Lesotho

Effective Delivery of Public Education Services

A review by AfriMAP and the Open Society Initiative for Southern Africa

Mamoeketsi Nkiseng Ntho (PhD) and Lesotho Council of NGOs

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Lesotho: Effective Delivery of Public Education Services

## Main Report

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<tr>
<td>AfriMAP</td>
<td>Africa Governance Monitoring and Advocacy Project</td>
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<td>APRM</td>
<td>African Peer Review Mechanism</td>
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<td>BOS</td>
<td>Bureau of Statistics</td>
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<td>CASS</td>
<td>Curriculum and Assessment Policy</td>
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<td>CEO</td>
<td>Chief Education Officer</td>
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<td>CHE</td>
<td>Council for Higher Education</td>
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<td>COSC</td>
<td>Cambridge Overseas School Certificate</td>
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<td>DCEO</td>
<td>Directorate on Corruption and Economic Offences</td>
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<td>DDPR</td>
<td>Directorate of Disputes Prevention and Resolution</td>
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<td>ECCD</td>
<td>Early Childhood Care and Development</td>
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<td>ECOL</td>
<td>Examination Council of Lesotho</td>
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<td>EFA</td>
<td>Education for All</td>
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<td>EMIS</td>
<td>Educational Management Information System</td>
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<td>FPE</td>
<td>Free Primary Education</td>
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<td>GCE</td>
<td>General Certificate in Education</td>
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<td>G/DBS</td>
<td>General/Direct Budget Support</td>
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<td>GDP</td>
<td>gross domestic product</td>
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<td>JC</td>
<td>Junior Certificate</td>
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<td>LANFE</td>
<td>Lesotho Association of Non-Formal Education</td>
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<td>LAT</td>
<td>Lesotho Association of Teachers</td>
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<tr>
<td>LCE</td>
<td>Lesotho College of Education</td>
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<td>LCN</td>
<td>Lesotho Council of Non-Governmental Organisations</td>
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<tr>
<td>LDTC</td>
<td>Lesotho Distance Teaching Centre</td>
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<td>LTU</td>
<td>Lesotho Teachers Trade Union</td>
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<td>LUT</td>
<td>Limkwonkin University of Technology</td>
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<td>LUTARU</td>
<td>Lesotho University Teachers and Researchers Union</td>
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<td>MDG</td>
<td>Millennium Development Goal</td>
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<td>MoET</td>
<td>Ministry of Education and Training</td>
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<td>NGO</td>
<td>non-governmental organisation</td>
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<td>NMDS</td>
<td>National Manpower Development Services</td>
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<td>NUL</td>
<td>National University of Lesotho</td>
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<td>OSISA</td>
<td>Open Society Initiative for Southern Africa</td>
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<td>PRS</td>
<td>Poverty Reduction Strategy</td>
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<td>PSIRP</td>
<td>Public Sector Improvement and Reform Programme</td>
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<td>PSLE</td>
<td>Primary School Leaving Examination</td>
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<td>PTA</td>
<td>Parent–Teacher Association</td>
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<tr>
<td>Abbreviation</td>
<td>Description</td>
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<tr>
<td>RCC</td>
<td>Roman Catholic Church</td>
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<td>SACMQ</td>
<td>Southern and Eastern Africa Consortium for Monitoring Education Quality</td>
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<td>SAMB</td>
<td>School Advisory and Management Board</td>
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<td>SWAp</td>
<td>Sector-wide Approach to programming</td>
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<td>TRC</td>
<td>Transformation Resource Centre</td>
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<tr>
<td>TSC</td>
<td>Teaching Service Commission</td>
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<td>TSD</td>
<td>Teaching Service Department</td>
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<td>TVET</td>
<td>Technical and Vocational Education Training</td>
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Preface

This report is the culmination of a research process that started in 2012. It is part of governance assessment activities by AfriMAP and the Open Society Initiative for Southern Africa (OSISA) to ascertain the level of governments’ compliance with governance commitments. The assessments focus on three themes: justice and rule of law; democracy and political participation; and effective public service delivery with a specific focus on education. The objective of carrying out the research and publishing the reports is to provide information that can be used to advocate for reforms in the relevant sector. In Lesotho the research was carried out by local researchers who worked with civil society organisations to convene two roundtables to discuss and debate drafts of the report. The roundtables drew the participation of a wide range of stakeholders that included government officials, representatives of civil society organisations, media, and development partners. The discussion during the roundtables helped to formulate concrete recommendations suggesting how to address the many challenges that are impeding effective delivery of education as a public service in Lesotho.

The report’s primary focus is to examine how education is governed. While it inevitably comments on issues of quality and outcomes in the education sector, it largely focuses on processes and institutions that need to be in place in order for the right to education to be realised.

Lesotho, like many other countries, is party to a number of regional and international treaties that oblige governments to put in place processes and institutions that will improve delivery of education. Civil society organisations on the other hand can play a constructive role by monitoring the extent to which government is in compliance and offers policy options that aim to improve the situation. AfriMAP believes that the report can help promote meaningful dialogue between different stakeholders to set national priorities and ensure effective implementation of development strategies.

Similar research has been done or is ongoing in several countries that include Benin, the DRC, Ghana, Kenya, Malawi, Mozambique, Senegal, Sierra Leone, South Africa, Swaziland and Zambia. Comparative analyses of the issues emerging from the different countries will be done in order to identify best practices and learn from the different experiences.
Acknowledgements

The study on public service delivery in Lesotho would not have been possible without the contributions of a cross section of stakeholders, who are as diverse as they were invaluable. Sincere appreciation is expressed to all involved.

Many individuals from the education sector, government departments and institutions, academics, members of civil society organisations, faith-based institutions, and development partners gave up their time to be interviewed and made insightful contributions during the validation of the report. The Lesotho Council of NGOs (LCN), a non-governmental organisation, played a critical role as the host institution that oversaw the implementation of the project. The LCN’s networks and engagement with the sector enabled access to important sources of information and key actors.

Dr Mamoeketsi Nkiseng Ntho, the author of the report, worked diligently to produce a high quality, credible and relevant study. Tamara Sutila, an educationist, did a great editing job, adding value to the final product through her expertise as a consultant with in-depth regional knowledge of the sector. The AfriMAP/OSISA team of Roshnee Narrandes, Jeggan Grey-Johnson and Ozias Tungwarara supported the process by reviewing drafts, facilitating the validation workshop and providing administrative support.
Part I

Lesotho: Effective Delivery of Public Education Services

Discussion Paper
Introduction

The government of Lesotho has made significant progress in increasing access to education, particularly at the basic-education level (Grades 1–10). In 2009, the primary net enrolment rate (NER) was already 80.9%, up from 60% in 1999. The primary gross enrolment rate (GER) decreased from 127% in 1999 to 103% in 2010, indicating that more children of the right age were entering primary school and that few were repeating grades at this level. Lesotho’s literacy rate among the 63% of the youth under the age of 25 was close to 100%, and the adult literacy rate was 89.7% in 2009. Lesotho is therefore in an enviable position of being on track to achieve two significant Millennium Development Goals (MDGs) – goals 2 and 3 – by the specified year of 2015. This is taking place in the context of a unique governance structure for the education system in which the majority of schools are owned and run by the Church.

Despite this, the government of Lesotho is concerned about the quality of the education delivered, as well as about the equity aspect of this given the very high levels of HIV prevalence (24%). The main research report highlights the system’s need to improve, as regards the internal efficiency aspect measured by the number of learners who complete schooling at the required levels, through increasing the quality of education and ensuring as inclusive a system as possible. The key areas for improvement highlighted in the report relate to the following:

- Adapting international and national legal frameworks to engender commitment at the country level in a partnership between government and other service providers, such as the Church and the private sector, for education delivery;
- Improving strategic planning so as to involve relevant partners in development, implementation, and the monitoring/reporting of progress made;
- Making budgeting and other aspects of financial management more effective in order to minimise corruption and leakage, as well as make education financing more reliable, predictable and equitable;
- Improving the human resource management function in the sector, including grievance mechanisms;
- Strengthening the external oversight mechanisms to improve service delivery in the sector; and
- Maximising the use of development assistance to the sector.

This discussion paper is based on the findings and recommendations presented in a review report prepared by the Africa Governance Monitoring and Advocacy Project (AfriMAP) and the
Open Society Initiative for Southern Africa (OSISA) on the effective delivery of public education services in Lesotho. The report identifies major issues affecting education delivery in the country and raises questions concerning the impact of the services. Where recommendations have been made, these are assessed for consistency with the situation presented and the discussion points raised regarding an effective approach to public-education service provision in Lesotho.

1. The state of the education services

As with many countries in southern Africa, formal education in Lesotho was introduced and developed through a partnership between the government and Christian missions. As the churches realised the importance of literacy in converting communities to Christianity, government followed suit to ensure that education services could be provided at minimum cost for the recipients.

In Lesotho, the religious organisations–government partnership has involved the former providing the services at a small cost to parents, with the latter paying teachers’ salaries and providing other institutional support. This situation has continued to a large extent through the government progressively assuming the regulatory role and the churches and other private providers delivering education services at all levels.

Although the government’s share in the control of education is increasing, it is nowhere near where it should be for effective governance, management and monitoring of education access, learner participation, and completion at any level. This situation should normally present a major challenge to education provision in a developing country where education is viewed as a resource to be equitably distributed among the citizens. Control of any resource is political, and this is even more so with education, as it involves influencing the minds of young people through information, knowledge and skills. Education is thus an important tool when in the government’s control, as no other public service has the potential to reach the country as education can. Schools have the potential to represent government in the remotest parts of the country.

However, according to the findings of the main review report, Lesotho is doing exceptionally well in the education sector, particularly in relation to access to basic education. This is in spite of the fact that ownership of schools and higher-education institutions is not entirely in the hands of the government. The discussions in this document recognise that governance is a key factor, especially in public service delivery.

Access to primary and basic education

Lesotho is among the few countries that can boast higher female than male literacy rates, compared with many other countries where the opposite is the case. A reason for this is Lesotho’s location in relation to the African economic powerhouse of South Africa. Lesotho is completely surrounded by South Africa, making its borders porous enough on all sides to be influenced by the surrounding country. Given that the main aspect of the economy has traditionally involved physical labour on the gold, diamond and platinum mines, young men seek employment on
South African mines and farms as labourers and thus miss out on education. Another factor contributing to fewer boys enrolling and staying in school relates to the nature of the traditional work of boys and girls in pastoral communities where it is the role of boys to herd cattle while girls prepare meals at home. Thus two different role relations have conspired to make boys benefit less than girls from schooling.

To ensure access to primary education, free primary education (FPE) was introduced in 2000, while the 2010 repeal of the Education Act of 1995 made primary education not only free, but also compulsory. Higher education, which is normally more costly than schooling, takes a large share of the education budget, despite catering for fewer learners. Lesotho pays for all who qualify for higher education in the country and abroad, and this is costly. The reason why few high-school graduates progress to higher learning is to be found in low pass grades, as well as in low transition and progression rates from one level to the next.

The question that arises is: What constitutes free primary education in Lesotho? That Lesotho has been able to register high NERs since 2006 is remarkable given the governance structure. In real terms, there are very few public schools in Lesotho. The situation is similar to that in Kenya prior to 2002 when the government introduced free primary education without concomitant ownership of the same schools, which were owned by communities/parents. In Lesotho, the Catholic and Protestant churches have built and own most of the schools. The government’s role has been limited to policy development and implementation financing for schools built by the churches. The government pays teachers’ and other staff salaries in schools and offices (secretariats) of the proprietors. It also allocates teaching grants to church schools registered with the Ministry of Education and Training (MoET), and supplements teachers’ salaries where orphaned and other vulnerable children are enrolled.

However, not all schools are registered with the MoET. Moreover, it is not clear what penalties, apart from school closures, are meted out to schools that do not register either because they do not need the incentive teaching grants or because they do not meet the requirements for registration set by the government. Although the number of registered primary schools in 2010 was large (1,495) compared with the 321 public secondary schools and four privately owned secondary schools, there are major disparities in the distribution of schools by zone and district. This creates overcrowding in some schools, while others have lower learner to teacher ratios, factors that affect the quality of the learning process.

A more disturbing finding is that there are many unregistered private schools at different levels. This not only makes monitoring difficult, but also makes it impossible for the government to enforce policy or ensure legal compliance. When such schools have been found to be operating without licences and have been closed, they have reopened later as a result of parents insisting on enrolling their children in these selfsame schools.

The fact that these unregistered schools follow the same syllabus as used in public schools is a consolation, but it is not clear what standing the learners’ certificates have. This is a major governance issue that is exacerbated by the lack of government control of the system. It raises questions on the validity of statistics concerning the situation of education in Lesotho. This situation also makes it difficult to determine real system performance and how to improve it. It is important that factors preventing the registration of private schools be identified so that a
more acceptable registration framework is introduced. This is also an accountability issue for the MoET. Poor parents would not normally send their children to fee-paying schools if free public schools were available.

The structure of the education system in Lesotho follows the usual format of primary level (seven years) preceded by three years of integrated early childhood care and development (ECCD), or pre-primary education (targeting children aged 3–5), secondary education (five years), and tertiary education provided by colleges and universities. There is also technical and vocational education and training (TVET) for skills development at the post-secondary level.

There are ten school districts in the four ecological zones (Lowlands, Foothills, Senqu River Valley, and Highlands/Mountains). Enrolments differ according to the zones and levels, with the primary level having the highest enrolments. Enrolments are generally high in the Lowlands and lowest in the Valley, although discrepancies have been observed in the Qacha’s Nek district in the Mountains and Leribe and Maseru in the Lowlands, the three areas accounting for more than 40% of all primary-school enrolments. The structure is pyramidal – broad at the bottom and narrowing steeply at the top.

Inequitable enrolments have been observed, although girls’ enrolments are generally higher than those for boys overall. While there is near parity in other areas, there is concern that boys’ attendance is lower due to cattle-herding. Similarly, the urban districts in each zone have higher enrolments than the more rural ones. The enrolments for orphaned and other vulnerable children are high in registered primary schools (114 486 of the estimated 200 000), but low (32 860) in secondary schools. This is attributed to the fee-paying aspect of secondary schooling, which excludes those that cannot pay. When the government and non-governmental organisations (NGOs) sponsor children for secondary schooling, communities cite the lack of transparency of the selection process for children qualifying for sponsorship.

Retention and completion: Issues of quality

The paradox of schooling is that the outcome thereof is determined by interlinked processes. Access requires engaged participation on a regular basis to produce learning, which is measured by assessments, and satisfactory performance in these assessments ensures continued participation and, eventually, certification. It is therefore not enough to have access to schooling; a child should stay in school long enough to benefit from what is taught/learnt, which, in turn, determines how far within the system a learner can progress.

The government of Lesotho has made provision to increase equitable access, especially to primary schooling, by introducing special programmes for herd boys, by providing grants for schools that accept disadvantaged children, and by abolishing school fees. However, access to schooling at any level is constrained not only by fees, but also by other factors. In fact, there is evidence that the direct costs of schooling, such as tuition fees, are normally lower than the indirect costs, such as the cost of clothing and transport. The lack of school uniforms and of transport to and from school have been found to prevent both enrolment and effective participation in schools in Lesotho. Low attendance/participation rates lead to lower learning achievement, and, consequently, affect progression and completion.

In Lesotho, poverty and the HIV epidemic have been found to affect participation/retention
and completion. The primary-school completion rate seems to be declining (75% in 2007) from its 2006 level of 79%. Girls marry early, while both girls and boys leave school early to join the labour force once the family has lost the primary provider. In response to this situation, the government of Lesotho repealed the Education Act of 1995 in 2010 in order to make free education compulsory. Bursaries were also introduced for disadvantaged children.

