act, Cap. 247 (hereinafter referred to as Education Act), section 2.

education is emphasized for all children of all sexes, categories and in special circumstances.<sup>28</sup> The UPE program is largely implemented through an arrangement with religious and community owned schools called the "government grant-aided schools." These are schools not founded or owned by the Government but which receive statutory grants in the form of aid from Government and are jointly managed by the foundation body and Government.<sup>29</sup> With this arrangement, there are various stakeholders in the governance, management and running of the schools mainly reflected in the composition of the School Management Committees (SMCs).

## **Governance and Accountability Frameworks for the Provision on Public Primary Education in Uganda**

### **The role of the National Government**

The national government operates through Ministries, Departments and Agencies (MDAs) with varying roles and responsibilities that they play in regard to provision of public primary education. The leading entity is the Ministry of Education and Sports (MoES) and its respective departments and agencies that play various roles as far as effective governance and accountability in the delivery of public primary education in the country is concerned.

### **Policy and Subsidiary Legislation Formulation and Implementation**

Overall, it is the responsibility of the national government to set policy on all matters concerning education and training. This role extends to formulating and implementing policy on public primary education governance and accountability. Despite being the cornerstone for delivery of public primary education, there is no written document detailing the objectives of the UPE program, as well as its governance and accountability mechanisms. Under the Education Act section 1 (a), one of the key objectives of the Act is to give full effect to the UPE Policy of Government and, further, to give full effect to education policy of Government and functions and services by Government. This presupposes that there is an existing policy on UPE, yet there is no such documented policy.<sup>30</sup> The National Planning Authority (NPA) raised the issue of absence of a UPE policy and, recently, the Office of Auditor General also pointed it out.<sup>31</sup>

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<sup>28</sup> Ibid.

<sup>29</sup> Ibid.

<sup>30</sup> Office of the Auditor General, Value for Money Audit Report on the Delivery of Universal Primary Education in Uganda, 2023, p. 15.

<sup>31</sup> Ibid.

In the absence of such a critical policy framework to guide the delivery of public primary education, the MoES officials responsible for delivery of public primary education have been relying on the Government White Paper on Education of 1992 and the Guidelines on Policy, Roles and Responsibilities of Stakeholders in the Implementation of UPE, 1998, to guide the implementation of UPE.<sup>32</sup> Needless to say, a Government White Paper is not an equivalent to Policy; it is an official government document that outlines the proposals and recommendations on various issues that inform policy formulation.<sup>33</sup>

Under the Education Act, the Minister responsible for Education is empowered to issue subsidiary laws in form of Statutory Instruments (Regulations) to deal with various issues, among others, concerning primary education. For instance, the Minister is empowered to, from time to time, initiate policies and reforms of education as the need arises, and issue statutory instruments regarding UPE, management and governance of the schools including the appointment, establishment, composition, procedures and functions of SMCs.

The Education Act was enacted together with the Education (Management Committee) Regulations contained in the second schedule to the Act. The regulations set out composition, appointment, membership, roles and responsibilities, and procedure for the functioning of the SMCs. The Minister is empowered upon recommendation of the Director of Education, to amend the Education (Management Committee) Regulations. However, since the enactment, it is now over sixteen years and there has not been any amendment of the Education (Management Committee) Regulations or issuance of any other regulations to deal with the issues concerning the delivery of UPE.

In regard to inclusion, the Special Needs and Inclusive Education (SNE) Policy, which was initiated as one the key interventions to achieve gender parity and inclusion of children with special needs and achieve SDG4 targets, has not been finalized. The Commissioner for Special Needs and Inclusive Education revealed that the draft policy is still at Cabinet level. She noted that this delayed policy, together with non-implementation of the recommended unit cost for SNE learners and the national Continuous Professional Development (CPD) framework for SNE teachers, is hindering the achievement of SDG4, target 4.5 on gender parity and inclusion for children with disabilities.

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<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

## Planning and Budgeting

Generally, NPA is responsible for the overall national planning for the country, including for education. This informs the education plan submitted by the Ministry responsible for education. The Ministry in charge of Education has a planning department responsible for planning for the provision of quality primary education across the country through setting priorities and liaising with the Ministry responsible for finance to avail funds to cater for capital development, teachers' salaries and school fees (capitation grant) for the learners.<sup>34</sup>

## Public Primary Education Financing and its Impact on Delivery of Quality Primary Education

In Uganda, education financing may be through fees, grants, donations, training levies, education tax, and any other means as deemed appropriate by the Government.<sup>35</sup> With the introduction of UPE, the government took on the responsibility of the provision of learning and instructional materials; recruiting, deployment and promotion of both teaching and non-teaching staff; capital development such as construction of classrooms, toilet facilities, teachers' quarters, libraries and provision of textbooks; provision of operational funds (capitation grants) for the day-to-day operations of the schools.<sup>36</sup> The charging of school fees in UPE schools was not only outlawed but enforcement of fees payment through, for instance, sending away of learners was criminalized.<sup>37</sup> However, a UPE school is allowed to collect or receive voluntary contributions or payments from parents and well-wishers to contain any state of emergency or any urgent matter concerning the school.<sup>38</sup> This means that the payment by parents to address an emergency at school should cease once the issue is addressed. On their part, parents and guardians of children are also mandated to finance their children's education by providing food, clothing, shelter, medical care and transport<sup>39</sup>

Over the years, there has been national reflection on government financing of UPE, especially the capitation grant (operation funds) allocated to facilitate the day-to-day running of the schools. These funds are inadequate and do not reflect the true cost of education. Their insufficiency has been confirmed by the government agencies themselves.

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<sup>34</sup> Ibid, p. 9.

<sup>35</sup> Education Act, *supra*, section 4 (3).

<sup>36</sup> Ibid, Section 5 (1) & 8.

<sup>37</sup> Ibid, Section 9.

<sup>38</sup> Ibid.

<sup>39</sup> Ibid, Section 5 (2) (c).

In 2018, NPA analyzed the UGX 10,000 capitation grant that was being allocated per pupil per year. It concluded, first, that it was far below the estimated threshold of UGX 59,503 and UGX 63,546 per pupil per year in rural and urban schools, respectively, to enable schools deliver meaningful equitable education results.<sup>40</sup> Secondly, that as a result of the limited financing, UPE is not offering free education but a subsidized one.<sup>41</sup> This means that parents are shouldering the burden of financing their children's education beyond their allocated obligations in the law. Currently, all UPE schools are seeking the parent's support to be able to recruit additional teachers and maintain or construct new school infrastructure. While the UPE capitation grant rate has since been increased to UGX 20,000, it still remains only about a third of NPA's recommended threshold. Even if the allocation had been increased to NPA's recommended threshold, some of its value would have been affected by inflation over time.

In the allocation of the UPE capitation grants, MoES applies the formulae of a variable and fixed grant.<sup>43</sup> The fixed grant is where each school is allocated UGX 150, 000 per month for the 9 months in the education calendar totaling to UGX 1,350,000 per year. Then the remaining balance of the funds are allocated depending on a variable which is basically the number of learners enrolled in the school.<sup>44</sup> Each learner is allocated UGX 20,000 per year and those in schools with attached Units for special needs learners receive UGX 22,000 per learner per year as shown in the table below;<sup>45</sup>

#### **CAPITATION UNIT COSTS FY2023-2024**

GRANT	Unit	Per Year
UPE SCHOOL GRANT	Per school	1,350,000
UPE CAPITATION GRANT	Per learner	20,000
UPE CAPITATION GRANT (SNE)	Per learner (SNE)	22,000

Source: Ministry of Education and Sports (2021); Planning, Budgeting and Implementation Guidelines for Local Governments for the Education and Sports Sector FY 2021-2022

<sup>40</sup> National Planning Authority, Comprehensive Evaluation of the Universal Primary Education (UPE) Policy, Thematic Report 5: Financing and Costing of UPE, 2018, p. xv at <http://www.npa.go.ug/wp-content/uploads/2019/02/ThematicReport-5-Financing-and-Costing-of-UPE-080119.pdf> accessed on June 25, 2024.

<sup>41</sup> Ibid.

<sup>42</sup> Office of the Auditor General, Annual Report of The Auditor General for The Audit Year Ended, December 2016: Value for Money Audit Report, Vol 5, p. 160 – 161.

<sup>43</sup> Ibid.

<sup>44</sup> Ibid.

<sup>45</sup> Ministry of Education and Sports (2021); Planning, Budgeting and Implementation Guidelines for Local Governments for the Education and Sports Sector FY 2021-2022, p.18 at <https://www.education.go.ug/wp-content/uploads/2022/03/FINAL-GUIDELINES-submitted.pdf> accessed on August 4, 2024.

In terms of inadequacy of the funds, the variance is even more pronounced in regard to capitation grants for SNE learners, which is currently at UGX 22,000 for children enrolled in the ordinary schools. According to the Commissioner Special Needs and Inclusive Education, a study on the unit cost of education for a learner with special needs recommended UGX 440,000 at primary level per leaner per term in specialized SNE schools.

Inadequate financing of public education has implication for governance and accountability of the school system. As already indicated, the insufficient funding to the UPE programme is largely responsible for the low education outcomes and learning achievements in public primary education provision. Aside from the well documented low completions rates and poor learning achievements, a collation of responses from the field research, at the national, local government and school levels, attest to the challenges of the inadequate funding to public provision of primary education in Uganda.

Invariably, all respondents to the research question: How adequate is the current financing of UPE in ensuring equitable quality learning for the learners? agreed that the funding is inadequate. According to Commissioner Education Planning at the MoES, the Ministry would like to see significant increase in budget allocation to the UPE programme to enable the Ministry provide adequate learning facilities and schools to operate more effectively.

The Assistant Commissioner for Basic (Primary) Education at the MoES echoed the same sentiments, noting that the limited funding does not only hinder the delivery of quality and equitable education. It also put learners at risk as most primary schools' infrastructure needs urgent renovation and upgrade. Meanwhile, the Commissioner for Special Needs and Inclusive Education emphasized that children with special needs are impacted more severely because of the limited funding, given that their essential instructional materials and learning aids are a lot more expensive.

All the primary schools headteachers interviewed for this report lamented the inadequate funding, not only in terms of capitation grant rate of UGX 20,000 per learner, but also low releases that are below the computed sum for the enrolled number of learners in the schools. From the following collation of responses from headteachers of the primary schools visited during the field visits, the impact of this inadequate funding is clearly on one main front. The schools' ability to deliver quality education is curtailed as key inputs and processes in curriculum implementation are not procured or in place. Important scholastic materials for preparation and delivery of lessons and assessment of learning are not adequately available, compounding the low morale of the teachers.

**TABLE 1. SHOWING THE IMPACT OF INADEQUATE FUNDING TO PUBLIC PRIMARY SCHOOLS - RESPONSES FROM HEADTEACHERS IN NAMAYINGO, SHEEMA AND YUMBE**

SCHOOL	District	Response
<b>Namayuge Primary School</b>	Namayingo	It affects the school's development like fencing, provision of tea and preparation of examinations
<b>Namihinya Primary School</b>	Namayingo	Not all required learning resources will be procured and availed. Even teacher motivation will be a problem
<b>Nangoma Friends Primary School</b>	Namayingo	We are forced to forego some activities that we have planned to implement
<b>Madowa Primary School</b>	Namayingo	Motivating staff also becomes a problem
<b>Kagorogoro Primary School</b>	Sheema	It leads to poor performance due to inadequate resources like scholastic materials, staffing, the physical structures are not good
<b>Nyamabare Primary School</b>	Sheema	This makes service delivery difficult and parents must supplement
<b>Kyempitsi Primary School</b>	Sheema	we are relying on parental support
<b>Kumuna Primary School</b>	Yumbe	The school requests the parents to supplement
<b>Wolo Primary School</b>	Yumbe	It is insufficient in running school activities for a term to provide quality equitable learning to all learners
<b>Kulinga Primary School</b>	Yumbe	Parents supplement by paying 12000/= for each child
<b>Rimbe Primary School</b>	Yumbe	We rely on termly support from the parents of UGX 10,000/=

The District Local Government officials agreed with the headteachers' assessment of the challenges created by inadequate funding to UPE schools. The DEO Sheema decried the lack of accommodation for teachers, which affects their morale and effectiveness and the LC V Secretary for Education agreed that the teachers' commitment is poor due to the low pay. In Namayingo, the DEO referenced absenteeism of learners and Teachers, as well as inadequate classrooms and wash facilities as the key challenges arising from inadequate UPE capitation grants. The Senior Education Officer Yumbe noted the "*lack of teacher motivation in terms of their capacity building, teacher level of preparedness to be able to bring out the learning messages and engage with the learners.*"<sup>46</sup>

In order for the schools' management to be able to meet the basic needs of teaching and learning processes, the funding gap is passed on to the parents. This has several implications on public primary education delivery. First, it undermines the key objective of making quality primary education affordable and accessible by the majority of Ugandans since households have to shoulder some of the cost burden. Secondly, it results in the ineffectiveness of the SMCs and in most cases puts them on collision paths with the parents as they struggle to meet the school fees levied. A chairperson of an SMC in a UPE school in Buswale sub-county, Namayingo district complained:

*Sometimes you have issues to report to the DEO, but you lack the transport to go to DEO's office. This delays information from school to reach the DEO. The other challenge is the parents not complying with the payments agreed upon in meetings. Sometime you end up being blamed as chairperson for nothing. Due to the limited budget, we call for SMC meetings, but without even refreshments, which demotivates members.<sup>47</sup>*

## Accountability Mechanism at the National Level

There are about five forms of accountability for public education at the national level. First, accountability for the financial resources allocated towards the delivery of public education. The Auditor General is required to audit and report on all government ministries, departments and agencies.<sup>48</sup> These audits can take the various forms such as financial, value for money,

<sup>46</sup> Interview with the Senior Education Officer, Yumbe District held in June 2024.