In Six Steps to Abolishing Primary School Fees (2009), the World Bank and the United Nations Children’s Fund (UNICEF) argue that school fees need to be abolished, because they are a form of regressive taxation that imposes a disproportionate burden on the poor. When properly planned and implemented, school-fee abolition can have a direct impact on equity and inclusion by addressing the needs of marginalised, excluded and vulnerable children. This assumes that the government is in a position to truly abolish school fees in schools it owns/controls. Moreover, school-fee abolition is not just about tuition fees, but rather about the many household costs of schooling such as the cost of textbooks, supplies and uniforms, parent–teacher association contributions, the cost of sports, transportation costs, teachers’ salary supplementation, and, sometimes, the opportunity cost of the child’s contribution to the household income. This is clearly not the case in Lesotho, where the government owned only 10% of primary schools in 2007 and 26% of secondary schools in 2012. This makes it harder for the government to initiate and implement policy in schools that it hardly controls. Introducing a compulsory aspect is even more difficult to enforce given the lack of control of schools.

In many countries that introduce free primary education, the government controls at least more than 50% of the schools, and sometimes subsidises those controlled by others such as churches and the community. This is important because the Education Act that introduces free and, in some cases, compulsory education is a legal instrument with penalties for non-compliance. Legal enforcement is easier in the public sector than it may be in organisations not controlled by the government.

When a government makes schooling compulsory, there is an assumption that it is in a position to provide all that is necessary for children to enrol and remain in school. This includes an enormous amount of resources – financial, human, material and physical. There is also an assumption that a defined level of competence has been determined which is capable of being purchased with a specified quantity of inputs. Making schooling free and compulsory when the government is unable to meet the requirements for such schooling exposes the government to possible lawsuits, as the onus is on it to comply. Not much impact is expected from compliance with the law in the 90% of primary schools that the government of Lesotho does not control.

Effective participation at the primary-school level affects progression to junior-secondary school level, which, in turn, affects progression to senior-secondary level. The report shows that only half of the learners who enter junior-secondary education reach the end of the cycle, with only 21% of those who start secondary school completing the whole cycle. A combination of poor performance and limited space at the secondary-school level limits the numbers that can be accommodated. Thus the secondary-school level can absorb only 13.5% of all the learners who start school in Grade 1. Completion rates are therefore very low and there are major wastages in the system, making it extremely inefficient. Dropout rates are very high, especially among orphans and vulnerable children, who are sometimes forced to leave school to earn their keep.
in their guardians’ households. Although there are district child protection teams (DCPTs) mandated to monitor these children’s school attendance, these teams are inactive, while teachers lack the mechanisms to trace learners when they do not attend classes. Wastage is also evident in the high repetition rates – 25%, which is well above the stipulated United Nations Educational, Scientific and Cultural Organization’s (UNESCO) allowance of less than 10%.

Clearly, retention and completion require urgent measures to improve the situation. Some of these measures relate to addressing the issue of quality by way of a comprehensive framework pertaining to quality. Such a framework should see schooling as being affected by what the learner brings to the schooling process, by what the environment contributes to it, by what the curriculum and teaching/learning process contribute, and by what all these produce in terms of outcomes.

Quality of the learner
The quality of the learner can stimulate or prevent learning on entry and later, and can lead to the learner leaving the system early or staying, learning more and achieving completion as required. However, in many countries, the only requirement for a child to start school is attainment of the legal school age. Governments provide classrooms, teachers, and teaching and learning materials. However, no other services likely to impact on this process are provided.

Addressing the quality of the learner requires assessing the extent to which the child is ready to learn (not because she or he has attended pre-school and has acquired the rhythm of schooling). The physical health of the child is critical. A child who cannot hear or see properly is not likely to learn well. Similarly, a child who is hungry or does not have proper clothing for school on a daily basis is likely to be otherwise preoccupied. Screening learners for potential learning impediments on entry, as well as gathering as much information about the child’s home background as possible, is essential for effective school participation. More recently, many countries have been providing cash transfers to income-constrained households to ensure learner participation. Success in this regard has been recorded in Zambia, Malawi and Liberia.

Quality of the environment
The learning environment is both physical and perceived. Many schools are unattractive, lack water and sanitation facilities, and provide space for abuse by other learners and by teachers. When certain essential aspects of the environment are inadequate or absent, learners either attend school irregularly or seek these aspects in more unprotected places where the chances of abuse are greater. Many schools are open spaces and offer no protection for learners. Classrooms may be overcrowded and may lack adequate furniture and other equipment. When children are insecure and fear being attacked while on the way to and from school or at school, they are not likely to want to go to school and remain there. A safe, secure and protective environment is a key input into learning.

Quality of the curriculum and of the teaching/learning process
These are the normal inputs to learning, although no attempt is made to determine what kinds of arrangements suit which learners, and classrooms and books are provided for all learners
irrespective of aptitude. More importantly, the difference that qualified, caring educators can make to the process is often underestimated.

A key factor in assessing quality is the examination process. In Lesotho, examinations dominate the system (from the Primary School Leaving Examination (PSLE) at primary level, to the Junior Certificate (JC) administered by the Examination Council of Lesotho (ECOL) to the Cambridge Overseas School Certificate (COSC) examinations at the senior-secondary school level.

A major concern regarding examinations is that they tend to be used for both certification and selection from one level to another. Another and more significant concern is that with respect to the JC examination, which is seen to be irrelevant and an unnecessary burden on parents who have to pay for learners to take it and on the system that produces many certificates. A recommendation has been made to abolish it and to change the structure of the school system from the 7-3-2 level type to the 6-4 level type.

It is not clear how a concern regarding the examination system has led to a need for a change in the structure of the system. Reducing the number of years of formal schooling from 12 to ten can have significant implications for the quality of the outcomes of the learning process. More importantly, the COSC is used to determine entry into universities and colleges. As learners may need comparable performance levels to qualify not only for the four Lesotho-based institutions of higher education, but also for international ones, such a decision needs to be preceded by feasibility studies on the likely impact of such a system change. Cambridge University’s examination criteria may not be met by such a change, which would require searching for or developing Lesotho’s own final examination system. In order to maintain the credibility of the examination results, accreditation by an existing system may still be required in the interim so as not to disadvantage learners affected by the change. With the current limited government control of schools in the country, the change may be difficult to effect.

The overall quality of the education provided is said to be low. A shortage of qualified teachers is cited as one of the main reasons for this, along with overcrowding, especially in primary schools with the introduction of FPE. However, the government’s plan to create 400 primary and 200 secondary teaching positions per year had decreased the primary-school learner to teacher ratio to 39:1 by 2007. This is lower than the Education for All (EFA) target of 45:1 for primary schools. It should be noted that this has been possible because the government provides teachers and pays their salaries in schools registered as per the set criteria. Making positive changes through policy has therefore been possible.

The government, however, has also embarked on classroom construction to reduce overcrowding in secondary schools. This is to be understood in the context that the government’s support for the primary-school level has increased the numbers leaving this level, an increase that cannot be accommodated by the next level. On the other hand, the government already controls a significant number of schools (26%) at secondary school level compared with its share at the primary-school level. Given the current focus on basic education, it would be prudent for the government to increase classroom space or build its own schools at this level.
Quality of outcomes
Completion is the most significant outcome at each level, although the nature of these outcomes can determine progression, exit or repetition of the grade. Factors other than schools contribute to outcomes.

Clearly, other favourable factors are operating in Lesotho to make it possible for the government to have been as effective as it has been in introducing legislation and enforcing it, as well as in developing and implementing equity-based policies. It is also possible, however, that the impact might have been greater had a different approach to school governance been introduced.

A number of questions need answers: What constraints does the government have in controlling a greater portion of primary and secondary schools? Are bursaries an effective way of supporting vulnerable children to access, and remain in, school? What factors have allowed the government to effect changes in schools it does not control? Can these be strengthened or should the government rather seek to fully control education in the country so as to ensure the implementation of policy and legal reforms?

Access to schooling has also been addressed by the introduction of non-formal education (NFE). This programme addresses the situation of disadvantaged children and the youth, as well as adults who missed out on formal schooling (herd-boys and retrenched miners, for example). While this is good, as it addresses the equity aspect of schooling, there is no linkage between this sub-sector and the formal one.

In many countries, NFE programmes are catch-up programmes for children and young people who may have missed out on schooling. The nature of such programmes (such as Complementary Opportunities for Primary Education in Uganda or Complementary Basic Education in Tanzania) allows learners to complete primary school in a shorter time than they otherwise would in normal programmes, thereby making it possible for them to rejoin the formal system at some higher level.

Designed for older children with higher cognitive skills, the programmes are both empowering and self-directed, with the educators functioning as facilitators. The focus is not on skills development, as it is inconceivable that learners will be able to acquire basic skills at the same time as they are developing practical skills required for employment and job creation. The World Bank evaluation of the Diversified Secondary School Curricula (Colombia and Tanzania) has shown that schools are not effective in skills training. Further questions requiring answers in Lesotho are the following: Should a different type of NFE programme be provided? How effective has the current programme been? Can the government provide more financial support than merely catering for the salaries of teachers and administrators in the programme?

Post-secondary education is addressed by TVET. Similar to the other levels, higher education is provided by the churches, the government and private individuals. Private tertiary institutions, like schools, are required to register with the MoET and meet the set requirements.

There are, however, unregistered tertiary institutions which are closed by the MoET when found to be operating without meeting the set standards (having a quality-assurance system and being accredited by the Quality Assurance Authority). Many attract students owing to the relaxed
entry requirements, a factor which does not instil confidence in the qualifications earned. The government hopes to address these problems through the newly established Council for Higher Education (CHE) whose aim is to encourage and strengthen the private–public partnership in education service delivery.

The Higher Education Act of 2004 provides the legal framework and registered institutions depend on government financial support. This makes it easier for the government to enforce legal compliance and policy implementation. It may also be advisable for the government to facilitate the registration process rather than depend on sanctions for non-compliance. More women than men are enrolled, although mostly in the 'soft' sciences. Despite this situation, men occupy leadership positions in many organisations, including the government.

In countries where the government is unable to meet the requirements for providing higher education services on account of their high cost together with correspondingly high individual returns to investment, the major role of government is to regulate the sub-sector to ensure credibility of the qualifications earned and to monitor the fees charged. This approach has proved to be effective in many countries. As the responsible ministry for all education in Lesotho, the MoET has the legal mandate to govern and manage education service delivery. The observed hindrance in this case is the limited ownership/control of education.

The main research report cites barriers to accessing primary education as fees until these were abolished in 2007 and were rationalised for secondary schooling beginning in 2012. An unforeseen barrier has been private tutoring by teachers using school resources. This has meant that learners supported by the government in these schools have no access to this service; hence they cannot improve on their performance, which can lead to their progression being affected. Where this practice is common, teachers have been known to withhold certain topics or information during regular classes, reserving these for learners who pay for these extra lessons. Such practice takes place with the full knowledge of school heads, who may also be benefiting from it. This needs to be stopped or teachers who engage in it must be disciplined. This is another area where increased ownership of schools by the government would make it possible to criminalise the practice and make it a punishable offence, which could include dismissal.

2. International and national legal framework


Lesotho’s legal reforms in the education sector have been directly influenced and informed by both regional and international declarations on education. The country has worked to adapt the various declarations to local conditions for the purpose of implementation. Examples include: the Constitution of 1993, which provides for primary education to be free, compulsory

It is, however, interesting to note that the Education Act of 2010 is punitive, in that it makes parents responsible for ensuring that every child between the ages of 6 and 13 is enrolled and remains in school. The penalty for non-compliance by parents is a M1 000 fine or being made to enter into a performance bond with the magistrate’s court. As indicated earlier in this discussion document, this situation is unique to Lesotho. Normally, ensuring that children enrol and remain in school is not only the parents’ responsibility but also that of the government that enacts the law. The enforcement of this law needs review so as to place the burden where it should be – on the government, thereby further necessitating the government to improve its capacity to enforce this law. Compulsory school laws require governments to own and control enough schools to be able to lay down the logical requirement that parents who cannot afford private schooling should send their children to free government schools.

The Education Act of 2010, implemented by the Child Protection Act of 2011, may be appropriate, as this also abolishes corporal punishment, which has been known to be a barrier to regular school attendance. Monitoring of progress with regard to the Millennium Development Goals (MDGs) using the Transformation Resource Centre (TRC) supported by the United Nations Development Programme (UNDP) is appropriate, as the Centre works with young people, which is the group most affected by lack of service delivery. Based on the monitoring report, a recommendation has been made to include young people in decisions that affect them so that more relevant education can be provided for them. While this recommendation is valid, the difficulty of engaging the youth should not be underestimated. Out-of-school young people are a vibrant, but vulnerable, group. In governance terms, they do not belong to a specific government ministry. When they do, they are assigned to the Ministry of Youth and Sport, which normally has the lowest budget, as its goals are difficult to quantify. This is one of the reasons why they are often available and ready to be used by criminals who wish to exploit their energy for wrongful ends. To harness the power of the youth productively, appropriate and lasting structures need to be created for their participation. Such structures should allow them to gain useful experience for many other areas, including leadership in the public and private sectors.

The recommendation in the main research report to the effect that a clearly defined education service-delivery framework be put in place and be made accessible to all actors so that education is regarded and provided as a basic human right, is valid. However, it leaves the current system intact. As long as most of the system is not controlled by the government, both policy implementation and the enforcement of legal provisions will be constrained. There are very few private education providers who see education as a consumption good.2 For many, it

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1 USD1 is the equivalent of M8.
2 In economics, there are consumption goods (i.e. goods not generating profits) and economic goods (i.e. goods that do generate profits).
is mostly an economic enterprise that should generate profits. The many challenges cited in
the previous section are evidence of this notion. While the government can allow, and invite,
education service-delivery monitoring by, for example, non-governmental organisations (NGOs),
it is unlikely that these would be allowed the same space in privately controlled education service-
delivery systems.

3. Information collection, publication and management

Effective governance and management require data in as close a form for use as possible. However, the nature of data is such that the more specific it is to a particular sector, the less useful it is for other more comprehensive uses. Moreover, since data is often collected for a specific purpose, its validity is often compromised, as those who provide it manipulate the data for their own uses. In Lesotho, the National Strategy for the Development of Statistics (NSDS) provides for data collection through the Bureau of Statistics (BOS) in the Ministry of Finance and Economic Planning. The BOS obtains additional data from the departments of relevant ministries. It is reported that data is difficult to obtain from the Ministry of Education and Training (MoET), which means that it cannot be published by the BOS and made accessible to those who need to use it. Even when information is available, it is not free, as government documents are sold.

There is an Educational Management Information System (EMIS) which collects information from all registered schools, apart from tertiary institutions, and publishes an annual school census report. However, data is only collected from registered schools and, with the omission of the tertiary institutions, the reports are thus incomplete for any meaningful use such as planning, procuring teaching learning materials and even teacher management.

A valid EMIS should have as much data as possible from the entire system. This is essential given the cascading nature of schooling where one level feeds into another. Even with respect to this aspect, limited control of the system becomes a barrier to effective system functioning. It is reported that many school proprietors do not provide the required information on a yearly basis, but that only primary and secondary schools, which run the risk of not getting the government school grant, regularly comply.

As indicated above, the extent to which this very compliance generates valid data may be questionable, as schools have been known to inflate learner and even teacher numbers in order to be allocated larger budgets. The MoET should, as far as possible, collect data from the whole system to enable it to better plan system expansion.

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Data collected specifically for one purpose is not normally useful for any other purpose. Education statistics, for example, are less important for health or household-level purposes. General data is useful for many purposes, but does not go deep enough into any particular aspect; hence it has limited use. Data providers also have a way of providing data that will serve their own interests – for example by inflating enrolments if more teachers are required.
The planned decentralisation of the EMIS to the regions needs to be approached with caution. The EMIS is a national system and should remain so, although the collection, verification and analysis of data have been found to be more usefully done at the district or regional level where discrepancies can easily be dealt with. District and regional school planning is better done at this level, close to the source of the data. A linkage of education data to household data should be sought in order to triangulate results and plan better. In some countries, administrative data misses out large parts of school districts, but a combination of school and administrative data provides the required verification.

Monitoring of the management of education services is performed by school advisory and management boards (SAMBs), comprising the MoET, churches and parents. However, these boards do not monitor teaching and learning, a task which falls under a different department. The Education Sector Strategic Plan 2005–2015 provides the monitoring framework and requires that all schools provide information necessary for informed interventions regarding curriculum development/review, school management reforms, and teacher development.

The main report indicates that school support through supervision is weak and is carried out irregularly by unqualified supervisors known as inspectors. These supervisors use their own formats and irregularly share their reports, and especially not with well-performing schools. Capacity issues have been cited for this infrequency of the mandated practice. As with other areas, inspection is conducted in registered schools while many private providers see it as punitive, since they are only inspected if there are problems and then reports are shared with the poorly performing schools.

The main research report recommends, among other things, that linkages be established between units that can benefit from the same data; that there be a social welfare department to better address the needs of orphans and vulnerable children; that policies concerning the BOS and the MoET be harmonised; that inspection be planned so that it is consistent and can be performed by qualified staff; and that school principals be trained in basic assessment and supervision, and in data collection and management.

School management should be distinguished from supervision aimed at monitoring teaching and learning. The former requires management skills to be able to determine supply and demand factors for planning purposes, while the latter requires subject-specific and pedagogical knowledge to be able to advise teachers on more effective ways of teaching. For this purpose, inspection is archaic, as it concentrates on quality control rather than assurance. Those who work with learners on a daily basis require supervision and support rather than rebuke and censure. A more appropriate approach is participatory supervision where both the supervisors and supervisees exchange insights on how to perform better in given contexts often better understood by the supervisees. Feedback is essential to all schools, as even those that excel may need to appreciate the difficulties experienced by others. In systems largely controlled by the government, such feedback is essential, as teachers can be posted to any schools within the system. Teachers with advance knowledge of prospective schools can be better equipped to deal with learning issues and minimise the impact of the transition on learners in moving from one teacher to another.
4. Strategic planning

As indicated earlier, the government of Lesotho has adhered closely to international conventions on planning and managing education. In 2002, the long-term planning vision (Vision 2020) was launched to guide policy development, and medium-term expenditure frameworks have been developed for specific sectors to guide financial allocations from the national budget. The nature of a medium-term expenditure framework is such that it requires ministries to budget properly, mindful of the national priorities, and to demonstrate a contribution to national goals through the required expenditures.

Vision 2020 sees education as having a major role to play in transforming society through human resource development in line with the Poverty Reduction Strategy (PRS). The Ministry of Education and Training’s (MoET) Education Sector Strategic Plan 2005–2015 draws on these documents. The National Strategic Development Plan 2012/2013–2016/2017 was developed to support the implementation of Vision 2020 and prioritises skills development based on technological development. Higher institutions of learning are expected to be at the forefront in producing relevant skills. However, there seems to be no plan to establish new higher-education institutions with the government pledging to continue with education financing reforms and the bursary scheme to improve equity at this level. Thus, as with other aspects of education governance, the government plans to remain peripheral to the transformation process in education despite its ambitious intentions. The extent to which private providers of education will implement government plans without major incentives is questionable. Furthermore, the extent to which government policies will impact service delivery is uncertain.

In responding to the Millennium Development Goals (MDGs), Vision 2020, the National Development Strategy and the Constitution, the Education Sector Strategic Plan is as comprehensive a plan as it can be. It addresses quality and equity as well as efficiency. Implementation is through the Sector-wide Approach to programming (SWAp), which is defined as an arrangement whereby all significant funding for the sector supports a single sector policy, strategy and expenditure plan under the government’s leadership. Common approaches across the sector are adopted in order to ensure progress towards reliance on government procedures to disburse and account for all funds. SWApS are normally aligned to the PRS, which allows the review of an entire range of development sectors. A major aspect of the SWAp is to facilitate some kind of pooled or basket funding, a predecessor to General/Direct Budget Support (G/DBS). The use of G/DBS requires skill in sector planning such that the Finance Ministry can be convinced of the value of the priorities seeking expenditure allocations to go beyond the one ministry requesting the funding.

As indicated earlier, it is clear that the government of Lesotho keeps abreast of international developments such as the new aid effectiveness architecture. What is not clear is the extent to which all the relevant policies, plans and instruments are likely to be implemented to bring about the desired changes given the school-ownership environment. While many of the new approaches to school-system development assume greater government control of education delivery systems, this is not the case in Lesotho. Already it has been reported that the main aspects
of the Education Sector Strategic Plan, such as not charging fees, are not being implemented in schools that do not receive government grants. Plan implementation is unlikely to take place in a context where the majority of schools are not fully government controlled.

The financing of education at levels other than the primary level have suffered from diminished allocations, as the bulk of the funds go to the primary-education sub-sector. The difficulty in disaggregating funding for junior-secondary schools offering basic education (Grades 1–10) has compounded the problem. Although there is a sizable amount of donor funding filling the gap, such funding is unpredictable, thus making it difficult to plan on a long-term basis. Moreover, as stated earlier, the government’s response to accommodating the increased number of primary-school graduates has led to classroom construction at this level, without a corresponding focus on the next (post-secondary and higher-education) levels.

In terms of reporting progress regarding the Education Sector Strategic Plan, partners such as the churches, private education providers and non-governmental organisations (NGOs) find the process weak and cosmetic, and the MoET has been known to implement policies without consulting them. In this situation, it is critical that partners are fully engaged from policy/plan development to implementation and monitoring so as to elicit commitment to achieving education goals.

Another unconventional approach is the reporting of the achievement of goals set out in the Education Sector Strategic Plan by way of radio and television, as well as on the government website (probably in an effort to increase transparency). While these channels of communication may be appropriate in affluent communities, they assume that stakeholders are familiar with the schedules and own radios and television sets to allow them to access the information. Similarly, the question-and-answer sessions on progress reports relating to the implementation of the Education Sector Strategic Plan are ineffective, as many Members of Parliament (MPs) are not familiar enough with the plan to be able to seek clarifications from the MoET. Overall, on this section, the report concludes that the weak interest by NGOs in monitoring progress pertaining to the Education Sector Strategic Plan may be due to the fact that the government is relatively strong in this area or because of the nature of the ownership of schools. The source of this perceived strength in the face of limited control of the sector needs unravelling.

A strong recommendation in this chapter is the need to involve all education service providers and other stakeholders in the policy- and strategy-making processes to ensure that their inputs are taken into account.

5. Budgeting and financial management

In relation to international benchmarks such as Education for All (EFA), the government of Lesotho has made major strides in the area of education financing. The government prioritises education in the national budget, allocating 20% of the national budget to education, and, with the focus on primary education, allocates 50% of the sector budget to this sub-sector. The 2011/2012 allocation to education was the highest at 26.94% and a large amount was intended to align teachers’ salaries with those of the public service. Very few countries have been able
to achieve this goal, which is also a condition for applying for financial support from major international funding structures such as the Global Partnership for Education (formerly the Fast Track Initiative). It is therefore not surprising that the budget was mostly funded by donors (79.7%) and targeted at capital projects and human resource development.

A unique feature of the support for higher education is the location of the budget in the Ministry of Finance’s National Manpower Development Services. The funds cater for all enrolled higher-education students through loans for the duration of studies within and outside the country. As with all government student loans, repayment by students once they start working is a challenge. An effective loan-recovery system can be put in place so that funds recovered can provide support for new students rather than allow the depletion of the funds through non-enforcement of the loan-recovery system. Some countries have outsourced this service to banks, which are more familiar with this aspect of financial management than the government. It would also be important to assess the impact of providing loans for all higher-education students rather than basing this on need and the inability to pay.

The budgeting process in the Ministry of Education and Training (MoET) is decentralised as far as the school level. The allocations are based on student numbers in the districts. District budgets are aggregated at the central level. Guidelines for financial management have been developed and reporting procedures/regulations on how the funds should be used are provided. It is interesting to note that the performance of this task of the MoET corresponds to the effectiveness of the procedures used to manage the funds. This is important in order to instil confidence in donors to continue supporting a sector where accountability is high and transparency is incorporated. However, as with other procedures involving finances, it is critical to avoid inflating the numbers of learners at the district level in order to influence the allocation. An aspect that requires improvement is the budget reporting process.

In terms of budget monitoring, there is evidence that the MoET lacks the capacity to spend allocated funds. Given the great need for funding, especially to increase the number of schools controlled by the government, it is imperative that the absorptive capacity of the MoET be improved through training relevant staff and seconding financial-management experts to the MoET to support substantive staff. Capacity transfer can be easily effected when staff participate in live-case training on the job.

The recommendations made by the research report relate to minor improvements in current practice. While participation in the budgeting process is highly technical, lay people can be involved in identifying priorities, which they can also monitor with regard to progress made. The language used can be simplified to allow lay people to effectively participate. The non-governmental organisation (NGO) sector must also be encouraged to make its own submissions concerning the budget so that it can contribute to a responsive budgetary process. Parliament should also have more influence over the budget, including revising and changing budget decisions.

As already indicated, it may be useful to re-examine the need to sponsor all enrolled higher-education students rather than those who need it most. This will make it possible for the government to address the equity aspect of education at this level, which is not addressed by the present arrangements. The need for coordination of sponsorship information from the private
sector and NGOs is essential to avoid double sponsorship. This would allow more students to be sponsored. An effective EMIS can provide such data.

6. Human resource management

Teachers are the main critical human resource for education. Lesotho still trains teachers the traditional way – through colleges and universities using pre- and in-service approaches. School administrators are selected and appointed to administrative positions from the ranks of serving teachers and from the civil service. The Education Sector Strategic Plan has a large component on teacher development and provision, and, as was seen in earlier sections, the supply of qualified teachers has increased owing to the government’s pledge to eliminate unqualified teachers from the system. Thus only 36% were unqualified teachers by 2007. However, graduates from the junior-secondary and senior-secondary levels who do not qualify for tertiary education comprise the majority of the unqualified teachers. These mostly teach in rural areas. Close to 10% of the secondary-school teachers are expatriates, mostly from Nigeria and Zimbabwe. There is also a small number of United States Peace Corps (volunteer) teachers teaching English and Mathematics.

As is the case in many countries, rural schools and those schools located in difficult-to-reach areas are assigned the mostly unqualified teachers, mainly because these areas are unattractive for teachers to work in. Often, when teachers qualify, they either leave teaching or try to move to urban areas. This is an intractable problem, as rural areas normally have the hard-to-reach and more-difficult-to-teach children owing to the environment in which they live. They therefore require the services of qualified professionals rather than the services of those learning by doing.

The government has introduced incentives for teachers willing to serve in rural areas and this has meant that even graduate teachers are now teaching at primary-school level. Although this reflects a poorly planned teacher-development aspect of the system, it is much more appropriate to have teachers with higher academic qualifications teaching even for short periods of time than to have unqualified teachers. A well-structured teacher-development and teacher-management system is required so as not to exacerbate rural/urban inequality in the performance of learners.

It was also indicated earlier that teachers’ salaries were brought in line with those of the civil service. Using the Public Sector Improvement and Reform Programme (PSIRP), the Ministry of Education and Training (MoET) is strengthening teacher-development governance and increasing efficiency through its plans such as the Education Sector Strategic Plan. The focus is on increasing access to education services, improving the quality of such services, and utilising resources efficiently. Thus interventions such as rewarding good performance and the establishment of a database for teacher management (dealing with teacher registration, appointments, promotions, leave, transfers, termination, and retirement) have been developed. A payroll system in line with that of the civil service has also been developed.

The utilisation of the ‘equal pay for equal work’ principle, which relies on teacher qualifications and experience, has increased the number of qualified teachers teaching at any level. This has been identified as a problem, because it allows teachers trained to teach at secondary-school level to teach at the primary-school level. The argument is that secondary-
school teachers qualify to teach in two subjects, whereas primary-school teachers qualify to teach in all subjects. However, given the level at which any subject is likely to be taught at primary-school level, would it not be better to have qualified teachers (even from another level) teach at the lower level than to utilise unqualified teachers?

The MoET is a large employer – more than 15 800 people work in the system as teachers and administrators. As a result, over 50% of the sector budget goes to salaries. This is still better than in other countries where salaries consume over 90% of the budget allocated to education.

Teacher recruitment is done through the Teaching Service Department (TSD)/Teaching Service Commission (TSC) using clear guidelines published and shared with the churches’ school secretariats and school principals. The recruitment process itself is lengthy, but transparent. As verification is done prior to recruitment, the procedure facilitates the prevention of unqualified teachers from entering the system. Other employees of the sector are regarded as civil servants and are recruited through the Human Resource Office of the Public Service Department. Thus, although some educators are chosen from the ranks of serving teachers, there are those who do not have any teaching qualifications but manage teacher education. Unless such people are qualified in human resource management/education management, they are not likely to perform their duties effectively. This aspect requires improvement.

Teacher retention remains a challenge because of high attrition rates (7% at primary-school level and 10% at secondary-school level) as a result of Aids-related deaths, although the governance structures that have been developed are beginning to make a difference. The MoET allocates 2% of the sector budget to address the impact of the HIV epidemic on the sector, and an incentive scheme of allowances to meet transport, housing and communication costs of qualified teachers who teach in difficult schools has been introduced. It would appear that this aspect of teacher management is bearing fruit, as there are now large numbers of formerly unemployed university graduates serving as teachers.

The report recommends a study to determine whether there is an overproduction of teachers with degree qualifications or if the right teachers are not being matched with the right jobs. Whatever the case may be, it is always a good thing to have large numbers of qualified teachers, which is an indication of the productivity of the education system. One of the characteristics of teachers is that they are versatile, which is the reason why they find it easy to leave the sector and find other jobs. Moreover, if as indicated above, school administrators are selected from the ranks of civil servants, it would be prudent to select such administrators from the pools of qualified graduate teachers whose knowledge and experience would allow them to perform better than lay people managing professionals.

An identified weakness in management relates to payments for teachers on promotion, retirement or resignation. It is reported that information on these aspects is slow to reach the point where payments are made, resulting in delayed payments to teachers. In some cases, the delays are as long as six months. This is an area where improvements are due, as sound teacher management improves teacher effectiveness and contributes to teacher retention. The newly created teacher management database should help in this respect.

In relation to grievance management, the recently developed Code of Good Practice of the Teaching Service (2011) that sets out the procedures to be followed in managing grievances,
is a step in the right direction. The MoET also has a Teaching Service Tribunal, chaired by an appointee of the Minister of Education in consultation with the Judicial Service Commission, that deals with appeals by teachers and others in the sector. This generates confidence in the procedure, as objective outsiders may view the issues differently. It also reflects the extent to which the government views this aspect of teacher management as important.

What is missing, however, is a Professional Code of Conduct, which is normally used for regulating members’ conduct. The Professional Code of Conduct has been known to address grievances differently from the way in which the civil service does. As a prerequisite for representation is membership of a professional group, grievances are addressed in a manner that preserves the interests of the teacher and the profession. Moreover, the Professional Code of Conduct is concerned with the professional advancement of members and is therefore not just a watchdog with regard to members’ problems.

The handling of perceived or actual teacher misconduct at the school level is cumbersome and the procedure seems staked against the teacher. Given the nature of schools, where the immediate supervisor is not the employer, making the head of the school responsible for handling the misconduct may be ineffective. Generally, such school-based disciplinary committees have been found to be unfair, as they are sometimes used by teachers to get at one another, while the written records have been used to block promotions for affected teachers.

Overall, the government has put in place structures likely to impact service delivery positively. In fact, in some cases the results already reveal this. The success may be due to the fact that the government controls a significant stake in this area, as it trains teachers and pays their salaries, even in non-government-controlled schools. As was indicated earlier, government policies are easier to implement when real control is vested in the government.

The report’s recommendation that the teacher incentive scheme should be extended to teachers working with children with disabilities/special needs is valid and practical, since such children are normally in mainstream schools and working with them requires more than teaching qualifications. Perhaps a special salary structure rather than only an incentive scheme is more appropriate for such teachers.

Another recommendation is that the National University of Lesotho (NUL) should open satellite campuses to help teachers in remote districts to access advanced educational degrees. Given that there are increasing numbers of unemployed teachers with degrees, another option may be to recommend collaboration by the NUL, the Lesotho College of Education (LCE) and the MoET in order to develop and implement in-service training programmes for unqualified teachers. In-service training is a function of teacher management.