<sup>47</sup> Interview with a Chairperson SMC of a UPE school, Namayingo District held on May 21, 2024.

<sup>48</sup> See Constitution of the Republic of Uganda, *supra*, Article 163.

forensic and special audits.<sup>49</sup> These reports are submitted to Parliament for consideration by the respective accountability committees that are also mandated to consider the audit reports on utilization of public resources and submit reports to the entire house for debate.

Secondly, there is accountability for public education in form of ensuring that learners in public education achieve the learning outcomes. This form of accountability is established within the education sector. There are internal mechanisms for accountability and quality assurance. For instance, the Directorate of Education Standards (DES) is the quality assurance arm of the MoES. It is mandated to inspect schools and ensure compliance to basic requirements and minimum standards. It also ensures that education delivery achieves the sector's aims and objectives and the standards established by the MoES. However, currently, there are a number of structural inadequacies and poor linkages between the DES and the district inspectors of schools as far as monitoring and inspection of schools is concerned.<sup>50</sup>

DES is not an autonomous agency. Also both DES and district or municipal inspectors of schools conduct inspection of schools separately, which breeds wastage of resources and duplication of roles.<sup>51</sup> More so, there is no legal or policy framework that mandates district inspectors of schools to share inspection reports with DES.<sup>52</sup> Even when DES conducts monitoring and inspection of schools and makes recommendations to district local governments, the recommendations are just advisory and not binding.<sup>53</sup> This undermines efforts for improvement in quality.

Thirdly, the citizens can also hold the public schools, local governments and national government accountable through filing complaints and cases in quasi-judicial bodies and courts of law. There are established national human rights institutions such as the Uganda Human Rights Commission (UHRC) and Equal Opportunities Commission (EOC), to protect against violation, abuse and discrimination in the delivery of social services, including education.<sup>54</sup> Additionally, an aggrieved person can file an action in court either on his or her

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<sup>49</sup> Ibid.

<sup>50</sup> See National Planning Authority (2018) Comprehensive Evaluation of the Universal Primary Education (UPE) Policy; Thematic Report 1: Policy, Legal, Regulatory and Institutional Framework at <http://npa.go.ug/wp-content/uploads/2019/02/Thematic-Report-1-Policy-Legal-Regulatory-and-Institutional-Frameworks-080119.pdf> accessed on August 2, 2024.

<sup>51</sup> Ibid.

<sup>52</sup> Ibid.

<sup>53</sup> Ibid.

<sup>54</sup> Government of Uganda, Constitution of the Republic of Uganda, 1995, as amended, Article 51; Government of Uganda, Uganda Human Rights Commission Act, Cap. 26; & Government of Uganda, Equal Opportunities Commission Act, Cap. 7.

behalf or on behalf of others also known as public interest litigation seeking to protect the constitutionally guaranteed right to education.<sup>55</sup>

Fourth, Parliament, through its oversight, representative and appropriation functions can hold the executive arm of government accountable. In this case MoES and the District Local Governments, can be held responsible for the weaknesses in public primary education service delivery. This can be through individual members of parliament bringing the matters to the attention of parliament through matters of national importance; petitions from citizens or their respective constituencies to the Office of the Speaker on the state of public primary education. Also, Committees of Parliament, particularly the Committee on Education and Sports playing its oversight role on the education sector, and accountability committees considering the Auditor General's reports.

Lastly, the Office of the Prime Minister also implements social accountability for social service delivery such as education. The Barazas<sup>56</sup> adopted in 2009 as a Presidential initiative aimed at enhancing civic participation and public accountability, particularly in critical sectors like public education, by empowering communities and citizens.<sup>57</sup>

While on paper, these are strong accountability mechanisms at the national level, they are not always used successfully to ensure accountability. For instance, the Equal opportunities Commission (EOC), which has over the years been pushing for gender and equity response budgeting in government MADs, notes in its latest report of 2023 as follows:

*Despite efforts to improve access to education, barriers such as high school drop-out rates, insufficient infrastructure, and lack of quality education in rural areas continue to affect marginalized communities, including girls and children with disabilities.<sup>58</sup>*

<sup>55</sup> Constitution of the Republic of Uganda, *supra*, Articles 50 and 137; Government of Uganda, Human Rights (Enforcement) Act, Cap. 12,

<sup>56</sup> Baraza(s) is Kiswahili language word meaning a public meeting, which is used as a platform for creating awareness, responding to issues affecting a given community, sharing vital information, providing citizens with the opportunity to identify and propose solutions to concerns.

<sup>57</sup> OPM (2011). Countrywide Implementation of the Baraza Initiative: Quarter 2 Draft BARAZA Consolidated Report. Kampala: Government of Uganda.

<sup>58</sup> Equal Opportunities Commission (2023) Annual Report 10th on the State of Equal Opportunities in Uganda FY 2022/2023. Kampala: Government of Uganda

## The Decentralized System of Delivery of Public Primary Education

### The Role of Local Governments in Public Education Service Delivery

In a bid to achieve participation as a key principle of governance, the delivery of various social services, including primary education, was decentralized to local governments. Primary education is one of the main functions that the district councils are responsible for.<sup>59</sup> Under the decentralization system, local governments are mandated to plan, manage and supervise, as well as monitor and evaluate, primary education service delivery within their respective jurisdictions. Throughout the Education Act, local governments are severally charged with regulation and control of primary education. Section 26 of the Education Act empowers the District Councils' Standing Committee responsible for education to be in charge of the oversight role of all educational services decentralized to a district. They also have the responsibility of monitoring the utilization of school grants such as UPE capitation and school facilitation grants.<sup>60</sup> These grants are for both operation and infrastructure development/maintenance for the schools.

Unfortunately, despite the decentralization, the local government's fiscal capacity is extremely weak and funding for primary education has remained largely a function of the central government through disbursement of conditional, rather than unconditional grants to local governments. This limits local government planning, prioritization and agenda setting in delivery of public primary education.

### Accountability at the Local Government Level

There have been efforts to replicate at the local governments level the structures at the national level. Such mechanisms relate to financial and social accountability and quality assurance.

In terms of oversight, there are various mechanisms that have been established to ensure prudent utilization of funds for the UPE schools. The District Local Government Council Committees responsible for education undertake oversight and monitoring functions in regard to primary education delivery. The same committee as well as sub-county/ town council and parish councils are represented on the SMC.

In terms of financial accountability, Regulation 64 of the Local Governments (Financial and Accounting) Regulations provide for the following mechanism; The headteacher being

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<sup>59</sup> Government of Uganda, Local Governments Act, Cap. 139, Sections 97 and 98.

<sup>60</sup> Ibid, Part 5 B(18).

responsible for all the school funds and to ensure that they are all banked in a school bank account; a minimum of two signatories are required to operate a school account and one of the signatories shall be a non-teacher member of the SMC; Registration of the signatories of the school bank accounts with the subcounty chief and notification given to the sub-county executive committee; the headteacher is mandated to maintain a cash book for recording receipts and payments of the school transactions and the cash book shall be monthly reconciled to bank statement; the sub-accountant is required to inspect the school financial records and make a report to the executive committee as regularly as possible; the headteacher is required to submit the schools financial statements to the subcounty council for each academic term, and where the headteacher is unable to prepare the financial statements, assistance shall be sought from the sub-accountant of the sub-county; the copies of the financial statements are required to be submitted to the head of finance and the chief executive of the subcounty.<sup>61</sup>

Further financial accountability measures are stipulated in the Education Management Committee Regulations. Regulation 20(2) stipulates that the books of accounts of a SMC shall be open for inspection by the Chief Administrative Officer or his or her authorized representative. There is also requirement for auditing the books of accounts of the UPE schools. Regulation 20 (1) of the Education Management Committee Regulations subjects the auditing of the accounts of a SMC by the Auditor General or an auditor appointed by the Auditor General in compliance with Article 163 of the Constitution. After conducting the audit, Regulation 23 provides that the auditor shall forward a copy of the audited accounts of the school management committee to the Chief Administrative Officer to be forwarded to the District Council with copies of the same Audit report submitted to the District Public Accounts Committee and the Sub-County Executive Committee. In case of any audit queries, the Headteacher as the accounting officer of the school will be required to appear before the District Public Accounts Committee to respond to the audit queries.

In addition to oversight and financial accountability especially at the district and sub-county level, there are also mechanisms for financial and social accountability at the school level. SMCs established at each UPE schools are the governing bodies of the schools. They act as the representatives of the government in the management of the school and their composition is drawn from various stakeholders of the respective school. As a result, they act as the bridge between the school stakeholders and the school administration. As detailed ahead, one of their key roles is to approve the school budget, monitor its appropriate and prudent implementation.

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<sup>61</sup> Government of Uganda, Local Governments (Financial and Accounting) Regulations, 2007, SI No. 25 of 2007.

## The Role of Foundation Bodies in the Governance of Public Primary Education

### **The level of foundation bodies' ownership of schools implementing UPE**

A foundation body means an individual or group or organization which founds and manages an education institution.<sup>62</sup> These bodies occupy a significant position in the governance of public primary education in the country. The assignment of these vital roles in the governance of public primary education to the foundation bodies is attributed to ownership of schools in the country. For instance, out of the 12,551 government aided schools<sup>63</sup> (including those that are not implementing UPE), 11,731 (93%) schools are owned by non-government foundation bodies such as the catholic church, church of Uganda, the Uganda Muslim Supreme Council, the Uganda Muslim Education Association, Seventh Day Adventist, community and Non-Government Organizations.<sup>64</sup>

### **Foundation bodies' internal mechanisms for monitoring and inspection of their schools**

While there is no explicit policy or legal framework for their direct involvement in governance of primary schools, the religious organizations have their own internal governance and accountability mechanisms used in overseeing schools of their foundation. For instance, the Church of Uganda explained that at the National level, the Director for Education works with the Program Officer to ensure that the Education program reaches the targeted audience.<sup>65</sup> There is also an Inspectorate Unit at the Provincial and Diocesan level.<sup>66</sup> At the Diocesan level, the Diocesan Secretary works with the Diocesan Inspector of Schools to inspect schools and at the Parish level, the Parish Education Committee Chairperson coordinates with the Diocese.<sup>67</sup>

Both the Uganda Muslim Supreme Council and the Uganda Muslim Education Association also have structures in their education system. The Uganda Muslim Supreme Council structures that supervise the SMCs are right from the school level. There is a secretary for education who reports at sub-county/ twale level with committee on education which also reports to the

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<sup>62</sup> Education Act, *supra*, Section 2.

<sup>63</sup> *Ibid*, "Government grant aided school" means a school not founded by the Government but which receives statutory grants in the form of aid from Government and is jointly managed by the foundation body and Government.

<sup>64</sup> Ministry of Education and Sports, Education Statistical Abstract, 2017 and Ministry of Education and Sports, EMIS Government Aided School List as of June 2024.

<sup>65</sup> Interview with Mr. Ssenkumba Peter, Church of Uganda Provincial Education Programs Officer held on August 20, 2024.

<sup>66</sup> *Ibid*.

<sup>67</sup> *Ibid*.