The recommendation that the management of teacher promotions not be the sole responsibility of the school principal needs to be considered given that the basis of promotion should be professional competence. The suggestion to broaden selection-panel membership is valid as long as such participants are advised of what selection criteria to focus on, since not all teachers are specialists in human resource management. Moreover, fellow teachers may also favour some teachers and not others. The important thing is to use the most objective criteria possible, while limiting those aspects where subjectivity is relevant.
In schools not fully controlled by the government, the recommendation to include proprietors in dealing with teacher misconduct can be put into practice if the actual proprietors work in the schools and are familiar with the teachers and their work. In many cases, school proprietors do not know the teachers, as they rarely visit the schools. In such cases, the value of their inclusion would lie in the fact that they would be objective in assessing the validity of the cases.

7. External oversight mechanisms

External oversight is exercised by committees such as the Social Cluster Portfolio Committee responsible for social-policy issues (in education and health) and through Parliament, although their role is limited by not being consulted during the Ministry of Finance’s budget-preparation process. The Public Accounts Committee is responsible for scrutinising the education budget and for reporting to the National Assembly, but its members are not technically competent in the area and cannot question the Ministry of Education and Training’s (MoET) presentations in Parliament. Generally, the external oversight aspect is weak, with ministers whose role it is to respond to queries rarely appearing in the forums convened for such purpose. Ministers also have a discretion as to whether to implement recommendations of the Social Cluster Portfolio Committee.

Education service-delivery issues are not dealt with by the courts of law, for they concentrate on criminal offences. The only instances where the courts are involved are when schools have to be closed because they are operating illegally, in cases of fraud relating to the issuing of certificates, and during strikes. Issues of corruption are dealt with by the Anti-corruption Unit in the Directorate on Corruption and Economic Offences (DCEO) established in 2003. This Directorate has very limited oversight in respect of education matters and has generally been found to be weak in dealing with corruption in other sectors. Problems have arisen in awarding tenders where corruption has been reported, a situation made worse by the fact that senior officials are not required to declare their assets. This means that they can own schools which benefit from the MoET’s teacher allocations and can bid for procurement contracts such as those for the provision of school meals.

Where problems arise, there is no one to report to, as the designated arbiters are also the perpetrators. In addition to this, the education sector does not benefit from the use of an independent legal structure such as the Office of the Ombudsman, because it has a Commission and a Tribunal to deal with sector issues. Given that educators are regarded as civil servants, it may be appropriate to extend the Ombudsman facility so that their complaints can be addressed by an independent investigator as well.

Oversight at the school level is through school management boards comprising teachers, parents and the principal or proprietor, local leaders and councillors. However, these boards have been ineffective on account of a lack of capacity to deal with issues brought before them. Corruption has also been cited in relation to finances where the boards conspire to misuse school funds. This is an area where capacity development of the members should be undertaken once
thorough screening has been done in respect of those selected/appointed to the boards. Given the high turnover rate of such members, capacity development should be an ongoing exercise.

There are no parent–teacher associations (PTAs) in almost all schools in Lesotho. Generally, PTAs function as governance structures that liaise between the school and the community. Where they are properly established, they have been known to improve school effectiveness as measured by learner performance, resource leveraging and teacher retention. It may be necessary to determine what role PTAs can play in the Lesotho context and whether this role is not already covered by some other structure.

The recommendations in this section include: involving other education stakeholders such as the Church, civil society organisations and the private sector in monitoring the MoET’s performance; providing management skills for school management boards; encouraging civil society to empower parents to participate in PTAs; and involving the youth and students’ associations in education forums. Civil society organisations, in particular, need capacity-building to be able to play their oversight role more effectively. Many non-governmental organisations (NGOs) tend to focus on many areas because of the need to diversify their funding. As a result, they are not able to engage comprehensively in one area such as education.

On the issue of more effective parental participation in PTAs, the recommendation may be premature given the finding that there are hardly any PTAs in schools in Lesotho. Where PTAs exist, it is the role of the government to facilitate their capacity-strengthening, although civil society may supplement this, especially concerning matters relating to care and support for the most vulnerable children.

8. Development assistance

Like many African countries, Lesotho receives foreign aid for education. International assistance contributed 15% to the country’s gross domestic product (GDP) in 2011. Most of the funding is in the form of grants rather than loans and is therefore not tied to conditionalities, except where the World Bank is involved.

The main development partners in education service delivery in Lesotho are Irish Aid, the World Bank, the European Union (EU), the United States Agency for International Development (USAID), the government of Japan and some international non-governmental organisations (NGOs) such as World Vision and Save the Children (United Kingdom). The United Nations Children’s Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) are also important partners of the Ministry of Education and Training (MoET).

In relation to coordination of development assistance and adaptability to national priorities and plans, there are forums where development partners discuss these priorities. For example, as mentioned earlier, in December 2011 development partners met to evaluate progress with regard to the implementation of the Education Sector Strategic Plan.

It is not clear, however, to what extent the Sector-wide Approach to programming (SWAp) is functioning in Lesotho. A major aspect of the SWAp is to coordinate donor aid, to allow
donors to speak with one voice with government, and to reduce transaction costs by not having the government dealing with donors individually. It also means that planning and the review of progress in respect of sector-agreed priorities are joint activities of the donors and the government. It is possible to conclude that the SWAp has barely started to work in Lesotho’s education sector. Given the significant amount of funding from donors in the form of grants, it is urgent that the SWAp be implemented. This will also address the monitoring and reporting problems identified earlier.

With regard to the relationship between development partners and civil society, donors have a symbiotic relationship with NGOs. They channel funds through NGOs when there is no credible government in place, but switch to supporting sector ministries once these are established. It is therefore unrealistic to expect NGOs to assume the role of government in the education sector or to be permanent organisations. Like political parties, NGOs have missions, which make them irrelevant once these have been achieved, unless they adapt to meet new needs.

A number of recommendations are made on the role the NGO sector can play in relation to donor assistance. These include strengthening the NGO sector so that it can engage with donors on education issues that require strong advocacy; can play its oversight role more effectively; can integrate social-service delivery and education in its priority agenda; can meet more regularly with donors and school proprietors to enhance education service delivery; and can solicit funding from donors in order to publish shadow reports regularly and share them with the public as a way of holding government accountable.

Conclusion and recommendations

The analysis of the state of the education system in Lesotho reveals a system that has defied convention in order to perform well. For a government that has very limited ownership of the education system, the government of Lesotho has been able to operate an effective private–public partnership approach to implementing government policies aimed at increasing equitable education service delivery.

The report shows a government that has kept abreast of developments in the sector, and that is a signatory to many international conventions and protocols, which it has adapted for national implementation. This is remarkable in the context. Although there are concerns about the quality of the education provided and about the efficiency of the system, the achievements far outweigh the challenges, which are already being addressed. Few countries are on track to achieve even one education-related Millennium Development Goal (MDG), whereas Lesotho has already achieved two. It is also on track with regard to many of the Education for All (EFA) goals.

In terms of adhering to international benchmarks on financing education, Lesotho has gone beyond the set target. These achievements are even more remarkable given the limited control over the education sector by the government in real terms. Lesotho therefore offers an interesting case study of education sector governance and management without ownership of the requisite service-delivery structures.
• Although the lack of school ownership has not prevented the government of Lesotho from achieving its goal of providing education, it is possible that government ownership would make management more effective. It is recommended, therefore, that the government use its budget allocation for education to construct or nationalise existing schools, while concentrating on regulating higher education and outsourcing the loan scheme if this is still needed. Given the small population of school-going children in the country, this can be achieved within the period of the current Education Sector Strategic Plan.

• Given that only registered schools are included in school statistics, it is actually not known what the true picture of the education system in Lesotho is. Along with improving the Education Management Information System (EMIS) to include higher education, it is recommended that a comprehensive census of schools and higher-education institutions be conducted using an approach that appeals to proprietors. This information can then be used by the government to plan its school development component in a more realistic manner than is the case at present.

• Access to schooling at primary-school level is affected by many factors. It is recommended that the abolition of school fees be supplemented by other forms of support such as cash transfers to income-constrained households. This will increase not only access, but also retention of learners in the system.

• Since the government is unable to accommodate all eligible learners in its own schools, systems should be put in place to enforce the compulsory aspect of schooling for children aged 6 to 13.

• A more comprehensive teacher education management system should be developed to address teacher development, management and conduct. This should be supplemented by a union-led Professional Code of Conduct for teachers.

• Since donor funding is still financing a big part of the education budget, the Sector-wide Approach to programming (SWAp) should be implemented in order to take advantage of the benefits of working by way of this approach. One of these benefits is joint planning and the monitoring of progress through public expenditure reviews. The SWAp also offers practice in finance management through the Medium-term Expenditure Framework. Such skill is essential to functioning in the new aid environment.
Part II
Lesotho: Effective Delivery of Public Education Services
Main Report
The state of the education services

A. Introduction
The history of formal education in Lesotho dates back to colonial rule in the 19th century. Under this administration, education was developed through a partnership between the government and Christian missions. Since then, the Church has played a leading role in providing education services. The key role of the state has been to pay teachers’ salaries and provide institutional support. While the country’s socio-economic indicators have been lagging behind, the education sector has been performing relatively well; this is evidenced by high literacy rates, in particular among females.

The government of Lesotho has made significant strides in making primary education accessible to all school-age girls and boys through the provision of Free Primary Education (FPE), introduced in 2000. In 2010, the enactment of the Education Act 2010 made primary education both free and compulsory. In the same manner, higher education occupies a larger share of the national education budget.

Lesotho regards education as the key to economic growth and human development. On the whole, the country is trying hard to domesticate most international and regional instruments on access to education, and, as such, there is hope that the country will achieve the envisaged Millennium Development Goal (MDG) 2 on universal primary education by 2015.

B. How well educated is the population?
As a result of FPE, there has been a significant growth in both the net enrolment rate (NER) and the gross enrolment rate (GER). For example, in 2006, the NER increased to 83.5% from 60.2% in 1999, but dropped to 80.9% in 2009. On the other hand, the GER was reported at 127%
in the same year, while it dropped to 103% in 2010.¹ The high GER is due to the enrolment of overage pupils as well as high repetition rates, while the NER explains the high apparent intake rate from 2000.

According to the Institute of Statistics of the United Nations Educational, Scientific and Cultural Organization (UNESCO), Lesotho’s NER in 2010 was made up of 72% in respect of males and 75% in respect of females.² This near-parity score puts Lesotho in a good position. It should be noted, though, that the ratio of female to male enrolments in primary schools dropped between 2000 and 2007 as a result of the impact of HIV/AIDS, which forced girls out of schools to look after their sick parents, and their siblings when their parents died.

Enrolment in schools in Lesotho varies according to the main ecological zones. Table 1 shows enrolment numbers in registered primary schools by district, ecological location and gender. The lowlands have high enrolments compared with the mountains and this can be attributed to issues such as transport services and the availability of schools in these areas.

<table>
<thead>
<tr>
<th>Ecological zone</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foothills</td>
<td>40 777</td>
<td>37 996</td>
<td>78 773</td>
</tr>
<tr>
<td>Lowlands</td>
<td>95 627</td>
<td>87 301</td>
<td>182 928</td>
</tr>
<tr>
<td>Mountains</td>
<td>54 816</td>
<td>58 697</td>
<td>113 513</td>
</tr>
<tr>
<td>Senqu River Valley</td>
<td>6 692</td>
<td>6 775</td>
<td>13 467</td>
</tr>
</tbody>
</table>


Although Table 1 shows that the lowlands have higher enrolment numbers than the mountain districts, it must be noted that, in relation to the total population of the districts in these zones, there are some interesting disparities. The Qachas’nek district in the mountains, for example, has 24.1% of children in primary schools, while Leribe and Maseru in the lowlands have 20% each.

Another distinct feature in all ecological zones is the relatively small gap between male and female enrolments. Even in mountain districts where boys traditionally look after cattle, the gender gap is very narrow. With the introduction of FPE in 2000, there was an increase in the enrolment of boys in both the lowland and mountain districts. However, boys are disadvantaged in terms of attendance and completion, because herding animals interrupts their school journeys.

Another significant aspect is the high enrolment of orphans in registered schools. Lesotho has an estimated 200 000 children who have been orphaned,⁴ of whom 114 486 were in primary

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² Country Profiles – Lesotho; see www.uis.org.
³ The Education Act 2010 defines a public school as a school whose admission requirements comply with such public policy as determined by the Minister and bound by government rules and regulations, funded by the government and charging fees as approved by the Minister, and whose teachers are in the teaching service.
In a country of less than two million, this is a large number that has serious policy implications. The statistics show that a number of these orphans get excluded from secondary education because, unlike primary education, secondary education is not free. While government and different non-governmental organisations (NGOs) sponsor orphans at this level, there is still a problem of transparency in the selection process for qualifying children.

Another critical aspect of access to education is the completion rate of pupils. Until 2000, it was very difficult for the average child from a poor family to complete primary school. Out of those who completed primary education, very few were able to transit to secondary school. Even with the elimination of school fees, however, the completion rate is still relatively low. For example, on average, only 73% of pupils who complete the primary cycle proceed to secondary education.

Elimination of school fees has not necessarily translated into keeping all children in school. A number of factors are responsible for keeping completion rates high, despite the government’s efforts to have all children in school. These include poverty and HIV-related deaths that have left many children at the head of households. Most of these children have been pushed into early marriage (for girls) and child labour (for both boys and girls).

The primary completion rate in 2007 was reported to be 78.86%, showing a slight decline from 79% in 2006. In line with international and regional commitments on access to education, the government of Lesotho has realised that abolition of school fees needs to be accompanied by a legal framework to make education compulsory so that children of school-going age are kept in the school system. The government therefore introduced the Education Act 2010, which has made free education legally compulsory in the country. It has also put in place the provision of bursaries for the most needy children.

Some statistics show that roughly half of all pupils who make it to Form A reach Form C. Of all those entering Form A, only 21% reach Form E. National examination pass rates are low. Between 2003 and 2007, 70% of pupils passed the Junior Certificate (JC) at the end of the three years of junior-secondary school, while only 50% passed the Cambridge Overseas School Certificate (COSC) at the end of the last two years of higher-secondary school.

Furthermore, owing to limited space in secondary schools, only 70% of pupils who pass the primary-school-leaving examinations enter Form A, indicating that secondary schools only accommodate as little as 13.5% of all pupils who entered Standard 1. These statistics call for aggressive measures from all stakeholders to improve the situation.

Although there are no available statistics disaggregated by status of children, there are reports from district offices that the dropout rate is high among orphans and vulnerable children, as there are no strong, institutional linkages to keep these children within the school system. For

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7 Forms A, B and C are the three years of junior-secondary school, which culminate in the Junior Certificate (JC). Forms D and E are the two years of senior-secondary school, which lead to the Cambridge Overseas School Certificate (COSC) at the Ordinary Level (O levels).
example, in the Quthing district, the District Child Protection Team (DCPT), whose mandate is to monitor the school attendance of orphans and vulnerable children, is not active; hence the dropout rate is estimated to be very high.\textsuperscript{9} It has been reported that some children are withdrawn from school by guardians, who force them to seek employment on South African farms (e.g. in Ceres), and that teachers lack support to protect these children, as there are no mechanisms to help them to trace the children when they miss classes. In addition to low completion rates, the repetition rate is also high; the government of Lesotho has articulated its intention to reduce grade repetition from the current 25% to 5% by 2012.\textsuperscript{10}

Table 2: Progress towards the Millennium Development Goals (MDGs), 2000–2009

<table>
<thead>
<tr>
<th>Millennium Development Goal</th>
<th>Indicators</th>
<th>Progress</th>
<th>2009 (Latest)</th>
<th>Target (2015)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goal 3</td>
<td>NER</td>
<td>Slow progress</td>
<td>80.9</td>
<td>100</td>
</tr>
<tr>
<td>Achieve universal primary education</td>
<td>Proportion of pupils in Standard 1 who reach Standard 5</td>
<td>Slow progress</td>
<td>73.1</td>
<td>100</td>
</tr>
<tr>
<td>Adult literacy rate</td>
<td>Slow progress</td>
<td>82 (2005)</td>
<td>100</td>
<td></td>
</tr>
<tr>
<td>Pupil: classroom ratio</td>
<td>Off-track</td>
<td>55</td>
<td>40</td>
<td></td>
</tr>
<tr>
<td>Dropout rate</td>
<td>Off-track</td>
<td>6.0 (2006)</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Primary-school completion rate</td>
<td>Slow progress</td>
<td>80.9</td>
<td>100</td>
<td></td>
</tr>
</tbody>
</table>

Source: Government of Lesotho, National Strategic Development Plan, 2012/2013–2016/2017.\textsuperscript{11}

Literacy rates in Lesotho rank among the highest in the region.\textsuperscript{12} According to the African Peer Review Mechanism (APRM) Report of 2010, 63\% of the Lesotho population is under the age of 25, and the youth (15–24 years) literacy rate is almost 100\% (2009), with 98\% for girls and young women and 85.7\% for boys and young men.

Adult literacy in Lesotho has been impressive, even before the introduction of FPE in 2000. For example, the report continues to show national literacy rates increasing from 86.3\% in 2000 to 89.7\% in 2009.

This data should, however, be read with caution, as the high level of literacy has not necessarily translated into productivity in the labour market. Another important aspect of education in Lesotho is that female literacy has always been higher than male literacy. This has occurred not through any policy design, but because of the traditional practice of cattle-herding by boys, which contributes to lower literacy rates for males. Nonetheless, this has not affected men’s domination of the decision-making and leadership space.

\textsuperscript{9} Interview with the District Bursary Officer, Quthing, 3 February 2012.
\textsuperscript{10} MoET, Education Sector Strategic Plan 2005–2015, Maseru, 2005.
\textsuperscript{11} Even in the latest document such as this, there are some statistics that date from 2005.
\textsuperscript{12} The female adult literacy rate is said to be almost twice that of the sub-Saharan Africa average.
How are education services structured?

At independence, Lesotho inherited an education system whose content was driven mainly by the missionaries. The Catholic and Protestant churches have also played a pivotal role in building schools across the country. While the government funds education policy development and implementation, a large percentage of schools belong to the Church. The government also pays the salaries of personnel working in the offices of the school secretariat, and allocates teaching grants to all church schools that are registered with the MoET.

Moreover, the education system operates within a unitary state comprised of ten administrative districts and four ecological zones used for statistical definitions; these zones are Lowlands, Foothills, Senqu River Valley and Highlands/Mountains. Each district has an education office with different departments, but most decisions are still centralised. The formal education structure comprises basic education that covers the first ten years of schooling (Grades 1 to 10), as well as secondary, vocational and higher education and non-formal and adult learning.

Formal, basic education in Lesotho currently begins with three years of integrated, Early Childhood Care and Development (ECCD) or the pre-primary level. This service is targeted at children between the ages of two to five years. By 2006, there were 622 integrated ECCD centres across the country.

Compared with other levels, pre-primary education has largely been in the hands of private individuals and NGOs. However, in 1985, the MoET set up an ECCD unit that was integrated into its structures in 1995 to develop policy, curricula, regulation and supervision.

The 2010 APRM report shows that enrolments for ECCD are very low. Around 18% of children are enrolled in pre-primary schools. Furthermore, enrolments at integrated ECCD centres differ in different districts, with urban districts having high percentages of children enrolled; Maseru, for example, has 28.8% of the national enrolment.

To address these low enrolments, the government has introduced ‘reception classes’ for public primary schools across the country. However, some NGOs still play a key role in the provision of pre-primary education; these include the Lesotho Pre-school and Day Care Association (LPDCA), whose role is to serve as an umbrella organisation to cater for the interests of ECCD centres across the country. The Association is, however, concentrated in urban areas.

The primary level of the education tier is composed of seven years of learning, and teaching is conducted in both Sesotho and English. On completion thereof, pupils are awarded a Primary School Leaving Examination (PSLE) Certificate that allows them to go to secondary school.

Secondary education is meant to prepare learners for further education and training and for the world of work. It comprises three years of junior-secondary and two years of senior-secondary education. Learners complete their secondary education by sitting examinations for the COSC. Unlike primary education, secondary education is not free, a factor regarded by many as the main reason for low enrolment levels at the senior-secondary level.
1: Government’s vision of education, and the challenge to implement FPE

‘Our nation’s future rests with our children. Our children’s future rests in the provision of a quality primary education system, which is available, relevant and free to all.’

(Prime Minister the Hon. Pakalitha Mosisili in the Preface to the Free Primary Education Programme Strategic Plan 2001–2006)

The challenges facing the implementation of the FPE: Orphans at Masetlaokong

On the morning of the launch of compulsory education in June 2011, the Prime Minister and Minister of Education visited two families whose ten school-age children were out of school. These were orphans whose guardians were so poor that, despite the elimination of fees, they still could not afford uniforms for these children to go to school. The village where they lived is just on the outskirts of Maseru, where education facilities are available, yet there are no support structures to ensure that all children are in the school system.

The Prime Minister instructed all related government ministries to address the needs of these children and to make sure they went to school immediately. He urged everyone to identify similar cases and to report them so that such children could be assisted to stay in the education system.

On the same occasion, he handed over complete school uniforms and food parcels to the children he was visiting. Apparently, these families were identified by a community support group, which was later tasked with ensuring that the children did return to the nearby school.

When interviewed by the media, community members reported that neighbours had helped the children by donating food, but that it was not enough to keep them in school. The community school provided lunch for all children, but there was no provision for school uniforms. Although schools cannot expel learners who are not wearing a school uniform, many poor children are embarrassed to go to school wearing torn and dirty clothes.

While the above case is familiar to most Basotho, it is also so true that the effective implementation of the FPE is influenced by a plethora of other factors. For example, in many rural areas, children travel long distances to school, and they sometimes have to cross rivers during floods. Although, in urban areas, the transport infrastructure is relatively good, it is still difficult for some children from poor families to go to school, as they cannot afford the taxi fares.

While the government has made an effort to subsidise transport costs for factory workers, the same type of subsidy has not been extended to school children. A clear language policy and a comprehensive special education programme for children with special needs are also key challenges.
Table 3: Enrolment in registered public secondary schools by zone and sex, 2010

<table>
<thead>
<tr>
<th>Ecological zone</th>
<th>Males</th>
<th>Females</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foothills</td>
<td>7,076</td>
<td>10,182</td>
<td>17,258</td>
</tr>
<tr>
<td>Lowlands</td>
<td>33,874</td>
<td>43,051</td>
<td>76,925</td>
</tr>
<tr>
<td>Mountains</td>
<td>6,780</td>
<td>12,043</td>
<td>18,823</td>
</tr>
<tr>
<td>Senqu River Valley</td>
<td>4,418</td>
<td>5,883</td>
<td>10,301</td>
</tr>
</tbody>
</table>


Technical and vocational education aims to address the employment needs of the country. Lesotho’s labour force is said to be growing at an average of 25,000 new entrants per year, while the employment absorptive capacity is limited to about 9,000 annually. In order to address this situation, the issue of skills development has assumed a particularly high priority in the government’s Poverty Reduction Strategy, which needs to be reflected in Technical and Vocational Education and Training (TVET) policies.

The Department of Technical and Vocational Training at the MoET is the umbrella regulatory body that aims to improve: the quality of delivery systems and mechanisms through curriculum development, inspection and assessment; the accreditation of programmes and institutions; the administration of trade tests to determine the skills proficiency levels of workers; support in terms of workshops and equipment, and the training of staff at TVET institutions and schools; and the continual assessment of skills needed.

The profile of courses offered as part of TVET are varied, with Home Economics preferred predominantly by females and registering the largest numbers in the 1999–2003 period, followed by male-dominated Bricklaying, Mechanical Engineering and Carpentry. The absence of an accreditation system is a major challenge for this sector; the National Craft Certificate and national diplomas are presently the only certificates that the Department officially awards.

Tertiary education is provided by colleges through certificates and diplomas, while universities offer degree programmes. These institutions include: the National University of Lesotho (NUL); the Malaysian-owned Limkokwing University of Creative Technology (LUCT), opened in 2008; Lerotli Polytechnic, which has been traditionally classified under TVET, but which is envisaged as becoming a university of technology by 2015, and the Lesotho College of Education (LCE) that trains pre-primary, primary and junior-secondary schoolteachers from certificate to diploma level. In relation to governance and administration, all these institutions are autonomous, but depend largely on government for financial support – except for the LUCT, which is privately owned.

In order to have a standardised tertiary education system, a Higher Education Act was adopted in 2004. Its main objective is to provide a legal framework for regulating higher education, with a specific focus on the establishment, governance and funding of a Council for Higher Education (CHE). The act also addresses governance and funding issues in relation to public and private higher-education institutions and gives the Minister of Education the right to...

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16 First degree programmes are expected to be offered from August 2012.
close such institutions if she or he believes that they are experiencing a management or financial crisis.\footnote{Higher Education Act 2004.}

Student enrolment at these institutions shows some gender disparities, as more women than men are enrolled. However, most of these female students are in what are generally considered to be ‘soft’ disciplines; for example, at the NUL, 66% of females are registered in the Faculty of Education and 55% in the Faculty of Social Sciences. On the other hand, male students dominate in the Faculty of Science (72%) and the Faculty of Agriculture (66%).\footnote{APRM, Country Review Report No. 12 Kingdom of Lesotho, June 2010.} In relation to the decentralisation of higher-education services, the LCE has a satellite campus in the rural district of Thaba-Tseka that offers a diploma in primary education.\footnote{Lesotho Review, Education and Training, 2011.}

Non-formal Education (NFE) in Lesotho addresses the demand for less-formal training and retraining among disadvantaged groups such as herd boys, out-of-school youths, adults who missed out on formal education and retrenched mine workers.\footnote{Government of Lesotho, Poverty Reduction Strategy Annual Progress Review, 2007.} The NFE policy of 2001 seeks, among other things, to eradicate ignorance and poverty by providing skills aimed at self-employment and job creation.

The MoET offers NFE courses through the Lesotho Distance Teaching Centre (LDTC). The Centre also provides alternative distance education for herd boys. The LDTC develops training modules and distributes the materials to its learning posts. Other NFE providers are NGOs such as the Lesotho Association of Non-formal Education (LANFE), communities and private individuals, as well as some church organisations. The Non-formal Education Department of the MoET oversees and coordinates all related activities in the country. Total government recurring expenditure on NFE caters mainly for salaries of professional and administrative staff.

One notable feature of the formal education system in Lesotho is that there is an overreliance on examinations and that certificates obtained from this assessment are used as entry points to the next levels of education and employment. Examinations are regulated and administered by the Examination Council of Lesotho (ECOL), which is a central administrative body. In addition to the PSLE, the ECOL also administers the JC and COSC examinations. The JC examinations are locally moderated, while the COSC examinations have, historically, been moderated by Cambridge.

Some teacher unions such as the Lesotho Teachers Trade Union (LTTU) have expressed their concern about the JC examinations, arguing that they are not only a burden to parents who have to pay examination fees, but also burden the system with too many certificates. They therefore propose the abolition of the JC so that pupils spend six years in primary school and only four years in high school, as opposed to the present situation where they spend seven years at primary school and five years at high school.\footnote{Tyihali V, ‘LTTu selects new committee’, The Informative Newspaper, 10–16 January 2012.}

The COSC examinations determine entry into universities and colleges and a credit score for English language has been used to determine learners’ entry into university education.
Although the influx of learners owing to FPE has been criticised by many for its potential to affect the quality of education, national pass rates instead showed a steady improvement from 46% in 2001 to 51% in 2011.

There are 1,495 registered primary schools with 430,000 pupils. Of these schools, 581 are in the mountain areas of the country, while the Maseru District dominates other districts with 251 schools. According to statistics, the district of Butha-Buthe trails behind with only 81 primary schools, yet it has more pupils (22,859) enrolled in these schools compared with Qachas’nek, which has 104 schools with 16,805 pupils.

The number of registered public secondary schools increased from 256 with 93,096 learners in 2006 to 321 with 123,307 learners in 2010. This increase in physical space has made it possible to accommodate more learners in the sector and has decreased overcrowding.

With regard to post-secondary education, there are currently eight TVET institutions, six of which are owned by the Church. Furthermore, Lesotho has four institutions of higher learning that offer certificates, diplomas and degrees in various disciplines. The NUL has an intake of more than 7,000 students, the LCE has 4,526 students and the LUCT has more than 1,000 students enrolled in its 27 programmes. In the NFE sector, the LDTC has 220 posts, with the number of students increasing from 5,024 in 2004 to 6,406 in 2006.

A number of private schools are operating at different levels. One feature of this sector is that most of the schools are not registered and, according to available statistics, 1% of primary learners are enrolled in these schools. The prevalence of unregistered schools is said to be high and, as such, it is difficult to assess their performance. The reluctance to register with the MoET has been attributed to the conditions set for registration, which include evidence pertaining to the site, the availability of assets, the sufficiency of funds to run the school, the school’s constitution, and management arrangements. Attempts have been made to close these schools, but enforcement is weak. Schools close for a short period, but are then quickly reopened. A major challenge is that parents keep on sending their children to these schools regardless of the government’s call for their closure.

There are only four registered private secondary schools, but the prevalence of unregistered schools is very high. Despite being privately owned, most of the unregistered schools follow the same syllabus used in public schools, and learners sit for the same examinations.

On issues of access and quality, the MoET encourages private providers to accommodate orphans and vulnerable children, and, as an incentive, the government pays these learners’ fees and the salaries of some teachers. However, some private-school principals claim that they do not get any state assistance and that the Ministry makes it very difficult for private individuals to register their schools. In addition to private schools, there are about six independent schools, which are managed according to their own constitutions and which are free to levy fees determined by their school boards.

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22 Interview with the Chief Education Officer (CEO), Maseru District, 19 December 2011.
23 It was not possible to obtain the prevalence rate.
24 Interview with the principal of an unregistered high school.
Registration of private tertiary institutions is similar to that for schools, except that they are required to produce evidence of the existence of a quality-assurance system and of accreditation by the quality-assurance authority. While there are no statistics on the number of these institutions, there are reported cases where parents have been led to believe that their children are registered with a credible institution, only to be disappointed when the MoET closes such an institution.

It has been noted that parents send their children to these types of institutions because of the institutions’ leniency regarding entry requirements, and also because of the limited space in public and registered institutions. The MoET fines unregistered institutions M50 000 through the CHE. The CHE is currently developing registration guidelines, but, because the Council was only recently established, it is difficult to assess its effectiveness.

The provisions for institutions to register with the CHE are an indication that government encourages private–public partnerships in education, but the challenge is how the private sector views the benefits of providing education services and the extent to which they are capacitated to meet all the requirements. The creation of the Private Sector Development Foundation appears to be focused more on business ventures and less on social services, except in the case of corporate social responsibility initiatives, which are largely based on donating clothing or goods parcels to pupils.

D. Principal government ministries and other agencies responsible for education

The MoET is the principal government structure responsible for education. The Ministry has the responsibility for administrative, financial and academic control of the formal education and training system.

The MoET has seven programmes/departments, each headed by a Chief Education Officer (CEO) or a Director. These programmes/departments are: (i) primary (including ECCD); (ii) secondary (including special education and supervision of government schools); (iii) teaching services; (iv) tertiary (which also oversees the Lesotho Qualifications Authority); (v) curriculum services (including the LDTC, the School Supply Unit, the LANFE and the ECOL); (vi) planning (including project support, coordination and information technology); and (vii) technical and vocational training.

Although the Church is the dominant proprietor of primary and secondary schools, there are a number of NGOs involved in providing education services. Some focus on teachers’ rights, while others focus on children’s rights. For example, the Lesotho Association of Teachers (LAT) encourages professionalism among its members, while the LTTU organises teachers to fight for their rights as workers. Furthermore, the LPDCA focuses on creating awareness about early-childhood education, on training pre-school teachers and on acting as a pressure group for ECCD.