District Khaadhi and finally to the National Education Committee.<sup>68</sup> This is addition to their own inspection, for instance at the national level they conduct inspection once or twice a year, district and twale/sub-county inspect monthly and at the mosque level they supervise weekly.<sup>69</sup> Religious morals and values, enrolment and school attendance are the key issues that constitute the areas of inspection.<sup>70</sup>

The Uganda Muslim Education Association also runs an Inspectorate Department. This is used to sometimes do general or targeted inspection especially where there are challenges with SMCs or land issues.<sup>71</sup> This work is done by regional and district coordinators that are facilitated with transport to monitor the schools and produce reports and once in a while the national team also follows up.<sup>72</sup>

Similarly, the Catholic church has put in place an elaborate internal structure to oversee its schools. First every Parish has a Parish Education Committee that are mandated to nominate members of SMCs.<sup>73</sup> Every parish has a Parish Priest in charge of education with the responsibility of supervising the SMCs.<sup>74</sup> The SMCs report to the Parish Education Committee headed by the Parish Priest in charge of education which sends reports to the Diocesan Education Secretary for eventual submission to the national level.<sup>75</sup>

The above are the established structures of the Church of Uganda, Catholic, Uganda Muslim Supreme Council and Uganda Muslim Education Association as to whether they are executing their mandates as established is another issue. For instance, the Head of the Uganda Catholic Education Secretariat explained that the desirable principle is the SMCs should be submitting termly reports but this is not being realized because of the weaknesses in supervision.<sup>76</sup>

However, it is not clear how this monitoring and inspection by the foundation bodies feeds into or is harmonized with the monitoring and inspection by MoES and the education departments in the district local governments. The efforts of foundation bodies to directly oversee and

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<sup>68</sup> Interview with Hajji Mahmood Katerega Namuguze – Chairperson Education Committee, Uganda Muslim Supreme Council held on August 20, 2024.

<sup>69</sup> Ibid.

<sup>70</sup> Ibid.

<sup>71</sup> Interview with Hajji Abdu Nasser Kiwanuka, Assistant Secretary General Uganda Muslim Education Association (UMEA) held on August 23, 2024.

<sup>72</sup> Ibid.

<sup>73</sup> Interview with Fr. Ronald Okello – Head of the Uganda Catholic Education Secretariat, held on August 20, 2024.

<sup>74</sup> Ibid.

<sup>75</sup> Ibid.

<sup>76</sup> Ibid.

supervise primary schools of their foundation appears to be an attempt to fill the perceived gap left by government agencies and the provisions of the School Management Committee Regulations.

## **The relevance of the foundation bodies in the governance of public primary education**

Foundation bodies enjoy the highest representation on SMCs as explained in detail in subsequent section. Additionally, under section 5 (3) of the Education Act, the foundation bodies are responsible for a number of aspects in respect of the schools they own; participating in ensuring proper management of schools of their foundation; participating in policy formulation; participating in education advocacy; mobilization of resources for education purposes; participating in implementation, monitoring and evaluation of education and services. In practice, although foundation bodies are required to mobilize resources for education purposes, they hardly do, and in some instances instead collect funds from schools as foundation body dues.<sup>77</sup>

In the field, some members of the SMCs decried this lack of support from the foundation bodies, noting that they instead seek to gain financially from the school to run their projects:

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*Personally, I don't have any issue with it (foundation body). However, regarding the school, the challenge I have with it, the previous Reverend always wanted us to pick money from the school and give it to him. For instance, they may have a function and require us to contribute UGX 100,000. But the church has never mobilized money to contribute to the development of the school.<sup>78</sup>*

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Review of available documents and interviews with MoES officers established that there is no standard or official Memorandum of Understanding (MoU) signed between foundation bodies and government before any school is taken on as a government grant-aided school. In the absence of such a document with explicit terms and conditions, as well as rights and responsibilities of the parties, foundation bodies end up assuming their own. According to the

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<sup>77</sup> Musa Mugoya "The increasing cost of access to primary & secondary education: A call for review of the government grant-aided as an arrangement for financing primary and secondary education" in Cost of Education in Uganda, Economics & Social Rights Advocacy (ESRA) Brief, Issue 15, October 2023 at <https://iser-uganda.org/wp-content/uploads/2023/12/Cost-of-Education-in-Uganda.pdf> accessed on July 23, 2024.

<sup>78</sup> Interview with the Chairperson SMC of UPE School, Namayingo district held on May 22, 2024.

Director Basic and Secondary Education, in the ongoing discussions for a formal MoU between Government of Uganda and religious organizations foundation bodies on education delivery, the religious organizations have insisted on collecting what they call "foundation body dues" from schools, calculated per learner. The national leaders of the foundation bodies justified the charging of the foundation dues on various grounds, for example the Church of Uganda explained:

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*Foundation dues are mandatory and not collected under the carpet and even the government knows about it. As a foundation body, we offer services to these schools for example the program for inspection of schools. When the government inspector of schools goes to inspect, he or she just looks at the key things move away because of the big workload. That is why we also have our inspectors such that if there are issues that the government inspector has not seen then our inspector identifies them. We have school Chaplains that guides the teachers and the pupils spiritually, these people are not on the government payroll but they continue to come to school and the government knows about this. Who pays them? So, the foundation dues are not something that is done secretively. Government has not banned it. If there is anything that government wants to ban, they issue a circular but because they know what it (foundation dues) does, they cannot ban it.<sup>79</sup>*

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The Catholic Church also agreed with the Church of Uganda on the levying of foundation dues by insisting that it is even provided for in law. He stated:

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*The money is provided for in law. It ranges from 10,000 per learner per term in schools in Kampala to UGX 500 in schools in Karamoja but most of them don't pay. For instance, this money facilitates the Priest to celebrate mass in these schools; the Priest travels 30kms, he can't travel on foot. It also facilitates those people who work for the church.<sup>80</sup>*

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The Uganda Muslim Education Association explained that in policy, the learners in UPE school are required to pay the foundation dues but the payment of the funds is not enforced:

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<sup>79</sup> Interview with Peter Ssenkumba, *supra*.

<sup>80</sup> Interview with Father Okello Ronald, *supra*.

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*Theoretically, they are supposed to pay but practically we don't charge them. If you look at the conditions in the schools, there is no way you can collect money from a UPE school.<sup>81</sup>*

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It should be clarified that the foundation body dues are not provided for in any law governing the government grant aided arrangement. Instead, such action of charging learners the foundation dues is clearly against the provisions of section 5 (3) and 8 of the Education Act that should guide any arrangements between government and the religious or community organizations in the management of schools.

## **The School Level Management Structures and their Relevance to the Effective Governance and Accountability in Public Primary Education**

### **School Management Committees**

SMCs are established as the governing bodies of the primary schools, both private and government as per section 28 (1) of the Education Act.<sup>82</sup> The allocation of these significant roles to the SMCs in the management and governance of primary education stems from the importance that the Education Policy Review Commission attached to the SMCs.<sup>83</sup> It recommended for the revising of the rules concerning the roles of the SMCs in the primary schools to ensure that they play an active role in the management and development of schools.<sup>84</sup>

Section 28 (2) of the Act further mandates the Minister responsible for education to issue regulation to provide for the appointment, term of office, remuneration or allowances, procedure to be followed in meetings, powers of the SMCs in relation to the school staff, duties of the headteachers to the SMCs and the funds of the school.

In exercise of the foregoing obligations, in 2008, the Minister issued the Education (Management Committee) Regulations contained in the second schedule to the Education Act. The Education Act and its attendant Regulations sought to strengthen the effectiveness of primary school

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<sup>81</sup> Hajji Nasser Kiwanuka, *supra*.

<sup>82</sup> Also see Government of Uganda, Education (Management Committee) Regulations, Regulation 3 (1).

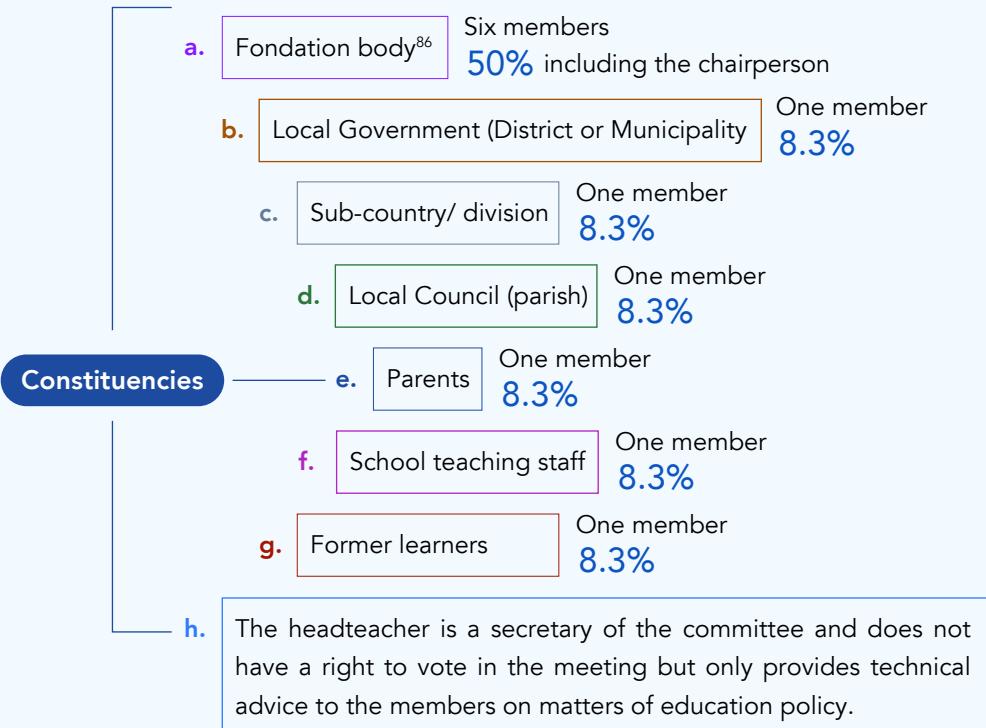
<sup>83</sup> Government of Uganda, Government White Paper on Implementation of the Recommendations of the Report of the Education Policy Review Commission Report entitled "Education for National Integration and Development," Kampala, 1992, p. 206 at <https://edprc.go.ug/assets/documents/goverment-white-paper-1992.pdf> accessed on July 31 2024.

<sup>84</sup> *Ibid.*

governance by providing for composition and membership, mode of appointment, roles and functions, tenure of office, meeting, and quorum of SMCs among others. However, different reports continue to show that SMCs remain largely ineffective and, in some cases, non-functional.<sup>85</sup> This can be attributed to various factors such as the weaknesses in the policy, legal, structural and supervisory framework of the SMCs.

## The Composition, Membership, Appointment and Remuneration of SMCs

The regulations provide for a broad composition of SMCs. The basic rationale for the composition of the SMCs as evidenced in the membership was to ensure extensive representative and participation of communities in school management and governance. The different constituencies are represented as follows:



<sup>85</sup> Moses Maena Musingo, The functioning and effectiveness of School Management Committees (SMCs) in ISER (2016), Social accountability as a tool for realization of economic and social rights(eds) Economic & Social Rights Advocacy (ESRA) Brief, Issue No. 7, Pg 12 – 14 at [https://iser-uganda.org/wp-content/uploads/2022/03/ISER\\_ESRA\\_Brief\\_December\\_-2016.pdf](https://iser-uganda.org/wp-content/uploads/2022/03/ISER_ESRA_Brief_December_-2016.pdf) accessed on July 31, 2024.

<sup>86</sup> Education Act, supra, section 2 – The Foundation body is defined as an individual, group or organization which founds and manages an education institution. There is a requirement that at least two of the six should women.

The current composition of the SMC is a departure from the previous one that provide for: four members appointed by the education committee of the area in which the school is situated with one of whom appointed a chairperson; (b) two members elected by the parents of the school in accordance with the Schedule to these Regulations; and (c) three members appointed by the Chief Education Officer.<sup>87</sup>

Currently, it is the District/ City/Municipal Education Officer responsible for approving the appointment of the members of the SMC in consultation with the district/ Municipal/ City councils' standing committee responsible for education on behalf of the district council.<sup>88</sup> Practically, the process of appointment of the members of SMCs involves each constituent nominating or electing their representatives. The names are collected by the headteacher and submitted to the District/ Municipal/ City Council Education Officer for approval and eventual appointment. Noteworthy, the nature of membership of the SMC is by oath and deemed to be primarily voluntary service to the community.<sup>89</sup> This has been a subject of criticism and in several instances causing a lot of discontent and ganging up of the SMCs members on the headteacher. The District Education Officer Namayingo District, while highlighting some of the major challenges in school governance and accountability at both local government and school level, noted that some of the members of the SMC think they have to be paid.<sup>90</sup> The DEO's concerns were confirmed by responses from several members of the SMCs across the three districts. One of the them charged:

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*The challenge we have is that they call us for meetings and we sit for hours and forego our work at home. You sit for three meetings without getting anything. You have children and animals left unattended to at home. You leave the meeting even without affording to buy food at home.<sup>91</sup>*

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This is an indication that much as the Regulations provide for voluntary service on the SMC, the members expect to receive allowances when they sit in meetings. As a result of the absence of allowances, one of them recommended:

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<sup>87</sup> Government of Uganda, the Education (Management Committee) Regulations (SI 127- 3), Regulation 3 (2).