Another important NGO is the Lesotho Campaign for Education Forum (LCEF), which was established in the early 1990s as a response to Education for All (EFA) goals. Among its successes, the LCEF has influenced the development of the re-entry policy, which allows learners

26 Interview with the Director of Quality Assurance, CHE, on 16 December 2011.
who have dropped out of school owing to teenage pregnancy, early marriage or traditional initiation to be accommodated once again in the school system.\textsuperscript{28}

As mentioned previously, religious institutions play a major role in delivering education services in Lesotho. Secondary and primary schools are owned and operated predominantly by churches. According to the MoET, the Church owned 90\% of all primary schools in 2007. The government, communities, NGOs and private individuals own the rest. However, with donor support for the government of Lesotho, there has been an increase in the number of state-owned secondary and combined schools. For example, the government currently owns 26.2\% of secondary schools, with Maseru dominating all ten districts.\textsuperscript{29} The Lesotho Evangelical Church and the Roman Catholic Church each own 25.9\% of secondary schools.

The role of the Church has also been significant in the provision of higher education. The country’s first university – the NUL – was initially an institution of the Roman Catholic Church. Even after the NUL became autonomous, the Church continued to play a significant role, as evidenced by the presence of three chapels operating officially on the NUL’s main campus. Furthermore, the Roman Catholic Church is officially represented on the University’s Council, which is the highest governing body at the University.\textsuperscript{30} In addition, the teaching of religious studies as an examinable subject in public schools is indicative of the influence of the Church within the sector.

In line with the Public Sector Improvement and Reform Programme, whose focus is to professionalise the public service, the MoET reviewed its institutional and human resource capacity. The review led to institutional reforms, to the capacity building of staff and teachers, to systems and process improvement, and to structural and management improvements in the education sector.\textsuperscript{31} For example, new positions at the CHE have been created to replace the Office of CEO – Tertiary. Furthermore, a new procurement system, a textbook-rental scheme and the decentralisation of key education functions have been introduced.

\textbf{E. Main barriers preventing access to education}

Until 2000, the main barrier to educational access for poor children was school fees. The phased introduction of FPE, which was not compulsory, meant that, until 2007, some children could not access education because their parents were unable to pay. On the other hand, secondary schools were charging exorbitant fees that contributed to a lower transition rate from primary to secondary school. This led to the rationalisation of secondary-school fees by the MoET, beginning in 2012.\textsuperscript{32} In implementing this initiative, the government was expected to provide a subvention for all secondary schools and to allocate sufficient grants in order to pay teachers.\textsuperscript{33}

\begin{table}[h]
\centering
\begin{tabular}{|c|c|}
\hline
\textbf{Year} & \textbf{Percentage of fees rationalised} \\
\hline
2012 & 100\% \\
\hline
\end{tabular}
\caption{Percentage of fees rationalised in secondary schools.}
\end{table}

\textsuperscript{28} Interview with LCEF President.  
\textsuperscript{29} MoET, Statistics Bulletin, 2010.  
\textsuperscript{30} The 1964 Charter agreed to by the Roman Catholic Church and the government stipulates that the Roman Catholic Church should have two ex officio members on the NUL Council, and that Theology and Philosophy must never be removed from the NUL’s curriculum programmes (Interview with Council member on 8 February 2012).  
\textsuperscript{32} The Minister used section (2)(ii) of the Education Act 2010, which allows for the implementation of the rationalisation of school fees in all public secondary schools and high schools.  
\textsuperscript{33} As per Dr Khaketla at the 36th Session of the General Conference of UNESCO from 2 October to 10 November 2011.
Across schools, teachers, using school resources, charge extra tuition fees to help children, whose parents can afford these fees, to prepare for the national examinations. Children who depend on the government bursary scheme are unable to pay for these services; hence they miss out on the opportunity to improve their grades. Although this practice is illegal and the Ministry is aware of it, no action has been taken to stop it and inequities between poor/orphaned children and those who are better off continue to grow.

Another barrier results from the effects of the HIV epidemic, which has forced some children to become heads of households and to drop out of school.

F. The overall quality of education
While enrolments have been exceptionally high, the same cannot be said about the quality of education. As indicated earlier, education content has not been market-oriented, which reflects in the lack of appropriate skills.

A number of factors have been advanced to explain this situation. The shortage of qualified teachers, for example, as well as overcrowding in classrooms are among the factors that contribute to the low quality and to the inefficiency of primary education. However, the total number of teachers has increased steadily as a result of the government’s goal of creating an average of 400 new teaching positions at primary level and 200 at secondary level per year.

This has led to a decrease in the pupil: teacher ratio, which stood at 39 in 2007, a ratio which is just below the set national target of 40 by 2015. This success came as a result of the aggressive intervention of teacher-education institutions, which introduced part-time studies for unqualified teachers and made provision for incentives in order to increase the supply of teachers. In addition, in an effort to minimise overcrowding, the Ministry embarked on increasing classroom space for secondary education by constructing an extra 67 classrooms in 2012.

According to the Curriculum and Assessment Policy Framework of 2009, there is heavy reliance on examinations to determine academic achievement. Continuous assessment undertaken in practical subjects has been targeted mainly towards examination requirements and not necessarily at promoting self-reliance. Performance at the COSC level is used as the critical measurement of the quality of education in Lesotho, as this determines learners’ transition to tertiary education. The COSC results have shown that most learners obtain a General Certificate in Education (GCE) grade that does not allow them to qualify for university entrance.

34 Southern and Eastern Africa Consortium for Monitoring Educational Quality (SACMEQ), Quality of Primary School Inputs in Lesotho, Policy Brief No. 2, October 2011.
2. INTERNATIONAL AND NATIONAL LEGAL FRAMEWORK

International and national legal framework

A. International law
Lesotho has committed herself to ensure the wellbeing of all Basotho children by signing and, in some cases, ratifying international conventions and protocols that are meant to protect the rights of the child and to make education accessible to all children. This political commitment is evidenced by the fact that the country is on track with regard to two related Millennium Development Goals (MDGs), namely MDG 2 on achieving universal primary education and MDG 3 on promoting gender equality by 2015.

Table 4: International and regional instruments Lesotho has acceded to that address children’s rights

<table>
<thead>
<tr>
<th>Treaty/convention</th>
<th>Year signed</th>
</tr>
</thead>
</table>


As a member of the United Nations (UN), Lesotho is also a participant in the global Education for All (EFA) movement launched in 1990 in Jomtien, Thailand. This is in line with the Convention on the Rights of the Child ratified in 1992 by Lesotho and committing Lesotho to making primary
education available to, and compulsory and free for, all. Further, Lesotho has also acceded to the Sub-Saharan African Regional Framework for Action that views education as the cornerstone for an African renaissance. The Framework recognises education as a tool to liberate Africans from dependency by ‘endowing them with initiative, creativity, critical thinking, enterprise, democratic values, pride and appreciation of diversity’.

In response to these global and regional frameworks, the Lesotho government has put in place policies and laws that are meant to ensure quality education for all. Lesotho’s vision for the development of a productive, quality human resource base and for the provision of education as a fundamental right is largely driven by the principles of the above instruments. This is articulated in two key documents that embody these principles, namely the Education Sector Strategic Plan and the Medium-Term Expenditure Framework for the education sector.

B. Constitution
Section 28(b) of the Constitution of Lesotho 1993 affirms the intention to adopt policies aimed at ensuring that ‘primary education is compulsory and available to all’. To achieve this objective, the provision and attainment of basic education are a key national drive. Further, the Constitution calls for efforts to ensure that every child has the opportunity to complete basic education; hence basic education must be free and compulsory. Secondary education, including technical and vocational education, is to be made accessible to all by every appropriate means. Non-formal basic education must be available to all who have not received formal basic education.

In line with this, Lesotho’s Vision 2020 stipulates that the Basotho people must be a functionally literate society with well-grounded moral and ethical values, and with adequate social, scientific and technical knowledge and skills by the year 2020.

Article 14 of the Southern African Development Community (SADC) Gender Equality in Education Protocol also calls for ensuring access to all levels of education by challenging gender stereotypes in education and by ensuring that institutions of learning are free from gender-based violence. Countries are expected to enact laws that promote equal access for retention at all levels. In line with this, the Lesotho government enacted the Gender and Development Policy of 2003 and the Sexual Offences Act 2003. However, there are some inconsistencies in harmonising these laws with education provisions. It has been noted, for example, that institutions of higher learning have no sexual harassment policies that regulate sexual offences.

C. Legislation
Lesotho’s legal reforms in the education sector have been directly influenced and informed by both regional and international declarations on education. In also drawing on the Constitution, education has been prioritised by government as a right of every Mosotho that must be protected.

The first piece of legislation that emanated from the 1990 Jomtien World Education Summit was the Education Act 1995, which, among other things, encouraged leaders to invest strategically in education. The act focused mainly on institutional transformation such as teaching-service regulations, school management, and a code of good conduct and best practices in public schools. While the Summit had resolved that access to basic education must be pursued throughout the decade, the act failed to make education free.
Lesotho’s Education Act 2010 is one of the recent milestones in the education sector. Similar to the Education Act 1995, this act draws its mandate from the Dakar Framework of Action of 2000, which identified measurable education goals aimed at meeting the learning needs of children, youths and adults by 2015.

The Education Act 2010 repealed the Education Act 1995 and made education free and compulsory. Parents are now obliged to make sure that children of school-going age (ages 6–13) stay in the education system. Failure to send children to school under this law invites a M1 000 fine or a performance bond with the magistrate’s court.

The Education Act 2010 is complemented by the Child Welfare Protection Act 2011, which compels everybody to respect the rights of children, including the right to education. As a protection mechanism, the act abolishes the use of corporal punishment in schools and anybody contravening this provision is guilty of a criminal offence. Development actors in the education sector are expected to play a role in ensuring that this act is successfully implemented.

The Lesotho government also responded to the global call for universal access to education through the Poverty Reduction Strategy (2004/2005–2006/2007). The Strategy stipulated that the government should promote EFA policies within a sustainable and well-integrated sector framework clearly linked to poverty reduction and development strategies. In addition, the Education Sector Strategic Plan is the master plan guiding all education stakeholders, including private providers, on how to achieve education for all.

Another policy initiative that commits Lesotho to providing education as a priority is the Poverty Reduction Strategy (PRS), which addresses service-delivery challenges in the education sector.

### 2: Monitoring progress in respect of the MDGs

In order to monitor Lesotho’s progress in respect of achieving education-related MDGs, the United Nations Development Programme (UNDP) supported the Transformation Resource Centre (TRC) in working with youth groups so as to assess the extent to which Lesotho was on track in achieving the MDGs.

The young people used phone-in programmes of local radio stations to have members of the public comment on what progress they thought had been made. The achievements were assessed from the perspective of the youth. In some cases, callers were not aware of the MDGs, while, in others, they were able to give information.

The programmes enhanced national dialogue on how this international framework was being pursued and on how the local context was influencing its implementation. The end product of this exercise was a report that detailed progress through a youth lens. Although Lesotho’s progress with regard to education was shown to be on track, the youth believed that the type of education had to be improved so as to address high unemployment rates among graduates. They argued that they were not considered when education decisions were made and suggested that they must be consulted when issues that concern them are discussed.
D. Recommendations

- Lesotho has ratified almost all treaties on equal access to education; hence its potential to achieve the MDGs. However, the role of other actors in influencing the domestication of these agreements needs to be more visible. Non-state actors such as civil society and the private sector should influence the reform and development of national laws by participating more actively in policy formulation and design.

- The ability of civil society organisations to complete shadow reports is very weak; there is therefore a need to strengthen their capacity so that they can hold the government accountable through these reports.

- Since there are various education providers, the government needs to put in place a clear education service-delivery framework and make it accessible to all actors so that education is regarded, and provided, as a basic human right.
3

Information collection, publication and management

A. National statistics agency
Lesotho has made legal provision for the collection of statistics through the National Strategy for the Development of Statistics (NSDS). This Strategy considers principles of the African Charter on Statistics, hence the establishment of the Bureau of Statistics (BOS). The BOS is the national statistics agency that falls under the Ministry of Finance and Economic Planning and which is mandated to collect and publish reliable data to inform policy-making and planning by different ministries and institutions. The agency depends on the government for funding and its professional independence is therefore thought to be compromised.

In order to complement the BOS’s activities, each ministry has its own unit collecting and publishing sectoral data, which can then be collated by the BOS into a national report. Among key publications that the BOS has produced are national household surveys and census reports, which are produced after every ten years. These reports are sold at the BOS offices at M50 per copy. Otherwise, they can be found at some libraries in the country and on the BOS website.

The BOS can publish this data only if relevant government departments provide the necessary information. According to some BOS staff members, it is very difficult to access information from the Ministry of Education and Training (MoET), a sentiment that is shared by a librarian at the State Library who indicated that her institution should host all institutional data for readers, but that it has been challenging to obtain basic information from the MoET such as

37 The last population census was in 2006.
that on policies and plans.\textsuperscript{38} Of course, all government acts that are gazetted can be purchased from the government’s Printing Unit, but its location is very difficult to access for people who use public transport, and not many people really know that they can purchase these documents as individuals.

Although there is no national management information system policy, the Educational Management Information System (EMIS) was established to help the MoET produce statistics in order to monitor and evaluate the implementation of national and international policies, plans and frameworks relating to education.

The EMIS is mandated to collect data from all levels of the education system, except that of tertiary education. Being able to use this information has proved to be of significance for primary and secondary education. The Ministry only collects data on, and keeps records of, officially registered and legally operating public and private schools. There are several known schools that are not legally registered and, as a matter of policy, the Ministry does not collect their data during the annual school census. Furthermore, the MoET requires every education institution to report education statistics periodically to the central office; this is in line with the legal obligation of the Ministry to produce, publicise and disseminate education information and statistics. Some institutions do not comply with this requirement, but there are no mechanisms for enforcement, except at primary and secondary level where the Ministry does not release grants to schools if they do not comply. Information on teacher supply and attrition at primary and secondary levels is also published, but there is no information in respect of higher education.

With regard to structure, the EMIS is still centralised, although the MoET intends to decentralise its functions to regional level. Despite this, standard questionnaires are sent to all ten districts to be completed by district education officers. The EMIS also uses methodologies that strongly correspond to international practices.\textsuperscript{39} It must be noted, however, that the coverage of some sub-sectors is still limited, for example data for the pre-primary level is superficial and it has also been very difficult to get comprehensive primary school data on orphans and vulnerable children.\textsuperscript{40} The available data mainly covers public schools, with selective data being available for private schools.

Other challenges include the lack of systematic and coordinated participation of other stakeholders, such as school proprietors and principals, in the collection and preparation of data. While it could be expected that the Church, through its school secretariat, would be the main provider of this data, this was not the case, as it was mentioned that the Ministry uses its discretion concerning the type of data it incorporates in its policy implementation.

\textsuperscript{38} The lead researcher and the research assistant also experienced difficulties in accessing documents during field work. Some officials in the ministry kept postponing interviews, while others refused to share information, stating that some data was too sensitive.


\textsuperscript{40} It was difficult to assess the school performance of orphans and vulnerable children in the national examinations, especially as the 2011 cohort was the first to write the Cambridge Overseas School Certificate (COSC) examination.
Furthermore, the secretariats have weak structures for collecting useful data, and there is no standard tool for principals to use in order to collect such data. Although the EMIS collaborates with the Ministry of Public Service regarding human-resource services such as the training and recruitment of its staff, it still lacks adequate resources to provide consistent data on time. Currently, most work is still done manually, but methods of publication and dissemination of annual education statistics are incrementally moving towards automation.

The EMIS has been able to produce different products such as the annual *Year Book* and the *Ministry of Education and Training Statistics Bulletin*, whose main end users include donors, researchers, Members of Parliament (MPs) and government departments. The accessibility of this data is very questionable, as, during the field work for this study, EMIS officers on many occasions mentioned that they could not provide information because they were not allowed to disclose sensitive information. The State Library has a section that is supposed to store historical records and national policies, but such data from the MoET is not found there. Nonetheless, the MoET website has some data which can be accessed freely, while some statistics can be accessed from the BOS website statistical reports. The data from the BOS is disaggregated by sex, age and geographical location; similarly, discussions on education-related legislation are freely accessed from the National Assembly’s Hansard records.

**B. Monitoring and evaluation**

The Education Act 1995 paved the way for more participation by churches and parents in the delivery of education services. This led to the establishment of school advisory and management committees, with the MoET, churches and parents being represented thereon. This move indirectly shaped the role of the Church and the state in the management of schools. With support from the International Development Association (IDA), these committees were trained in order to enable them to perform their new management roles effectively. However, such roles do not include inspection, as this is the sole responsibility of the Department of Field Inspectorate. In the same manner, the dualistic nature of school ownership makes it difficult for non-state actors to play a role in monitoring and evaluation. Needless to say, it is also true that these committees lack capacity to monitor the system, as most members are not nominated on the basis of any professional training.

There are different departments that are mandated to monitor and supervise teaching at different levels. There is a district resource teacher unit based on subject clusters such as English, and there are field inspectorate staff (primary) at district level for the ten districts of Lesotho. At this level, there are three inspectors: one for special education, one for feeding schemes, and one for the supply of teaching and learning materials.

Unlike the primary-school inspection system, secondary-school inspection is not decentralised to district level, but is based at headquarters in Maseru. Inspection for both levels takes two forms, namely full inspection that covers the life of the school in general and aspect inspection that focuses on particular aspects within the school, such as infrastructure/classrooms.

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41 Interview with Church School Secretariat on 26 January 2012.
43 Interview with Chief Inspector, Secondary.
Issues that are normally considered include the school environment, school buildings, teaching methodologies and their effectiveness, the pupil:teacher ratio, financial management, and the school curriculum (quality of teaching and learning). The governing framework regarding inspection is the Education Sector Strategic Plan, which stipulates that a well-managed school inspection should ‘provide the requisite information that is essential for informed interventions in curriculum development/review, school management reforms, and teacher development’. The Plan acknowledges the lack of implementation of the legislated inspection of one full inspection every two years, and almost all respondents interviewed on this aspect concurred that the process is inadequate, as it takes place, at most, only once in three to four years.

The number of inspectors, estimated to be between 35 and 40 nationally, also impacts on monitoring and quality assurance. There should be at least three inspectors per district, but the number of schools per district determines this number, as the distribution of schools is not even. On average, this translates into one inspector per 30 schools, excluding private schools.

The training of inspectors is another aspect that contributes to the ineffectiveness of the system. The current cadre of inspectors has little training in evaluation principles (they are not employed on the basis of their knowledge of these principles). However, there is in-house or in-service training that covers school management, supervision and the curriculum. This is, however, very ad hoc and unsustainable.

Inspections are conducted in respect of all registered schools, including private schools. It emerged during the field work, however, that private primary schools believed that they were inspected only if there was a crisis. There are some structures that are supposed to complement formal inspection, such as national teacher-trainers, area resource teachers, educational advisors and non-formal inspectors. Adult education also has an inspector.

Reports on full inspections are relatively detailed, as the inspection tool covers different aspects that are dealt with by the inspector and the principal. Results are published in the form of written reports and are shared with schools in cases where there are specific problems and where there is easy access to such schools. Where a school cannot be easily reached owing to the poor condition of roads, the results are discussed on the spot immediately after the inspection. In addition to this formal monitoring, different stakeholders undertake education surveys through consultancy work, and these are shared with the Department through the Office of the Chief Inspector.

Schools are not necessarily required to report on their own performance in a formalised way, but there is an expectation that each school will have a development plan in which issues such as the allocation of teachers, the analysis of the results of all classes, and self-review are discussed, with the report being sent to the MoET. Such reports are made using forms issued by the Ministry every year, which are then completed by the principal with the help of the head of department. In most cases, these evaluations deal with financial expenditure. If a school does not report on its financial matters, the Ministry withholds annual financial resources until the

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45 Interview with Chief Inspector, Primary.
46 Interview with the Chief Inspector, Primary.
47 Interview with the Chief Inspector, Secondary, on 9 January 2012.
school complies. While it could be expected that the results of these assessments are meant to inform all stakeholders, they are often not shared beyond school management.

The capacity to monitor and evaluate the effectiveness of education service delivery is thought to be very weak. Inspectors have a general education, without specialising in professional inspection principles; anybody with an education degree can be employed as an inspector.

Furthermore, there are too many schools for departmental staff to cover effectively. Both the Roman Catholic and Anglican Church school secretariats argued that inspection is extremely inadequate: for instance, the Anglican Church of Lesotho had only one inspection report over a one-year period. An inspection visit to one school takes about three days, and it takes up to three weeks to write the report, which may be shared with the secretariat at the discretion of the Department. On the other hand, the inspectorate visits private schools once every quarter to examine plan books, registers, and schemes and records of work. At times, the MoET may visit schools to give advice or information about changes, such as new regulations in the sector.48

Reporting by other educational stakeholders on performance is almost non-existent, as school proprietors lack a standardised tool for measuring performance. Most proprietors visit schools only if there are management or administrative problems; curriculum and teaching issues are left to the MoET. Even with management issues, there is no mechanism to ensure that the reports are shared with the Ministry. Similarly, proprietors may not receive inspection reports timeously, or, where they are shared, they may not necessarily be discussed for progress purposes.

Unlike inspection results, examination results are widely published in booklets and in local newspapers. However, in recent years, communication network service providers have taken over and students now use their examination numbers to obtain their individual results.49 Otherwise, each school is sent a copy of the results. The problem, though, is that there are some areas where the network service providers are not accessible and some students do not have mobile phones.

The results are available in a form that allows institutional performance to be effectively assessed on the Ministry’s website, where they are disaggregated by variables such as sex. Some newspapers such as the online Public Eye Daily publish these results disaggregated by school, performance classification/grade and sex. While this may seem positive progress in this digital age, it is also a fact that accessing the internet is still a privilege of the few urbanites.

Table 5: Comparative analyses of the COSC results for the period 2007–2011

<table>
<thead>
<tr>
<th>Classification</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Class</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1st Class</td>
<td>430 (4.8%)</td>
<td>533 (5.6%)</td>
<td>584 (5.7%)</td>
<td>649 (5.9%)</td>
<td>717 (5.4%)</td>
</tr>
<tr>
<td>2nd Class</td>
<td>1 690 (18.7%)</td>
<td>1 853 (19.3%)</td>
<td>1 823 (17.9%)</td>
<td>2 034 (18.7%)</td>
<td>2 216 (16.8%)</td>
</tr>
<tr>
<td>3rd Class</td>
<td>2 948 (32.7%)</td>
<td>3 135 (32.7%)</td>
<td>3 382 (33.2%)</td>
<td>3 555 (32.7%)</td>
<td>4 556 (34.6%)</td>
</tr>
<tr>
<td>Total passes</td>
<td>5 068 (56.0%)</td>
<td>5 526 (57.5%)</td>
<td>5 789 (56.9%)</td>
<td>6 238 (57.3%)</td>
<td>7 489 (56.8%)</td>
</tr>
<tr>
<td>GCE</td>
<td>3 872 (42.9%)</td>
<td>3 934 (41.8%)</td>
<td>4 934 (42.5%)</td>
<td>4 581 (42.1%)</td>
<td>5 625 (42.2%)</td>
</tr>
<tr>
<td>Fail/ungraded</td>
<td>86 (1%)</td>
<td>63 (0.7%)</td>
<td>62 (0.6%)</td>
<td>66 (0.6%)</td>
<td>63 (0.5%)</td>
</tr>
<tr>
<td>Total sitting</td>
<td>9 026</td>
<td>9 599</td>
<td>10 180</td>
<td>10 885</td>
<td>13 177</td>
</tr>
</tbody>
</table>


48 Interview with the principal of a private primary school on 9 January 2012.
49 These service providers are Vodacom and Econet.
The 2011 COSC candidates were the first FPE graduates. Examination results showed a decline by 0.5% in 2011 compared with 2010. The overall picture shows that the proportion of candidates that qualified for university entrance was less than 20%. In most cases, a 3rd Class pass means that a learner may not have passed the English-language examination and cannot be admitted to a university. However, some colleges and technikons admit this group, while the General Certificate in Education (GCE), which averages about 40% in Table 5, is not admissible in most tertiary institutions, and most of these learners have to upgrade their scores in order to enter at this level. In most of these cases, parents have to bear the costs of extra tuition, while children from poor families are forced out of the education system.50

3: Implementation without consultation: Passive participation

In an effort to respond to the Ministry’s rationalisation of fees for 2011, the Roman Catholic Church School Secretariat called a meeting of principals to determine how much their schools needed to spend in relation to the fees set by the Ministry. It emerged that most principals were not sure of how much they spent on items such as food, maintenance and communication.

This situation was further complicated by the fact that some schools charged low fees, yet their financial records were ‘clean’ and their schools were developing significantly, while there were some that charged high fees, yet their records showed overspending with less development on the ground.

The School Secretariat thus concluded that the main problem in the education sector was training and leadership, and that the proprietors could not argue against the rationalisation of fees by the Ministry, as their schools could not justify increased fees owing to the lack of reliable statistics.

It was clear, however, that generalisation of school spending was problematic, as some schools were located in hard-to-reach areas where prices were very high, and such schools needed special treatment. This was only feasible if there was adequate data to inform this huge initiative.

As one proprietor argued, the Ministry had based its rationalisation on 2009 prices, yet it had implemented the policy in 2011 without reconsidering increases in commodity and service costs. In general, there has been an outcry from principals and proprietors about this intervention, yet the MoET has continued to implement it. Needless to say, some schools also ignored the instruction and increased boarding fees.

50 The GCE does not enable the learner to qualify for the Overall School Leaving Certificate.
c. Recommendations

- School administrators need to be engaged to collect and prepare data to inform education policy initiatives.
- The establishment of a research council could complement institutions that collect and publish relevant data.
- The EMIS should publish regular reports for different levels of the education system.
- Linkages are needed between units such as the Examination Council of Lesotho (ECOL) and the Ministry of Social Welfare in order to analyse data on education quality, including data related to the education of orphans and vulnerable children.
- There is a need for harmonisation of statistical policies and standards between BOS and the MoET.
- In order to enhance education services, all schools need to be regularly inspected and given timely feedback.
- School proprietors need to be trained in supervision so that they can produce timely and accurate data to inform education reforms.
- Inspectors need to have professional expertise in curriculum development, management reforms and teacher development.
- The inspectorate should be an independent authority so that it can offer objective and critical assessment.
- Inspection reports must be comprehensive enough to guide a school for a period of at least five years.
- Education programmes such as the Advanced Primary Teachers’ Certificate, which trains teachers in management and administration, must be reintroduced and repackaged to address contemporary teaching challenges.
- The Lesotho Institute of Public Administration and Management (LIPAM) should be used to train inspectors in special content and inspection.
- Principals must be trained in basic assessment and supervision.
- Inspection must be consistent and well planned.
- The secondary-school inspectorate must be decentralised so that schools can be visited frequently.
Strategic planning

A. National planning framework

Vision 2020 is the key long-term development plan that was launched in 2002 to guide all policy issues in Lesotho. Mid-term development frameworks have been used to implement Vision 2020, and they are used by all ministries to coordinate and guide policy formulation and the allocation of resources.\(^5\)

Historically, planning and budgeting in Lesotho operated separately. This made it difficult for plans to have a systematic impact on the annual budget. In order to address this weakness, the government introduced the Mid-Term Expenditure Framework, which requires government departments to submit their expenditure budgets together with an indication of how they will contribute to the attainment of priorities included in the Medium-Term Operational Plan.\(^5\)

With regard to education, Vision 2010 articulates the intention to transform Basotho society into a well-developed human resource base and acknowledges the challenge of quality of education for the majority of children. It calls for curriculum development that responds to national development priorities and for the promotion of entrepreneurship, and technical and vocational skills.

Before the introduction of Vision 2020, education plans largely drew their mandate from the Sixth National Development Plan 1996/1997–1998/1999, which provided a framework for effective education service delivery. In addition, the Poverty Reduction Strategy also guided ministries in their policy reforms. Based on the intentions of these national plans, the Education


Sector Strategic Plan was drawn up by the Ministry of Education and Training (MoET) to cover the period from 2005 to 2015.

Furthermore, the National Strategic Development Plan 2012/2013–2016/2017 was developed to further shape the implementation of Vision 2020. Among other things, the Plan prioritises the development of skills and a foundation for technological innovation, based on the quest for excellence. To achieve this, the Plan proposes to transform institutions of higher learning in order to produce competitive and relevant skills. The government pledges to continue with reforms in education financing and bursary policy so as to improve equity and the relevance of skills produced.\textsuperscript{53}

\textbf{B. Education Sector Strategic Plan}

The Education Sector Strategic Plan 2005–2015 draws its mandate from the Constitution and the National Development Strategy. The Plan has also taken into consideration the provisions of the Millennium Development Goals (MDGs) by prioritising universal access to education. Furthermore, it has considered key international and regional treaties and protocols, including Education for All (EFA) goals.\textsuperscript{54}

The MoET launched the Education Sector Strategic Plan in 2005 to guide the Ministry and other key stakeholders in the sector in achieving education goals. Key sector objectives include the following:

- To improve access to, and the efficiency and equity of, education and training at all levels;
- To improve the quality of education and training;
- To ensure that curricula and materials are relevant to the needs of Lesotho, are consonant with the appropriate standards and are gender-responsive;
- To ensure that both vocational/technical and Non-formal Education (NFE) programmes respond to the needs of industry and communities in general;
- To develop and implement a common system of regular collection and reporting of information on the current status and on future demand and supply, and on priority educational areas in the country;
- To progressively achieve the equivalence, harmonisation and standardisation of education and training systems nationally, regionally and internationally;
- To effectively participate in regional and international educational sector development initiatives;
- To promote gender equality and ensure empowerment of disadvantaged groups; and
- To address the challenges posed by HIV/AIDS in education and training.

The Plan prioritises not only access to education, but also the improvement of the quality of education. The latter is defined by a curriculum that is responsive to the evolving socio-economic and demographic realities of Lesotho. The provisions of this Plan are directly responsive to EFA goals regarding key education services such as Early Childhood Care and Development (ECCD), adult literacy, curriculum development, and human resource development.

\textsuperscript{53} Background Paper to 2012–2013 Budget.
\textsuperscript{54} www.commonwealtheducationfund.org.
The Plan articulates efforts to improve access to, and the quality of, education services for all, especially the poorest and most vulnerable in a society where the HIV epidemic has created large numbers of child-headed households. Other categories of vulnerable people included are girls, herd boys, children with disabilities, and out-of-school youths and adults. The Plan, however, is silent on working children and, in particular, children living and working on the streets.

The Plan was formulated after intensive research and consultation with key stakeholders in the sector and was based on a review of the policy context within which it will be implemented. It embraces the integration of government and donor funding within the Sector-wide Approach to programming (SWAp). This is important, in that it brings donor support within a common management and planning framework, helping to address a number of financial and institutional support challenges. For example, it facilitates coordination of non-state contributions and promotes collaboration regarding, and harmonisation of, donor assistance.

Based on a situational analysis and defined policy problems, the Plan presents mission goals and objectives for each sub-sector. For example, the section on ECCD begins with a situation analysis of the sub-sector, including the main policies guiding this level. It then presents the objectives and strategies, as well as activities to achieve these objectives. It goes further by identifying target indicators as well as anticipated challenges. The section also presents a thorough costing of this level as well as the percentage of funding for the sector in relation to other sectors and financial sources to be tapped to fulfil the goal of access and quality. All other sub-sectors are presented in this manner, and the Plan also considers cross-cutting issues such as HIV and gender, and the extent to which these have an impact on achieving education goals. The Plan also addresses institutional capacity strengthening as central to the implementation and achievement of national education goals, and, as such, 56% of total funding is allocated to this goal.

There are other frameworks that have been developed to support the implementation of the Education Sector Strategic Plan at different levels or sub-sectors. For example, the Integrated National Framework for Curriculum Development and Assessment has been developed to guide the transformation of learning, teaching and curricula assessment for primary and secondary education. The overall purpose of these initiatives is to make education ‘accessible, relevant, efficient and of [the] best quality’,\(^5\) in line with the targets of the Plan.

Furthermore, in its effort to achieve the Plan’s targets, the government developed a Free Basic Education Programme (FBEP) and a complementary Targeted Equity-based Programme (TEBP). The FBEP is intended to incrementally remove school fees for the first ten years of primary and secondary schooling. The TEBP targets vulnerable children, who are not covered by the FBEP, by waiving school fees.