<sup>88</sup> Education (Management Committee) Regulations, *supra*, Regulation 4.

<sup>89</sup> *Ibid*, Regulation 6.

<sup>90</sup> Interview with the District Education Officer, Namayingo District, *supra*.

<sup>91</sup> Interview with a member of SMC of UPE school in Namayingo District held on May 24, 2024.

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*They (government) should also provide us with allowances. We forego our work to perform school work. We should be given allowances such that we are in a position to do our work without minding our needs at home.<sup>92</sup>*

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On her part, the District Education Officer, Sheema District, attributed the ineffectiveness of the SMCs on the lack of remuneration that does not attract competent community members. She assessed the performance of SMCs at:

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*50 – 50. First of all, the SMCs are not paid. Then they have restrictions on how long they can serve. Because of this, some capable people are limited by time constraints. Paying SMC members would go a long way in motivating them to do what's right and in the learners' interests. It also curbs issues of 'cooking books.'<sup>93</sup>*

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Several researches have established that to ensure harmony in school governance, some headteachers opt to go against the rules especially those governing the utilization of the UPE funds to provide a token of appreciation to the SMC members.<sup>94</sup> The expectation for remuneration or sitting allowance could also be attributed to the lack of induction and training of members of the SMCs on their roles and responsibilities upon appointment where they would be told that the service is voluntary. Most of the members of the SMCs interacted with during the research raised concerns over the lack of induction. Yet it is at this point that they would have been informed of their expectation regarding their roles and responsibilities in the school.

Other than the remuneration, there are also other issues. The SMC composition also has some glaring gaps. In 1992, the Education Policy Review Commission had proposed that the SMC be constituted in the following way: foundation body – 4 members; Ministry of Education and Sports – 3 nominees (including the 1 headteacher; 2 active/ retired educationists or civil

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<sup>92</sup> Interview with a member of SMC of UPE school in Namayingo District held on May 24, 2024.

<sup>93</sup> Interview with the Acting District Education Officer, Sheema District held on May 24, 2024.

<sup>94</sup> Initiative for Social and Economic Rights (2017) *Are They Effective? An Audit of Social Accountability Mechanisms in Local Government Processes in Uganda*, p. 52 at [https://iser-uganda.org/wp-content/uploads/2022/07/Are\\_They\\_Effective\\_An\\_Audit\\_of\\_Social\\_Accountability\\_Mechanisms\\_in\\_Local\\_Government\\_Processes\\_in\\_Uganda.pdf](https://iser-uganda.org/wp-content/uploads/2022/07/Are_They_Effective_An_Audit_of_Social_Accountability_Mechanisms_in_Local_Government_Processes_in_Uganda.pdf) accessed on July 31, 2024.

servants one of whom being knowledgeable in financial matters); resistance Councils/committees – 3; Parents' representatives – 3; teaching staff – 1; old boys/ girls – 1.<sup>95</sup> When the Regulations governing SMCs were issued, the total composition of SMCs was reduced from 15 to 12 members, the nomination of representation by the MoES was also dropped, this must be due to the decentralization of primary education. However, the number of representations of the foundation body was increased to six and even allocated the position of chairperson and vice chairperson of the committee. That of the parents was reduced to one despite having the highest stake in the school because of the education of their children. Additionally, the composition does not also adequately provide for representation of special interest groups. In terms of gender representation, the regulations only specify that at least two of the six members of the foundation body representatives should be women. Several foundation bodies have interpreted this to mean that out of the six members only two should be women. In effect, out of the twelve SMC members, on most SMCs, there are usually two (16.6%) women. This is particularly inadequate given that women have been known to be more engaged in the education of their children than the men.<sup>96</sup> There is no provision for representation of People with Disabilities (PWDs) and other minorities, which flies in the face of efforts towards inclusive education.

For comparative purposes, in Indian states like Himachal Pradesh and Gujarat, regulations for SMCs membership, which like the Ugandan one has a membership of twelve, provide that 50% shall be women. In addition, it is expressly provided that 75% of the members of the Committee shall be from amongst parents or guardians of children at the school. While no specific percentages are provided for regarding PWDs and other disadvantaged groups, the regulations recommend proportionate representation for the parents or guardians of children belonging to disadvantaged groups of learners.<sup>97</sup>

The Commissioner Special Needs and Inclusive Education observed that the lack of express requirement for parents/guardians of children with special needs to be represented on SMCs is a major hindrance to prioritizing issues of inclusion in planning and budgeting at the school

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<sup>95</sup> Government of Uganda, Government White Paper, 1992, *supra*.

<sup>96</sup> Cynthia B. Lloyd and Ann K. Blanc, *Children's Schooling in sub-Saharan Africa: The Role of Fathers, Mothers, and Others*, in Population Council (Jun., 1996) Population and Development Review, Vol. 22, No. 2), conclude that "female house-hold heads are more likely to invest resources, including time, money, and emotional support, in facilitating the education of children living in their household," p. 288.

<sup>97</sup> Sunil Kumar, Roles and Functions of School Management Committees (SMCs) of Government Middle Schools in District Kullu of Himachal Pradesh: A Case Study, <http://oaji.net/articles/2016/1201-1476446631.pdf> accessed on June 25, 2024.

level. According to the Commissioner, people with disabilities or affected by disabilities believe that, "there is nothing for us without us."

The issue of composition and remuneration of the members of the SMCs need to be looked into. For instance, there is a proposal to revise the law to move away from the school-based SMCs to administrative unit-based ones such as a Sub-county Education Board with representation from all the key stakeholders to oversee and supervise the public primary education matters in the sub-county as it is being proposed by the NPA.<sup>98</sup>

However, the proposal to replace the SMCs with for instance the Sub-county Education Boards may not be easily welcomed by the foundation bodies. Some may agree to it but with modification. The Uganda Muslim Supreme Council explained that the idea of sub-county education boards would work to strengthen the current system, but it should be there to monitor and mentor the current SMCs. The Uganda Muslim Education Association also agreed with their Uganda Muslim Supreme Council on the role that the Education sub-county boards should play and also dismissed the idea reading a lot of bad motives in it against the role of the religious institutions in the delivery of education as well as a threat to their ownership of school land:

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*That has been on since 2014, it appears to be spearheaded by Local Governments that think that foundation bodies are so powerful. The government doesn't pay the SMCs why is it seeking to remove them. SMCs are of very good value for managing these schools if their capacity is enhanced.<sup>99</sup>*

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The national foundation body for the Catholic challenged it on ground that it would be very difficult to constitute it:

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*Having the Sub-county Education Board may not be easy. We can say that let Muslims, Anglican and Catholic nominate two members each and then the DEO and another one person but who would be the chairperson? The DEO may also come with his religious inclination which may make some religions stronger on the board.<sup>100</sup>*

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<sup>98</sup> Kitubi Martin, "Planning authority wants school boards disbanded," New Vision, Wednesday June 19, 2024

<sup>99</sup> Interview with Hajji Nasser Kiwanuka, *supra*.

<sup>100</sup> Interview with Father Ronald Okello, *supra*.

The Church of Uganda also reiterated the same fear presented by the Catholic Church noting that:

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*Education boards at sub-county or district level may not serve the purpose of bringing out our interests as foundation bodies. You may find that each foundation body is pushing its interests. Actually, because of opening up, some of our schools were taken up by other faiths. Also, the due diligence at the school level will not be effectively done because it will be a pool of schools. It will be difficult to focus on each school. I would not support it. We should focus on strengthening structures at school level.<sup>101</sup>*

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Instead, they proposed that the chairpersons of the SMCs should constitute the sub-county education boards where they look at crosscutting issues for example embezzlement of school funds and indiscipline among teachers.

Considering the varying interest among the foundation bodies, the only way to realize the idea of Sub-county Education Boards with the SMCs is to resort to the position under the 1970 Education Act and its Regulations. For instance, the Regulations provide for a management committee either for the school or group of schools.<sup>102</sup> This would require constituting Sub-county Education Boards based on the religious inclinations – Muslims, Catholics and Anglican among others.

## Tenure of Office and Academic qualifications of Members of SMCs

The term of office of the chairperson and the members of the SMCs is three years and they are eligible for reappointment only once.<sup>103</sup> Despite this clear guidance, there are instances where members of the SMCs have served beyond their stipulated terms of office. For instance, during interactions with one of the members of the SMCs in Namayingo district, a member testified that he has been part of the SMC from the 1990s when the school was started to date. That he keeps on changing positions. There were similar stories of members serving beyond the stipulated tenure in other schools in Namayingo, Sheema and Yumbe districts.

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<sup>101</sup> Interview with Mr. Ssenkumba Peter, *supra*.

<sup>102</sup> Government of Uganda, the Education (Management Committee) Regulations (SI 127– 3), Regulation 3(1).

<sup>103</sup> Education (Management Committee) Regulations, *supra*, Regulation 7 (1).

This overstay is largely attributed to the foundation bodies that have the mandate of nominating their representation on SMCs of bringing back the same people.<sup>104</sup> The leadership of the foundation bodies in all the three districts attributed the recycling of their representation to the fact that the service to the SMC is voluntary and therefore a number of their members are not willing to sacrifice. However, some parents rebutted the foundation bodies justification for nominating the same people over and over again. They asserted that in most cases the foundation bodies' nomination of their representatives is informed by the member's level of activeness in church or mosque affairs even when the person has limited credentials.

The other important aspect of the SMCs is the issue of academic qualification. Both the Education Act and its attendant Regulations are silent on the issue of academic qualification for members of the SMCs. Nevertheless, the foundation bodies that are granted the highest representation on the SMC indicated that they consider level of education in nominating representatives, although religious inclination is the most considered. The Catholic Church foundation body explained:

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*One should be a practicing catholic with a background in education. At least if a nominal one, if not a practicing one, with knowledge about the catholic faith. That is what should be the ideal, but sometimes that is not the case. A chairperson of a SMC should have education background. By virtue of the position, you offer supervision.<sup>105</sup>*

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The considerations by the Church of Uganda do not differ with those of the Catholic Church as shown below:

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*In choosing the members of the committee, the Parish Education Coordinator works hand-in-hand with the church members of the church where the school is established. Some of the considerations include seniority (technical ability), the member being a permanent resident in the community in which the school is located and the readiness to offer voluntary service since the positions of SMC is voluntary service. The other is leadership ability of the member, having served in church service.<sup>106</sup>*

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<sup>104</sup> ISER, 2017, *supra*, p. 52.

<sup>105</sup> Interview with Fr. Ronald Okello, *supra*.

<sup>106</sup> Interview with Peter Ssenkumba, *supra*.

On their part, the Uganda Muslim Supreme Council explained that much as they consider education qualification, the community (religious) interests are prioritized, but some areas where there are few Muslims, they go for non – Muslims provided they have respect for their faith. Hajji Katerega explained:

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*We always consider community interests and education qualification we have our education policy that guides. However, the community (religion) interests outweigh the education qualifications. We also consider experience. If he or she was a teacher before, the number of years in service. Gender is also one of the things we consider, at least there should be two women and we also strictly consider the religion (he or she should be a Muslim) of the persons to be nominated. However, we have places like Kitgum with few Muslims, in such a case if a person is not a Muslim, he or she has to be someone who respects Islam. Age also matters, at least 30 – 40 years. We also follow the Education Act.<sup>107</sup>*

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The Uganda Muslim Education Association also agreed that although previously, they considered religion when appointing members of SMCs, they are also now seriously looking at levels of education. Hajji Kiwanuka explained:

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*As foundation bodies we are strengthening our presence in the schools at least by ensuring that the chairperson is an elite. Previously, we considered the persons that pray in the mosque but now we are looking at the capacity. I am looking at an elite not about high levels of education but demonstrated capacity to lead and be able to understand documents. We are not looking at highly educated persons. They show interest but get frustrated. Academic qualification should go with demonstrated ability. Preferably, someone with O – level certificate, but sometime you go to the community and don't find anyone who completed O – level.<sup>108</sup>*

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Despite the founding bodies alluding to considering education background, majority of the members of the SMCs do not have significant academic qualifications. It appears the law envisaged inclusive representation and to undermine the possibility of elite capture of management structures in social service provision. However, the unintended and negative

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<sup>107</sup> Interview with Hajji Mahmood Katerega Namuguze, *supra*.

<sup>108</sup> Interview with Hajji Abdu Nasser Kiwanuka, *supra*.

consequence of this otherwise egalitarian provision has been the inclusion to SMCs of people without basic knowledge and competences to meaningfully contribute to the management of an education institution.<sup>109</sup> In rural communities, it is common to find illiterate members of SMCs. In 2008, the time when the Education Act was enacted, Gerard Prinsen and Kristof Titeca established that one in four of the SMCs members required assistance to fill a questionnaire in English language.<sup>110</sup> The Sheema District Education officer ably justified the relevancy of qualification for SMCs: "*The level of education is very important. There are some issues that a person who hasn't gone to school may not appreciate.*"<sup>111</sup> These concerns were reiterated by the District Education Officer Namayingo District who testified that: "*We have SMC members who do not know their roles and responsibilities. Some schools do not hold SMC meetings regularly.*"<sup>112</sup>

One of the Vice chairpersons of an SMC who is a primary four graduate also appreciated the importance of a relatively educated person as a member of SMC by recommending that:

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*Government should also look at the level of education of members of the SMCs. A person should be well educated and able to understand what he or she does. For instance, the minimum qualification should be put at senior four. We should give room to those who are well educated to take over from us.*<sup>113</sup>

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The lack of academic qualifications has continuously been cited as one of the reasons for the poor performance of SMCs.<sup>114</sup> Indeed as a result of the lack of academic qualifications, there are instances of illiterate persons getting appointed to the SMCs. It is granted that even the illiterates may have capacity to discuss issues affecting the running of the school in their respective communities, especially given that the regulations provide for use of the local language in SMC meeting proceedings.<sup>115</sup>

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<sup>109</sup> Wahitu Fred, (2017), School-based Accountability and Management of Management of Universal Primary Education in Uganda. University of Pretoria, reports findings on SMCs indicating that school committee members lacked basic technical skills.

<sup>110</sup> Gerard Prinsen and Kristof Titeca (2008) "Uganda's Decentralised Primary Education: Musical Chairs and Inverted Elite Capture in School Management Committees" in *Public Admin. Dev.* 28, p. 155.

<sup>111</sup> Interview with Ms. Tumushabe Jennifer, Ag. District Education Officer, Sheema District held on May 24, 2024.

<sup>112</sup> Interview with the District Education Officer, Namayingo District, *supra*.

<sup>113</sup> Interview with the Vice Chairperson SMC, Namayuge Primary School, Namayingo District held on May 20, 2024.

<sup>114</sup> Gerard Prinsen and Kristof Titeca, 2008, *supra*.

<sup>115</sup> Education (Management Committee) Regulations, *supra*, Regulation 12.

Nevertheless, the roles assigned to SMCs, include aspects which may require a certain level of education. For instance, under Regulation 25 of the Education (Management Committee) Regulations, it is also the function of the SMC to prepare and lodge with the relevant authorities the annual estimates of income and expenditure of the school. In this situation, SMCs' powers and authority have been taken over by the headteacher, creating a situation where some SMC members feel incapable of performing their expected role as stipulated in the Education Act.<sup>116</sup>

In terms of impact on inclusion, the Commissioner for Special Needs and Inclusive Education noted that the low education levels of most SMC members, many of whom are already influenced by negative social and cultural norms and perceptions about children with disabilities, means that they do not appreciate the need to promote inclusion. The Commissioner recommended constant sensitization of the SMC members on inclusive education.

A review of the field research sample responses of SMC members to the question about their level of education reveals a very wide spectrum of education qualification of members of SMCs in samples schools in Namayingo, Sheema and Yumbe. While a few members hold post-graduate and undergraduate qualifications, most others range from lower secondary to lower primary levels as shown in the table below;

**Table 4. Level of Education of Members of The SMCs in Sampled Schools**

SCHOOL	DISTRICT	M1*	M2	M3	M4
Namayuge Primary School	Namayingo	UACE	Diploma	S2	P4
Nangoma Friends Primary School	Namayingo	S3	P7	P7	P7
Kagorogoro Primary School	Sheema	Cert. TE	S3	P7	
Kyempitsi Primary School	Sheema	Degree	S4	P7	
Wolo Primary School	Yumbe	S4	S4	S4	S2
Kulinga Primary School	Yumbe	S4	S2	P5	
Moli Primary School	Yumbe	S4	P6	P5	

<sup>116</sup> Wahitu, 2017, *supra*.

The headteacher administers the school on behalf of the SMC and this would imply a supervisory oversight for SMC in their relationship with the headteacher. However, because of limited technical capacity of many of the SMC members, supervision of the headteacher performance and preparation of the school budget is almost impossible. Legally, the headteacher, is an ex-official member and is mandated to give technical advice to SMC, but in practice, he or she becomes the supervisor of the SMC and directs it on how to perform its duties.<sup>117</sup> This state of affairs became bare during the interaction of the SMCs with the field research team. It was surprising to find that some treasurers and vice chairpersons of the SMCs could not provide a correct answer as to the total amount of the funds that the school receives from capitation grants and the other sources of funds for the school. One of the Vice Chairpersons, when asked about the school budget remarked:

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*I don't know the amount of the UPE capitation grant that the school receives. But even when I don't know, the amount is usually insufficient. We usually budget, but it is not sufficient. The other sources of funds for the school are PTA payments. But still, I don't know the total, but the amount is still small. It is the chairperson who must be knowing the total budget.<sup>118</sup>*

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It is an indictment that vice chairpersons of the SMCs, who normally take over the leadership of the committee in the absence of the chairperson cannot give the correct figures as to their respective sources of funds. Even some of treasurers, who should be chairing the SMCs' sub-committees on finance and development, and should be knowing the amount of funds received because it is the committee charged with the responsibilities of preparing the budget, were unsure of exact figures. Nevertheless, there were some treasurers and vice chairpersons who were well versed with their UPE capitation grants and other sources of funds for the schools. One of the vice chairpersons said:

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<sup>117</sup> Wahitu 2017, *supra*, p.138 "SMC powers and authority have been taken over by the headteacher. This creates a situation where other SMC members feel incapable of performing their expected role as stipulated in the Education Act (2008)."

<sup>118</sup> Interview with the Vice Chairperson SMC, Namayunge Primary School, *supra*.

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*If I have not forgotten because I don't have the figures with me here we get around UGX 12million. We collect some small funds from the community to help in running the school. Due to the high enrollment, we negotiated with parents and requested government to allow us charge some money to enable us run the school, for example, salaries for community teachers, security guards and cooks. The total from the community we expect UGX 12m but we get around UGX 8million and when you add UGX 12m, the budget is UGX 20m per term. I am only estimating because I don't have my files now.<sup>119</sup>*

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The figures correlated with that provided by the chairperson and headteacher.

Most members of the SMCs who were not aware of the total amount of funds received from the UPE capitation grants and other sources of funds kept referring the question to the chairperson SMC or the headteacher. Indeed the almost all chairpersons would be in a position to provide the actual figure and they justified their knowledge. For instance, about the total capitation grant by the fact that they are signatories on the school bank account with the headteacher and they sign on the cheque for withdraw of the funds.

The issue of the low levels of education coupled with the lack of induction of the members on their roles and responsibilities leaves the SMCs with a membership that is not conversant with their core functions. One of the vice chairpersons of the SMC while responding to the question on the some of the challenges they face as the committee said:

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*First, those of us who were given the responsibility, we are learning on the job. We are not well educated but learning on the job.<sup>120</sup> On the same issue, one of the chairpersons of the committee said: "Not all members of SMCs are educated. Some of us ended in primary seven. They send us to monitor someone with a diploma. We don't know "scheme of work". When you find the things there you cannot do anything, you cannot read.<sup>121</sup>*

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<sup>119</sup> Interview with the Vice Chairperson SMC, Bumeru Primary School, Namayingo District held on May 23, 2024.

<sup>120</sup> Interview with member of SMC, Namayingo District held on May 23, 2024.

<sup>121</sup> Interview with Vice Chairperson of SMC in Namayingo District held on May 23, 2024.

This indeed points to the vice chairperson's ignorance of his roles and responsibilities because it is not the responsibility of the chairperson SMC or any member of the Committee for that matter to supervise or review the scheme work prepared by the teachers. It might, therefore, be appropriate to introduce some levels of academic qualifications for members of SMCs. The Assistant Commissioner for Basic Education, MoES noted the issue of qualifications for SMC members is among the issues being considered in the review of the Act and the Regulations, but it requires wide public consultations.

## SMC Functions, Accountability and Reporting Mechanisms

The most critical provision for any committee is its terms of reference, which in this case relate to the functions and reporting. Yet the effectiveness of a committee begins with clarity regarding the specific functions outlined for it.<sup>122</sup> When this clarity is lacking, the committee may end up neglecting some of its responsibilities or doing what it is not supposed to. Clarity of functions goes with clarity of the reporting and accountability mechanism. A review of the Education Act and the Education (Management) Regulations reveals that there is a degree of vagueness in terms of both functions and reporting.

Functions of the SMCs as outlined in Regulation 13 of the Education (Management) Regulations are generic and even restrictive. In fact, other than functions (1) and (2), the others are not really functioning, but rather how the SMC should function.<sup>123</sup> Function (1) provides that, "a management committee shall manage the school for which it has been established..." However, function (2) specifies that the day-to-day administrative work shall be performed by the headteacher on behalf of the management committee. With this provision, and in the absence of specific functions assigned to the SMC, it is easy for a headteacher to assume all the management powers. The regulations then go on to provide other functions for SMCs in regard to the school funds, accounts and audit, school property, school budget and then powers especially those relating to school property.<sup>124</sup>

Surprisingly, although the regulations are about the SMC and the headteacher is not, strictly speaking, a member, they go to great length in providing specific and detailed functions of the

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<sup>122</sup> Dr Mary Halton of Chartered Accountants, Ireland notes that, "that role clarity in the boardroom is a driving factor in board effectiveness." at <https://www.charteredaccountants.ie/Accountancy-Ireland/Articles2/ethics-and-governance/Latest-News/board-effectiveness-the-importance-of-role-clarity-october-2016> accessed on April 23, 2024.

<sup>123</sup> Function (3) is instead about personal liability of SMC members; Function (4) talks about consultation with foundation body in case of headteacher transfer even though SMC does not carry out the transfers; Functions (5), (6) and (7) give SMC a right to appeal transfer of teachers and stipulate how this may be done;

<sup>124</sup> Education (Management Committee) Regulations, *supra*, Regulations 19, 20, 21, 22 & 25.

headteacher.<sup>125</sup> This lack of coherence in outlining the roles and functions of SMCs is a potential source of confusion and conflict in school management and governance as shown in the table below.

**Table 5. showing some Misconceptions by Members of SMCs of their Functions**

SMCs Appreciation of their Roles		
SCHOOL	DISTRICT	Roles as given by the SMC respondents
<b>Namihinya Primary School</b>	Namayingo	<ul style="list-style-type: none"> <li>Monitoring of the school to ensure that the teachers are performing their roles.</li> <li>Organize parents' meetings</li> </ul>
<b>Nangoma Friends Primary School</b>	Namayingo	<ul style="list-style-type: none"> <li>Entering classrooms to establish whether the learners are being taught.</li> <li>Establishing whether physical activities are happening in school.</li> </ul>
<b>Bumoli Primary School</b>	Namayingo	<ul style="list-style-type: none"> <li>I attend SMC meetings.</li> <li>I check on the school operations daily</li> <li>Sign on cheques when the headteacher is going to pick UPE funds.</li> <li>Check if the teachers are teaching according to the lesson plan.</li> </ul>
<b>Madowa Primary School</b>	Namayingo	<ul style="list-style-type: none"> <li>Supervise the school schedule and programs.</li> </ul>
<b>Kagorogoro Primary School</b>	Sheema	<ul style="list-style-type: none"> <li>Supervision of the school activities.</li> <li>Convenes meeting once in a term (at the beginning) and other meetings when necessary.</li> <li>Signatory to the Bank Account for UPE funds.</li> </ul>
<b>Nyarubare Primary School</b>	Sheema	<ul style="list-style-type: none"> <li>Attend and chair meetings</li> <li>Signatory to the school bank account</li> </ul>
<b>Nyakasharara Primary School</b>	Sheema	<ul style="list-style-type: none"> <li>Supervision</li> <li>Meetings with management</li> </ul>
<b>Rimbe Primary School</b>	Yumbe	<ul style="list-style-type: none"> <li>To oversee activities taking place in the school.</li> <li>To monitor teachers' attendance and teaching in the school.</li> </ul>
<b>Abiramajo Primary School</b>	Yumbe	<ul style="list-style-type: none"> <li>supervise the attendance of teachers at school.</li> <li>To be a signatory to the school account.</li> </ul>

*Compiled from the responses provided by the members of SMCs on their roles and responsibilities during the field research.*

<sup>125</sup> Ibid, Regulation 15.

The responses are not surprising, given that the Regulations do not spell out in succinct terms the functions of the SMCs. In addition to those highlighted above, the following were some of the responses from some members about their roles and responsibilities: Mabo Ratib, Kana John, and Buga Saffi, collectively stated,

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*We are never given any orientation as SMC members but some of the roles we've been doing include ensuring that teaching in school is going well, liaising with PTA for teachers accommodation, and fostering unity among parents.<sup>126</sup>*

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Kahangire Joram noted

*My roles include representing the chairman in his absence include; being loyal to his work, and avoiding gossip.<sup>127</sup>*

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When asked specifically what they discuss in their meetings, which on average happens at least once every term, the SMC respondents listed a fairly rich array of relevant topics, in line with the mandate of the SMCs, the figure 1 below shows the top 10 priorities;

#### Top 10 Issues discussed in SMC meetings:

1. School budgets
2. Development plans for the school
3. Children's welfare
4. School infrastructure
5. Discipline of staff and students
6. General challenges in the school
7. Accountability of the funds received by the school
8. Attendance by both the learners and teachers
9. Parent engagement in the school activities
10. The performance of learners

It is very likely that the above issues are indeed discussed in the SMC meetings. However, the SMCs members may not be the ones setting the agenda, but rather the school headteachers. This was confirmed by one of the national leaders of the foundation body by noting: "Some of the headteachers undermine the SMCs because of their ignorance. It is them that guide the SMCs."<sup>128</sup>

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<sup>126</sup> Moli Primary School in Odravo, Yumbe District interviewed on May 22, 2024.

<sup>127</sup> Interview with Kahangire Joram, SMC member of Kirundo Primary School in Sheema District held on May 22, 2024.

<sup>128</sup> Interview with Fr. Ronald Okello, *supra*.

The MoES' School Management Committee Handbook, which unpacks and specifies the roles of the SMC was developed in 2005 and revised in 2007, a year before the current Education Act came into force. Apart from being out of date, it lacks the force of law as it was not issued as a statutory instrument under Sections 3 and 57 of the Act.<sup>129</sup> Later on, the Ministry still issued the Guidelines on Policy, Roles and Responsibilities of Stakeholders in the implementation of UPE. It also equally lays out the roles and responsibilities of the various stakeholders in the delivery of UPE. Specifically, on UPE, the guidelines set out seventeen (17) roles.<sup>130</sup>

Just like the Handbook, the guidelines also lack the force of law. It is interesting that the MoES has a lot of appetite for Guidelines as opposed to the Regulations that have the force of law. As highlighted earlier, since the enactment of the Education Act together with the Regulations on SMCs, no Minister in charge of education has ever issued Regulations. Yet section 3 and 57 of the Act mandate any Minister in charge of education from time to time to issue Regulations to deal various issues in the sector including the delivery of UPE and management of schools. When probed on this point, the Director Basic and Secondary Education explained that the process of developing Regulations is more involving and needs a budget because of the requirement for stakeholder consultations, as provided for under Section 28 (2) of the Act.

The reporting mechanism for SMCs is another grey area and this undermines their performance and accountability. Although members of SMCs are nominated by different constituencies, they are approved and appointed by the District/ Municipal/ City Education Officer (DEO) in consultation with the District/ Municipal/ City Council's Standing Committee responsible for education.<sup>131</sup> The DEO/ MEO/ CEO may remove any member from the SMC in consultations with the District Council's Standing Committee responsible for education on a number of grounds, including incompetence.<sup>132</sup>

However, there is no provision for SMC to regularly report to the DEO/MEO/CEO regarding their management of the school. The closest provision in this regard is Regulation 24 of the Education (Management Committee) Regulations which stipulates that the SMC shall meet and discuss with the DEO matters arising from their audited accounts. This does not only restrict the scope of reporting to just one aspect of school management, but it is also dependent on there being audited accounts and the DEO/MEO/CEO having the time to meet each individual SMC which is very unlikely.

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<sup>129</sup> Ministry of Education and Sports, The School Management Committee Handbook, 2005, Revised 2007, p.4.

<sup>130</sup> Ministry of Education and Sports, Guidelines on Policy, Roles and Responsibilities of Stakeholders in the Implementation of UPE, pp. 14 – 15.

<sup>131</sup> Education (Management Committee) Regulations, Regulations, Regulation 4.

<sup>132</sup> Ibid, Regulation 7 (3).

The other way of reporting is through submission of minutes of the SMC meetings and the school budget. Regulation 12 requires that minutes of SMC meetings be distributed to members of the committee responsible for education at the sub-county or its equivalent, DEO and foundation body. Additionally, Regulation 25 mandates SMC to "Prepare and lodge with the sub-county, District Executive Committee, DEO, Chief Administrative Officer and foundation body annual estimates of income and expenditure".

While these are a form of reporting, they are not comprehensive because they don't capture in detail aspects such as the achievements realized by the committee and challenges it is grappling with. Relatedly, the minutes of meetings and the budget lack the scope and clarification of actions that their recipients may take upon receiving them. Indeed, during interactions with members of the SMCs across the three districts, some of them explained sharing minutes of their meeting as the only form of accountability to their appointing authority and none of them talked of sharing the minutes and budget with their respective foundation bodies. Worse still, nowhere is the SMC required to report to or consult parents, at least through the PTA. Without this, the SMCs' reporting and accountability to the community, as the real stakeholders in the school, is compromised.

Under the circumstances, accountability has remained largely a responsibility of the headteachers, exposing them to, at times, unfair criticisms and treatment from both political leaders and community members. Regulation 25 (2) requires every a headteacher on being requested by an inspector of schools, to "place at the disposal of the inspector of schools all records, accounts, notebooks and any other materials belonging to the school for inspection or audit." The accountability by the headteacher is mainly to government authorities, both central and local and is in the form of ensuring compliance to set standards and policies, in addition to the paper accountability of funds provided to the school.

While there has been growing demand for performance accountability from school by both government and members of the community, this has largely and narrowly focused pupils' performance in end of primary school cycle national examinations, the Primary Leaving Examinations (PLE). Although, this is an important indicator of learning achievements, it should be expanded to include all education outcomes, for example retention/survival rates, completion rates and transition rates, which have remained quite low in public primary schools.

## The Role of Parent-Teachers Association (PTA) in Governance of Public Primary Education

The PTA is a formal establishment in the school system which is made up of parents whose children are currently registered as students in the school, and teachers in the school.<sup>133</sup> The aim of the PTA is to enhance the collective participation of parents and teachers in the education of children.<sup>134</sup> PTAs act as bridge facilitating the linkage between the parents, teachers and the rest of community in the children's education.

There has been a concern that the reforms that were implemented with the introduction of UPE weakened the role of PTAs in the governance of public primary education. This is attributed to the elimination of PTA fees and their replacement with capitation grants that are provided by the government for the day-to-day operations of the schools.<sup>135</sup> However, it is not entirely true that the parents' payment of fees was completely abolished in the implementation of UPE.

Regulation 15 (5) of the Education (Management Committee) Regulations bars fees collection for building classrooms, teachers' houses, latrines, uniforms, buying text books, furniture, test or examinations. However, it allows a school in an urban area to levy a charge for administrative and utility expenses not exceeding Uganda shillings ten thousand four hundred (UGX 10,400) per pupil per year and it can be revised from time to time.

Furthermore, it allows a UPE school to levy a charge for mid-day meals as determined by the SMC in consultation with the district council. This stems from the provisions of section 5 (2) (c) of the Education Act which is to the effect that the responsibility of feeding learners is for the parents and guardians. Also, despite section 9(1) of the Education Act outlawing the charging of fees in UPE schools, subsection 2 allows collection of funds from parents or well-wishers to contain an emergency or any urgent matter concerning the school. Although the provision restricts the SMC to only collecting voluntary contributions or funds for addressing an emergency at school, in most cases this has been construed to mean continuous collection of funds from the parents to address the development and staffing deficits in schools. In all the schools visited during data collection in the three districts, they were collecting funds from parents to recruit additional teachers and for construction of classrooms and other infrastructure.

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<sup>133</sup> Olayemi, A. E, The Role of The Parent Teacher Association (PTA) in Promoting School Education in Ekiti State, Nigeria, EPRA International Journal of Multidisciplinary Research (IJMR) Peer Reviewed Journal, Volume: 5, Issue: 11, 2019.

<sup>134</sup> Ibid.

<sup>135</sup> Ibid.

The foregoing is proof that the PTAs are fully existent in all the schools. However, there is no law or regulation that expressly establishes them in terms of their composition, tenure of office, roles and functions. The Education (Management Committee) Regulations simply refers to representation of parents of the school on the SMC elected at the annual general meeting.<sup>136</sup> It remains unclear whether the provision envisages the existence of a PTA or just parents of the school that end at only attending parents meeting at the school. As a result of their informal existence, the decisions of the parents in the school are in most cases ignored. The District Education officer of Namayingo District explained:

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*Parents – Teachers Associations (PTAs) should be legalized and formalized to be respected. As we speak now, PTA resolutions are not binding. PTAs should be formalized. The composition of PTA is not specific and uniform. Each school has its own composition.*<sup>137</sup>

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It will therefore be important to have PTAs formally provided for. This will offer guidance in terms of their composition, tenure of office, roles and functions.

## **The Impact of Ineffective School Management Structures on Governance and Accountability**

### **Weak Budgeting and Accountability for the School Funds**

All money collected in the name of the school are funds of the SMC. Under Regulation 19(1), the funds of the SMC are listed to include; UPE grants, bursaries, fees and teachers' salaries; moneys accruing from the sale of products; gifts, donations or endowments from any sources; moneys paid for mid-day meals and any charges collected from pupils. However, for majority of the schools visited in the three districts, the only funds banked, budgeted and accounted for, are the UPE capitation grants. There is a requirement to have the budget and expenditure for the UPE funds pinned either on the school notice board or any easily accessible place to the general public.<sup>138</sup> Indeed, for most of the schools visited they are complying. There were very few cases where the budgets and expenditures for UPE capitation grants were not pinned either in the headteachers' or staffs' office.

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<sup>136</sup> The Education (Management Committee) Regulations, Regulation 3 (3) (e).

<sup>137</sup> Interview with the District Education Officer, Namayingo District held on May 24, 2024.

<sup>138</sup> Ministry of Education and Sports, Guidelines on Policy, Roles and Responsibilities of Stakeholders in the implementation of UPE, p. 3.

The other categories of funds such as development, community/ PTA teachers, school feeding fees among others are not included as part of the school budget and not even banked contrary to the Regulations.<sup>139</sup> Instead, the headteachers spend what is collected. Even when submitting budgets to sub-counties and districts, the schools only submit budgets for the UPE capitation grants without the rest of other funds. Yet both the districts and sub-county authorities are aware of the fact that schools levy fees from parents. This manner of managing school funds undermines proper planning, utilization and in most cases breeds abuse of the school funds.

## Improper constitution of the sub-committees of the SMCs

In order to ensure the efficient functioning of the SMCs, the law allows them to constitute themselves into sub-committees. All the schools visited had sub-committees. The only issue was some of the sub – committees being constituted of non-members of the SMCs contrary to the Regulations. Regulation 14 (1) empower the SMC to appoint two sub-committees among its members; finance and development sub-committee; (b) general purpose sub-committee. Each sub-committee's membership is not supposed to exceed 6 members and their function depends on the delegation assigned to them by the SMC. In almost all the schools visited, the SMC sub-committee on finance responsible for budgeting is constituted by non-members of the SMC, the head of subjects. Paragraph 2.2 (vi) of the Guidelines on Policy, Roles and Responsibilities of Stakeholders in the Implementation of UPE requires every UPE school to establish a school finance committee for budgeting purposes composed of the teaching staff subject heads.

Therefore, the confusion stems from the apparent contradiction created by the Guidelines on Policy, Roles and Responsibilities of Stakeholders in the Implementation of UPE. Be it as it may, if the members of the SMCs were vigilant this matter would have been addressed. In the hierarchy of laws, the Regulations being subsidiary legislation are superior to the Guidelines. The provisions of the Guidelines cannot therefore supersede those of the Regulations. This confusion needs to be addressed because it has left most of the SMCs without any authority in regards to planning and budgeting. They have been reduced to only rubber stamping the budget prepared by the heads of subjects.

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<sup>139</sup> Education (Management) Regulation, Regulation 19 (2).

## SMC not Considering Inspection Reports

Currently, public primary education is grappling with minimal inspection, monitoring and supervision of the schools. Contrary to the requirement that schools should be inspected at least twice a term, it has been established that on average most (71%) of the primary schools are inspected only once in two terms.<sup>141</sup> It is even worse for the rural-based districts with only 12% of their schools inspected in two terms. Even where the inspection has taken place, the reports are not being utilized.<sup>142</sup> The school inspection reports are critical tools in guiding SMCs to develop school improvement plans by indicating the areas of weaknesses and the interventions and action that need to be undertaken.

Surprisingly, no SMC respondent indicated that they have ever discussed the school inspection reports. In fact, there was a general lack of awareness of even the existence of school inspection reports. Regulation 17 of the Education (Management) Regulations mandates the headteacher to submit the school inspection report to the SMC, sub-county, municipality or division and the foundation body together with his or her comments in the report. It is most likely that the headteachers opt not to submit the inspection reports to their respective SMCs because it could have pinned them on their inefficiency. Inspection usually invokes negative connotations in the mind of those to be inspected with most of the recommendations calling for disciplining or punishing poor performers.<sup>143</sup> There is need for the District Education Offices to enforce the consideration of the inspection reports by the SMCs to guide the school level improvement.

## Limited Reporting to the District Education Office

Since the DEO appoints the SMCs to assist in the governing of the schools, it would be expected that they would be submitting reports either termly, since the school calendar is divided into terms, or annually. This is not being done. What is considered as reporting to the DEO is the submission of the minutes of the SMCs meetings and their respective school budgets. This challenge also stems from the gaps within the regulations that governs the SMCs. They are silent on the termly or annual SMCs' reporting to the DEO and as a result there are limited interactions between the DEO and SMCs.

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<sup>140</sup> National Planning Authority, (2020), Comprehensive Evaluation of the Universal Primary Education (UPE) Programme: "Efficacy of School Inspection in Supporting the Delivery of UPE," Issue No. 10, p. 2 at <https://nru.uncst.go.ug/server/api/core/bitstreams/2e173359-1cc5-4368-9ef7-419616cf7c95/content> accessed on June 29, 2024.

<sup>141</sup> Ibid.

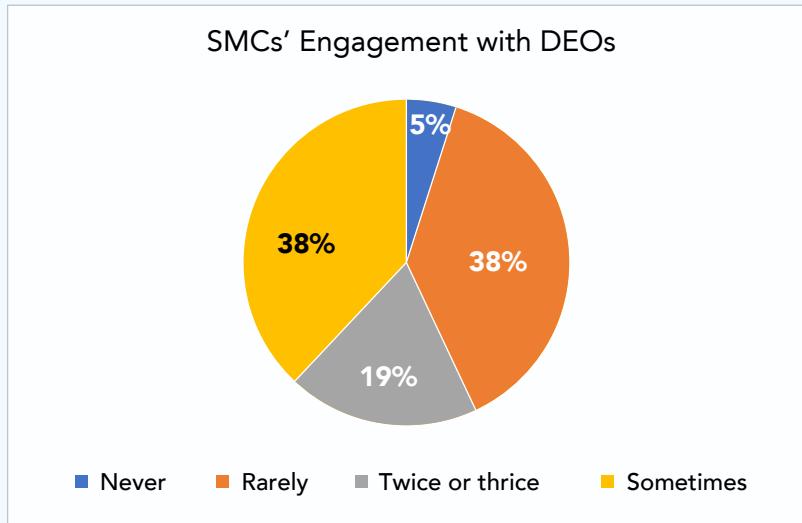
<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

Indeed, from the field research responses of SMC members to the Question of: How often and in what ways do you engage with the DEO? It is noted that some SMCs (5%) have never engaged with the DEO in any form, 38% rarely engage with DEO, 19% engage with the DEO twice or once a year and 38% engage with the DEO sometimes (Figure 1). The form of engagement is not structured and varies from visit to the DEO's office to present a compliant, attending meetings at the DEO's office, the DEO Visiting the school to inviting the DEO to the Annual General Meeting, which normally is for PTAs not SMCs.

In only 14% of the cases are SMC submitting termly reports or minutes of SMC meetings to the DEO. No single SMC mentioned meeting with DEO to discuss matters arising from their audited accounts, school inspection reports, although this could happen at the Annual General Meetings (meetings of SMCs, parents and teaching staff) that some of the SMCs reported to invite the DEOs to attend.

**Figure 1. Showing the level of SMCs engagements with the DEOs**



As the appointing authority, the DEO is the supervising entity for the SMCs. However, from the field findings, there are rare interactions between the SMCs and the DEO. It appears that from their monitoring and supervision, the DEOs do not interact with the SMCs yet they are their immediate agents at school. This could be as a result of gaps in the DEO's monitoring and supervision framework of schools. The DEO of Namayingo district called for the standardized framework of their school monitoring and supervision. He noted that compared to Inspector of

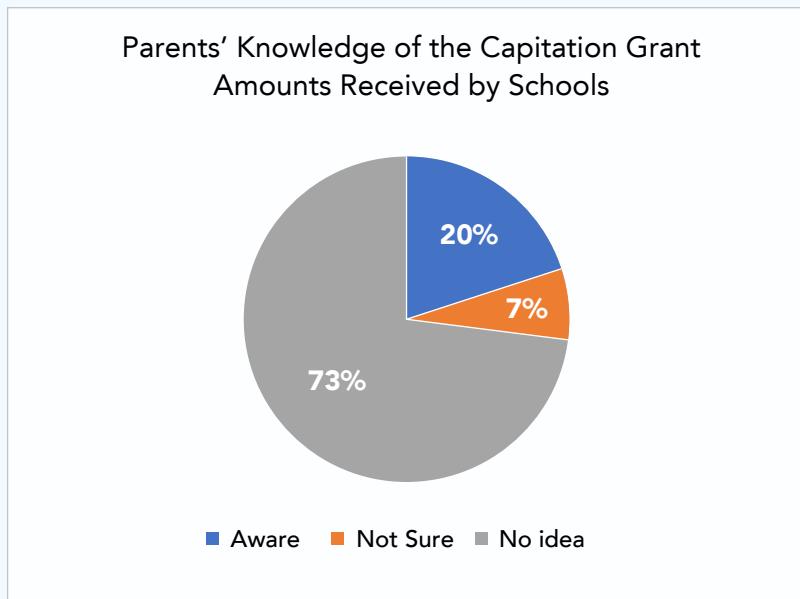
Schools that have standardized inspection tools, there are no standardized tool for school monitoring and supervision by the DEOs. As a result, each DEO develops his or her own guiding tools. There is need for standardized school monitoring and supervision tools to ensure that DEOs interaction with the SMCs is incorporated in school monitoring and supervision tools.

## Limited Accountability to Parents and Community

While the parents enroll their children in school, the available reporting and accountability framework did not find it necessary to include them. Therefore, SMCs are not mandated by any law to account to the parents. Nevertheless, there is some level of accountability. The field team probed respondents in both FGDs and one-on-one interviews for the schools' level of accountability to parents and the community in general. The headteachers generally indicated that they account to parents and community through the PTA annual general meetings. During these meetings, they set the non-tuition fees that parents are supposed to pay and school performance and financial reports are presented. Some headteachers also indicated that they also account to parents through class-based meetings especially those with learners in upper classes, primary five to seven.

Most of the parents' responses corroborated the headteachers claims that they are invited to meetings, including class meetings. They also indicated that they are involved in the planning and decision making, especially in regard to parents' contributions. However, when it comes to the Government funds (UPE capitation grants) released to the schools, there is no accountability to parents in most of the cases. Almost all parents expressed ignorance about the amount their school receives in capitation grants. 73% of the parents' FGDs in the 48 schools visited, said they had no idea how much the school received as capitation grants from Government; 7% were not sure and only 20% knew at least the rough estimate of the amount as shown in the figure 2 below;

**Figure 2. Illustrating Parents' Level of Awareness of Capitation Grants Received by their Schools**



Even among these FGDs, where the amounts were known, the knowledge was mainly by one or two parents, especially those representing the parents on SMCs. In two out of the six cases where the parents claimed to know the amounts, the figure they gave was significantly different from what the headteacher gave. In Bubango Primary School in Namayingo district, the parents indicated the amount as UGX 3.8m, but the headteacher gave the figure of UGX 4.5m; in Nyamabare Primary School, Sheema district, parents said the amount ranges from UGX 1.5m to 2m while the headteacher indicated UGX 3m. It is reasonable to surmise from this that the headteachers may be under-declaring the amount received as capitation grants.



## Parents' Level of Satisfaction with Performance of the SMCs

There is a general dissatisfaction of parents with the work of SMCs. During the field interactions, in the first place, parents were asked to rate the performance of SMCs in their schools on a scale of 1 to 10. On average, the parents rated the performance of SMCs at 6.5/10 (65%); however, a few of the reasons they were giving to explain their rating tended to suggest that some of them did not completely appreciate the role of the SMCs in the school management. For instance, in Abiriamajo Primary School in Yumbe district, the parents had issue with the SMC for staffing gaps and disunity among teachers. In Alaba Primary School, Yumbe district, the parents blamed the SMC for, among other things, inadequate number of classrooms. In Kyengando Primary School, Sheema district, the parents rated the SMC at 1/10 (10%) because, they have "failed to forward our issues to the headteacher or the foundation body," instead of faulting them for not taking appropriate action on the issues as the supreme organ of the school management.

## Limited Involvement of Parents in the School Decision Making Process

Some of the parents who acknowledged involvement in the school decision making process still complained that the level of involvement is limited especially when it comes to utilization of UPE funds. A female parent explained:

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*As parents, we're called to plan for contributions like school feeding, community teachers at the general meetings, we're also involved in making school related charges for tests, meals, community teacher and the cook but not how the UPE grants will be distributed. Thus, we're not involved in making decisions on the accountability of the funds.<sup>144</sup>*

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In terms of being involved in the decision making in the school, only 50% of the parents were satisfied, 20% were somehow satisfied and 23% were dissatisfied, while 7% were very dissatisfied. Particularly, some parents who expressed dissatisfaction with the SMCs attributed it to the low levels of transparency. One of the male parents in a UPE school rated the SMC performance at 1/10 and noted that:



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<sup>144</sup> Interview with a parent of Bungecha Primary School in Bungecha, Namayango held on May 21, 2024.

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*We don't know how much the school is receiving as capitation grant, or how much it receives in PTA funds. We don't even know how much funds have been accounted for, yet we pay these funds every term. As parents, we need to be involved in regular school planning meetings which meetings the SMC does not regularly organize.<sup>145</sup>*

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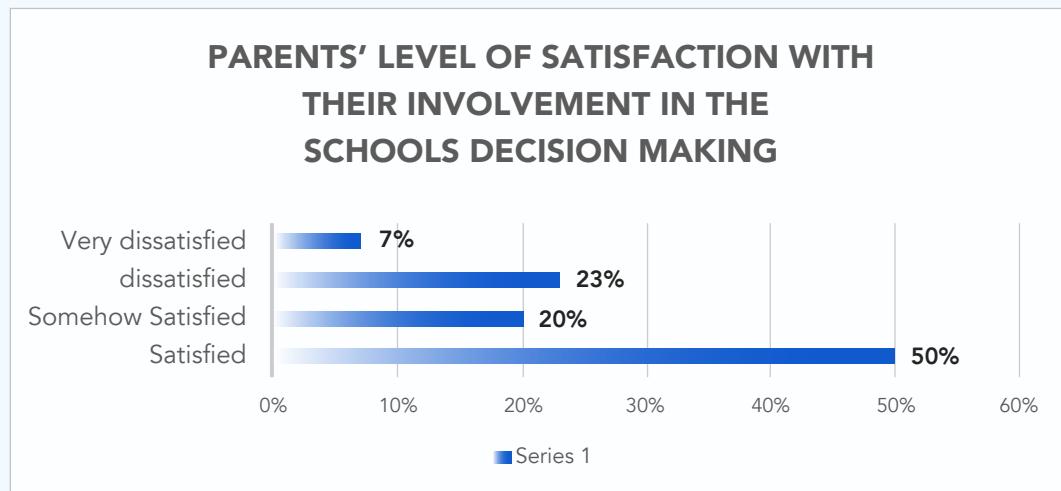
Another female parent added:

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*Our involvement in decision making is only on school charges, and we're only informed of any other planned matters in the general school meeting normally at the end of the year. Unfortunately, as parents we're not told of the other plans for the school funds like UPE by the school finance committee and hence the SMC are not held accountable by the parents.<sup>146</sup>*

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The figure 4 below shows the overall assessment of the SMCs by their respective parents.



The implication of the above is that both the headteacher and the SMCs are not fully accountable to the parents. In situations where the stakeholders do not get adequate information about the

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<sup>145</sup> Interview with a parent of Akia primary school in Kei sub-county, Yumbe District held on 23<sup>rd</sup> May 2024.

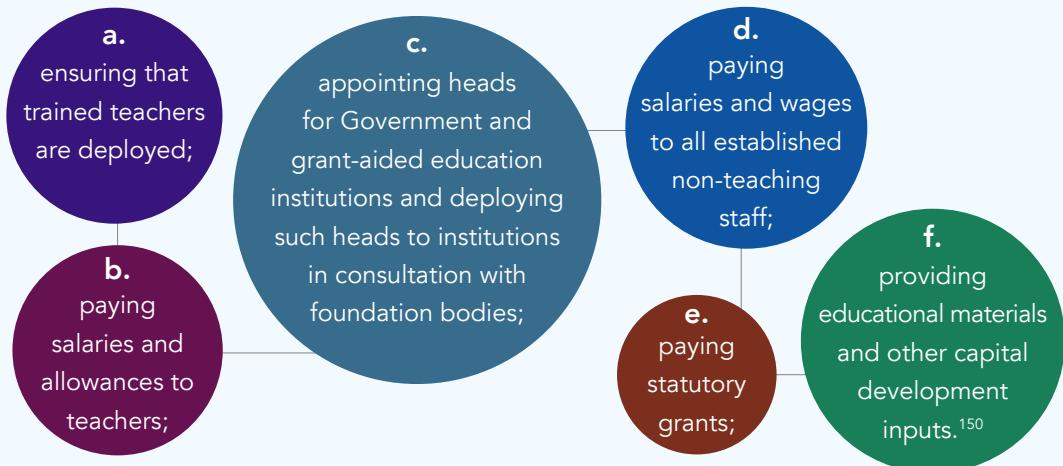
<sup>146</sup> Interview with a parent of Buhunya Primary School in Namayino district held on May 21, 2024.

operations of the schools. They do not feel that they are effectively involved in the key decision making, It becomes extremely difficult for them to contribute to ensuring provision of quality education.

## Transfer of Education Costs to the Parents

The responsibility of ensuring that children access basic education is for both the state and parents or guardians of the children. Both the Constitution and the Education Act reechoes this obligation.<sup>147</sup> The Education Act further demarcates the responsibilities of the government and parents. Parents and guardians are assigned the duties of registering their children of school going age at school, providing food, clothing, shelter, medical care and transport and scholastic materials.<sup>148</sup> The government is responsible for the provision of learning and instructional materials, infrastructure development and teachers welfare; and recruiting, deployment and promotion of both teaching and non-teaching staff.<sup>149</sup>

Particularly, in government grant aided schools, the government is responsible for;



<sup>147</sup> Constitution, Article 34 (2) and Education Act, section 4 (1).

<sup>148</sup> Education Act, section 5 (2) (a) and (c).

<sup>149</sup> Ibid, section 5 (1) (a) and (g).

<sup>150</sup> Ibid, section 8.

Contrary to the foregoing obligation assigned to each party by law, the government is falling short on its obligations. As a result, SMCs are resorting to levying additional fees to close the deficits, mainly in infrastructure and staffing and in some cases motivation of teachers.

Despite the government committing to eliminate school fees and providing free public primary education,<sup>151</sup> the parents are required to pay fees. Actually, the major role of the leadership of the PTAs and their success is measured on the amount of collection from parents that they manage to make. A PTA leader in one of the schools explained:

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*I now serve as the chairperson PTA and I represent parents on the SMC. My roles are to ensure that parents and teachers work together for the proper management of the school, to ensure that private teacher salaries are paid on time, and to fundraise and oversee development projects at school.<sup>152</sup>*

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This follows the targets that are set to the parents. For instances, a chairperson of the SMC explained:

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*Yes, we have 1906 learners, we get UGX 12,093,600 per term. We also get UGX 4,480,700 to support poor children from Iceland Embassy. It comes once a year. We have received it for two years now. The parents expected contribution is about UGX 14,000,000 but we collect about UGX 11,000, 000 per term. We have teachers on PTA payroll, when we fail to meet the expected budget, we borrow to pay them. For this term, we have borrowed UGX 3,600,000. We have 11 teachers on PTA, we also have to pay 2 security guards, 4 cooks and 2 matrons.<sup>153</sup>*

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From the expected parents' total school fees payment, it is clear that the parents' school fees payments are almost matching the government capitation grants. This is driven by the limited

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<sup>151</sup> Ibid, section 9.

<sup>152</sup> Interview with Atuhairwe Ruth, SMC member in Nshongi Model Primary School, Sheema District held on May 23, 2024.

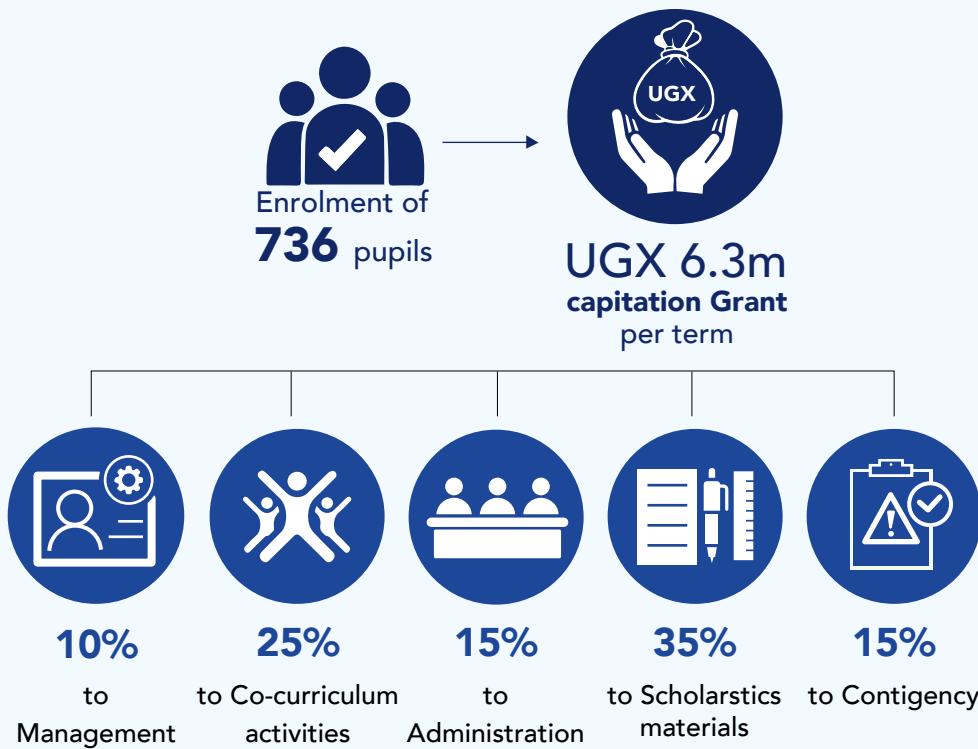
<sup>153</sup> Interview with the Chairperson SMC, Bumeru Primary School, Namayingo District.

financing of the UPE program. One of the headteachers of one of the UPE schools visited in Yumbe district in Odravu sub-county explained that:

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*Here we have an enrolment of 736 pupils. We receive a UGX. 6,300,000/= per term as capitation grant which funds are proportioned according to the regulation from the Ministry of Education and Sports as 10% to management, 25% to co-curriculum activities, 15% to administration, 35% to scholastics materials and 15% to contingency. Since the financing is not adequate, the school has continuously requested parents to supplement, which, at times is not honoured by all. There are no other sources of income to the school. Not even support from NGOs.<sup>154</sup>*

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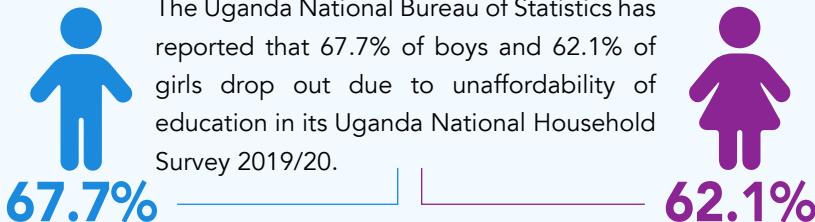


Although the SMCs indicated to have continuously brought the issue of limited infrastructure and staffing to the attention of their respective district education authorities, they have not been more aggressive in pushing the government to fulfil its part of the bargain.

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<sup>154</sup> Gule Michael, Headteacher of Kumuna Primary School in Odravu, Yumbe District interviewed on 20<sup>th</sup> May 2024.

Requiring parents to pay school fees undermines the objectives for which UPE was started. Pushing the burden of filling staffing and development deficit has resulted in school dropout for those who fail to meet the imposed fees.



Unaffordability of education is the highest factor responsible for school dropout. During interactions with the SMCs, there was a lot of blame on the parents for not paying the non-tuition fees agreed upon in parents' meetings. This could be an indication that the SMCs are not aware of the responsibilities of the parents and government regarding the implementation of the UPE program.

## CONCLUSION:

Overall, this report concludes that governance and accountability in public provision of primary education still faces major challenges. While Government has taken significant steps in implementing its international, regional and national commitments to equitable provision of quality primary education, issues of inadequate funding, absence, weak or contradictory policy frameworks have undermined effective implementation of these commitments.

Inadequate funding, coupled with weak governance and accountability mechanisms, under the UPE programme is undermining its objectives and education costs are increasingly being transferred to parents.

The roles of the different mandated duty bearers, from national to local government, and up to school levels, are not effectively played, either due to contradictions or lack of harmonization and alignment, and also due to limited capacity at the lower levels.

As a result, the objective of equitable provision of quality and relevant education in an effective and efficient manner is not being met in the public provision of primary education. The strengthening of school governance and accountability need reforms in the policy, legal and institutional framework. The reforms should focus on the structures right from the school, sub-county, district and the national level.

## RECOMMENDATIONS:

To the Parliament and the Ministry of Education and Sports:

- Amend the Education Act to make DES an autonomous agency for quality assurance for primary and secondary education and make its recommendations binding on both local governments and Ministry of Education and Sports.
- Ensure that UPE is adequately funded in the appropriation of the nation budget as per the NPA recommended threshold in order to minimize the growing cost burden of public primary education on parents.

To Ministry of Finance Planning and Economic Development:

- Ensure that UPE is adequately funded as per the NPA recommended threshold by realigning national budgeting priorities in favour of critical social services, including public primary education.
- Provide funding for recruitment of adequate numbers of teachers in UPE schools and for infrastructure development to remove high education cost burden on parents that are contributing to high dropout rates.

To the Ministry of Education and Sports/ Minister of Education:

- Develop and document a policy on UPE.
- Develop standardized training/ induction for SMCs on their roles and responsibilities.
- Issue Regulations to formally provide for Parents Teachers Associations, setting out their composition, appointment, tenure of office and functions of the executive committees.
- Urgently review the current School Management Committee Regulations with a view to providing for;
  - a. Academic qualifications for its members, remuneration, and their roles and responsibilities explicitly provided in a precise and concise manner among others.
  - b. Reduction of the representation of foundation bodies on the SMCs from 50% to 30%.
  - c. Foundation body nominating the Chairperson of the SMC and the Parents nominating the Vice Chairperson.
  - d. Increased representation of parents from the current 8.3% to 25%.
  - e. Representation of persons with disabilities on the SMCs.
  - f. Women constituting at least a third of the members of SMC.
  - g. Participation of the learners in the governance of the schools.
- From time to time, exercise the powers granted under sections 3 and 57 of the Education Act to issue regulations to deal with issues of governance of schools and UPE program as opposed to relying on Guidelines.

- Develop and sign a comprehensive MoU with foundation bodies of government-aided primary schools, providing for clear rights, roles and responsibilities of the parties.

To the Directorate of Education Standards:

- Develop standardized formats for monitoring and supervision of schools by the DEO that requires them to interact with members of SMCs.

To the District Local Governments (District/Municipal/City Education Officers and Sub county Chiefs/Division Clerks):

- Ensure that the SMC sub-committees are constituted as per the Education (Management) Regulations, and not the Guidelines on Policy, Roles and Responsibilities of Stakeholders in the implementation of UPE.
- Ensure that SMCs submit termly reports to the District Education Office and Sub county Chief/ Division Clerks offices.
- Ensure that all the funds received and collected by the schools are planned and budget for.
- Require SMCs to prepare and submit school improvement plans after school inspection by the district school inspectors.
- Ensure that upon appointment, SMCs are inducted on their roles and responsibilities.

To the Foundation Bodies:

- Advocate for and sign a comprehensive MoU with MoES on the rights, roles and responsibilities of the parties in the management and supervision of government-aided primary schools.
- Work more closely with SMCs to ensure effective school governance and accountability
- Effectively play their role of mobilizing additional resources for the schools of their foundation and avoid treating government grant aided schools as sources of income.

To the School Management Committees

- Ensure that inspection reports are discussed and school improvement plans developed, based upon the recommendations in school inspection reports.
- Ensure effective accountability and involvement of parents in school decision making processes.
- Ensure that the termly and annual school reports are developed and submitted to the Foundation Bodies, Sub County Executive Committees and the District Education Offices in line with the accountability requirements.
- Ensure that all the school funds – capitation grants, school feeding, PTA contributions and development fees are budgeted for and approved by the SMC.

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