Monitoring and evaluation of the Plan’s implementation are regarded as central. This is why the focus will be placed on the reform of the inspectorate, among others. Both the MoET Planning Unit and the Educational Management Information System (EMIS) are given special attention so that relevant data is produced to inform policy development. In relation to the

costing of monitoring and evaluation, the recurrent and development budgets are expected to be integrated, which will necessitate the review of the Project Support and Coordination Unit.

While government schools are guided by the Education Sector Strategic Plan, this is not the case with private schools in particular. For example, the Plan prohibits the payment of school fees for basic primary education, but private schools charge tuition and other fees. Of course, the fact that the government pays teachers’ salaries and funds classroom construction in public and church schools makes it easier to force these schools to abide by the provisions of the Plan.

But, as will be shown, there is no clear consultative mechanism to ensure that schools abide by the Education Sector Strategic Plan, as the weakness of parents’ associations and school management boards limits their role in maintaining accountability. Nonetheless, some teachers from private schools mentioned that, when dealing with interference from proprietors, they use the Education Act 2010, which stipulates in section 23(1) that independent schools need to be governed by a school board.

Another challenge relates to the financing of the education sector, especially the higher education sector, as FPE accounts for the bulk of the national education budget. But what is more of a challenge is the fact that there is a clear financial gap that donors are expected to fill. This is a problem, in that development assistance is very unreliable, as donors can change their focus or interest without the government’s consent.

An additional problem relates to the costing itself. For example, the costing of senior-secondary education is complicated by the fact that, despite a policy departure in order to define basic education to include junior-secondary education, the majority of schools offer junior-secondary and senior-secondary education, thus making it difficult to separate costs.

A further challenge for secondary education emanates from the increase in primary-school graduates as a result of FPE. This has called for heavy investments in the construction of new secondary schools and additional classrooms, but without corresponding growth in higher education to accommodate these learners. This investment has resulted in quantitative targets for secondary education, but more needs to be done in relation to finding space in post-secondary education.

Most non-state stakeholders in the education sector share the belief that consultation by the MoET is very weak. According to the President of the Lesotho Association of Teachers (LAT), teachers’ associations do participate with regard to some key policy issues that affect teachers, such as pensions and salary increases, but, when it comes to issues relating to governance and the curriculum, the Ministry tends to be selective in inviting stakeholders, and this affects ownership of the changes in the sector. On the other hand, the Secretary-General of the Lesotho Teachers Trade Union (LTTU) confirmed that the LTTU participates in workshops that are meant to improve quality, but argued that the consultation process is not clearly transparent, as the Ministry sometimes leaves unions out of critical debates.

Furthermore, school proprietors view the consultative process as very weak and cosmetic. For example, in 2005, the Roman Catholic Church produced a paper, Partnership for the

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56 According to the Minister of Education at the 2011 Education and Training Sector Performance Joint Review.
57 Interview with the President of the LAT on 5 January 2012.
58 Interview with the Secretary General of the LTTU.
Common Good, as a contribution to the draft White Paper that was to guide the sector’s strategic planning. However, development of a Green Paper on this plan was never completed with other stakeholders, and the Ministry continued the process without contributions from the Church, which had the largest number of registered schools.

Corroborating this sentiment was the Anglican Church School Secretariat, which cited the rationalisation of school fees as an example of how decisions are imposed without genuine dialogue. It argued that reliance on government financial support subjects it to manipulation and total disregard for its opinions. In most cases, its inputs are ignored when it is consulted on matters.

Many stakeholders view the MoET’s reporting on the achievement of the goals set out in the Education Sector Strategic Plan as inconsistent. However, the publication of progress on the Ministry’s website gives the impression that the Ministry intends to share information with the public. The reports are based on the review of the Plan and highlight both successes and shortcomings.

As a practice, different ministries present their progress over the radio and on television once a year, and the public is then given the opportunity to ask questions. Furthermore, the question-and-answer sessions in the National Assembly allow Members of Parliament (MPs) to ask different ministries questions on the performance of their respective departments; all these may be regarded as forms of checks and balances.

However, most MPs are not familiar with the Education Sector Strategic Plan and they fail to assess the sector’s achievement adequately during budget presentation. Moreover, the United Nations Educational, Scientific and Cultural Organization (UNESCO) reports annually on the education performance of the country, while civil society organisations such as the Lesotho Council of Non-Governmental Organisations (LCN) mentioned that they reported only on ratified conventions. UNESCO makes its education data available on its website, and different donors also report on the performance of the sub-sectors they fund.

It should be noted, though, that the Church’s influence on a number of sector developments is becoming weaker, as the Ministry has on many occasions implemented changes that the Church contested. Despite the preceding comment, in December 2011, the MoET and key education stakeholders came together to discuss achievements in terms of set performance indicators and targets, as well as challenges encountered during the Medium-Term Education Sector Plan 2009–2012. The forum also allowed stakeholders to propose, and agree on, strategies to overcome challenges and to suggest a way forward.

From the present research it emerged that a number of non-governmental organisations (NGOs) are concentrating largely on donor-driven agendas such as democracy and that very few seem to have an interest in education, probably because this is one area in which the government has been relatively strong or maybe because of the nature of the ownership of schools. Civil society involvement in planning processes has been reported by many as limited. What was difficult to discern, though, was the extent to which these organisations have lobbied to be

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59 Interview with the Roman Catholic Church Education Secretariat on 26 January 2012.
61 Representatives from learning institutions, as well as development partners and senior education officers attended the forum.
included in the planning processes. The MoET claims that they are always included, and some of them confirmed that they had participated in the development of the Education Sector Strategic Plan, while others argued that the Ministry had dictated their involvement.

4: Challenges for decentralisation of the bursary scheme for orphans and vulnerable children

The District Bursary Office is accountable to the Secondary-school Inspectorate, which is based at the central level with no offices at district level. The District Bursary Officer does not participate in either planning or budget processes, and, as such, is unable to influence policy interventions. For example, there are set indicators for districts to qualify for the allocation of funds. These are: district population, HIV statistics, economic performance at household level, and geographical location (rural/urban). While these characteristics form a standardised tool for distribution, they fail to address individual district’s needs.

Quthing, for example, is regarded as the poorest district in Lesotho and has a high unemployment rate, which has forced many young women to migrate to South Africa to look for work, leaving children behind. Most of these workers cannot send money home, and only come back after six months when their contracts expire. Children of these workers are not regarded as ‘orphans’ and therefore do not qualify for sponsorship, yet they cannot go to school because their working parents are unable to pay the fees. Also, the fact that only double orphans are assisted means that many single orphaned children, some of whom may be worse off than double orphans, have been left out of the bursary scheme. This shows the need for decentralised indicators that can address specific districts’ needs.

C. Recommendations

- There is a need for broader consultation with civil society actors, school management boards and youth groups in the preparation of education plans and strategies.
- The role of the private sector in the delivery of education services needs to be strengthened through its inclusion in key policy changes so that diverse voices can influence future planning.
- Reporting on the achievement of educational goals needs to be improved so that future interventions can be strategically implemented. This can be achieved by engaging civil society to review the Ministry’s performance and to give an objective assessment.
- The fragmentation of the teachers’ unions limits their bargaining power to push priority issues that affect teachers. It is therefore important to encourage cooperation among unions so that they can speak with one voice in order to influence planning in the sector. This can be achieved by creating an umbrella body of education-related unions and associations to drive the interests of teachers and other actors.
Budgeting and financial management

A. The education budget
The Lesotho government has made notable progress towards the Education for All (EFA) goals as it continues to allocate at least 20% of the national budget to the education sector. The continued increase in the budgetary allocation to education at 5% above the rate of inflation was highlighted in the introduction of the Interim Poverty Reduction Strategy Paper of 2000. The government viewed the introduction of Free Primary Education (FPE) as one of the cornerstones of poverty alleviation in Lesotho, and the education budget has since been the largest, with 50% of this budget being allocated to primary education.

The 2011/2012 education budget was no different and its target was to develop relevant, high-level technical and vocational skills at primary- and high-school levels and link them to world-class tertiary education institutions. To this effect, the budget focus was on catering for the adjustment of teachers’ salaries to bring them more in line with those of public servants. Education therefore received the highest allocation of 26.94% of the total expenditure in 2011/2012, increasing from 21.53% in 2010/2011. This budget was also meant to expand secondary education by building more schools to accommodate the growing numbers of primary-school completers.

It should be noted, further, that the education budget is highly donor-dependent, as donor grants amounted to 79.7% of total revenue in 2011/2012, while the government’s contribution was 37%. Most of this funding goes to the development of education infrastructure, while salaries and other expenditures are funded by government.
Public spending on education is estimated by the World Bank at 13.13% of gross domestic product (GDP).\textsuperscript{62} The government continues to support the education system by providing infrastructure with assistance from donors, equipment such as furniture and laboratory equipment, textbooks, feeding schemes, and salaries. The budget also contributes to teacher training and to the general administration of the education system.

Donor support targets sub-sectors that are identified by the Ministry of Education and Training (MoET) as priority areas in line with key national development goals. Most of this support goes to capital projects, followed by human-resource development, while international non-governmental organisations (NGOs) such as World Vision assist with school fees and uniforms for vulnerable children.

Funding for tertiary education takes the largest share of the MoET budget. However, since this budget is reflected under the Ministry of Finance’s National Manpower Development Services (NMDS), primary education appears to take the lion’s share. For example, in the 2011/2012 fiscal year, the MoET received the highest budget allocation of M1 843 516 691. This budget was meant to preserve FPE, but also to cater for tertiary education.

Almost all Basotho students enrolled for tertiary education are sponsored through government student loans. These loans are provided through the NMDS. The sponsorship is given to students for the entire duration of their studies at colleges and universities inside and outside the country. Following the economic crisis and the subsequent decision by the government to support priority programmes, the allocation of scholarships has stagnated or has even declined from 2010. The main challenge regarding the scheme is the absence of strong institutional capacity to recover the loans from beneficiaries.

Since the government finances almost all school requirements in respect of public primary education, parents and communities contribute school fees for secondary education. School uniforms and transport for both primary and secondary education are shouldered by parents, while communities contribute labour for school projects. Parents who send their children to private and independent schools pay all fees for their children. These non-state schools, however, receive some subvention from the government if they agree to implement the FPE programme.

\section*{B. The budget process}

National budgeting involves a budget team from the Ministry of Finance and the budget is commissioned 12 months in advance of its presentation to Parliament. This process is enhanced through the implementation of a Medium-Term Expenditure Framework and the Budget Framework Papers. The purpose of the framework is to promote transparency and stakeholder input. Within this framework, ministries with functions most relevant to government priorities receive a larger share of the total funding, which is why the MoET receives more than a fifth of the national budget every year.\textsuperscript{63}


\textsuperscript{63} International Consortium on Governmental Financial Management, ‘Budget Transparency in the Kingdom of Lesotho: Role of PFM’, 2011.
While the budget ceilings of many ministries used to be set without linkages to government goals, the introduction of this framework has enabled the MoET, for example, to integrate the budget with its strategic planning as reflected in its Education Sector Strategic Plan 2005–2015. Further, in order to ensure that national priorities are considered by each ministry, there is a Cabinet Budget Committee and ministry budget committees at lower levels.

In an effort to involve citizens in the budget process, the Minister of Finance tables the budget estimates before Parliament for approval. These estimates are then shared with citizens through media events and meetings with the business community. In addition, budget teams travel to all ten districts to share information with stakeholders at public forums.

The education budget of each district education office depends on the particular district’s size. This is determined by the number of schools and pupils in each district. The district education offices are expected to cover the running costs of the offices, the purchase of equipment and stationery, and operational activities. The district education office develops its own budget and forwards it to MoET headquarters, which then consolidates the budgets from the ten districts, including headquarters, and submits the consolidated budget to the Ministry of Finance. Because funding of education is largely shouldered by the MoET, the budgeting process is carried out exclusively by the Ministry, with limited input from other education stakeholders.\(^{64}\) The process is therefore not fully decentralised, as capital projects are still funded directly from the central office.

At school level, the budget for daily expenditure is not part of the MoET budget, but is meant to address schools’ day-to-day spending. This is because public schools receive a utility grant from the central level of around M8 (around USD1) per child per school year. The schools that charge fees do not receive this grant at all. The utility grant is supposed to cover development projects such as gardening and maintenance.

Principals are not required to consult with their district education office on the day-to-day utilisation of these funds, but they account for the funds through financial reports that they submit once a year to the district office. The financial report covers income and expenditure. Receipts from suppliers must support expenditure. Further funds are not released until the principal has provided the financial report for the previous year. To help principals meet this obligation, the MoET has developed guidelines for financial management and district education officers train schools principals. Although, in practice, the books are not audited, there are regulations on how money should be used.

### c. Budget documentation

Since the introduction of the Integrated Financial Management System in 2006, dissemination of financial information has improved. This information is now easily accessible on the Ministry of Finance website and in print media.

On the day that the national budget speech is delivered to Parliament, the state radio and TV services air the proceedings live, and citizens are given the opportunity to ask the Minister of Finance questions related to the budget. In most cases, district administration offices are used

\(^{64}\) Interview with Roman Catholic and Anglican Church School Secretariats.
as forums where community members gather and to which the Ministry sends officers from the central office to join these gatherings so that they can respond to questions.

Furthermore, the budget statements and estimates can be accessed from Parliament. However, since the national budget is a consolidation of all ministry budgets, Parliament cannot influence the revision of decisions made by the Cabinet, but can only make suggestions for future planning. Also, the language used is very technical and many people cannot understand the budget. Some people feel that there is no use in participating in this exercise, as their views come after the budget has been drawn up and there is no guarantee that what they have to say will necessarily influence the budget in future.

As is the case with all ministries, internal audits of the MoET are expected to be carried out regularly and to be published so that they are accessible to the public. However, the Auditor General has indicated that, in practice, the information is not available. As a result, it is very difficult to assess the proper use of funds allocated to the Ministry.

The budget information is not comprehensive enough to influence clear policy choices. For example, though donor contribution is reflected, the contribution of other stakeholders such as the private sector and civil society is not shown. This prevents a clear analysis of total spending on education service delivery. As indicated above, the Auditor General reports missing and contradictory information on the spending of funds, which also hampers proper analysis.

D. Procurement

The procurement process was decentralised in 2002 to allow for better service delivery and efficient financial management. Departments are allowed to make purchases up to a specified threshold, while certain projects such as construction of classrooms and other related projects remain the responsibility of the central office. In an effort to implement this initiative successfully, the government of Lesotho introduced a training course for procurement officers offered by the Chartered Institute of Purchases and Supply.

The tender process for large projects begins with advertisements in both local and external newspapers and on the MoET website. The process is facilitated by a tender panel, which uses set criteria to determine who wins the tender. This panel was created to ensure transparency in the tender process, but the panel is believed to lack transparency and to be riddled with corruption. However, the Ministry has an appeals panel to which people can submit petitions if they feel that the process has not been transparent; hence the court case cited on the next page. It has been argued that civil servants on these panels accept bribes and that they themselves have registered their own companies and compete for tenders.

E. Budget monitoring

Currently, the process of allocation of public funds to national priority goals remains the sole responsibility of the government. The Parliament of Lesotho has a number of institutional mechanisms to allow it to play its oversight role in respect of financial resources allocated to different ministries. For example, the Public Accounts Portfolio Committee monitors expenditure of public funds, including that of the MoET. As is the case with most ministries, the MoET has been reported to have weak capacity in respect of expenditure and the Public Accounts Portfolio
Committee has raised concerns about this situation. While these exercises are conducted at the national level, the findings are presented during National Assembly proceedings, which are aired on state radio and are documented in the daily Hansard reports (accessible through Parliament’s library).

Because of the weak legislative framework within which the NGO sector is operating, budget monitoring by civil society does not exist and budget ceilings are set without input from NGOs. Lack of trust and of a clear working relationship between this sector and the government make it difficult for NGOs to access information and thus play an oversight role effectively.

5: Institutional structures to ensure transparency in procurement processes

The government of Lesotho has clear rules and regulations for the procurement of goods and services from the private sector, and this information is made available to companies bidding for education sector projects. Despite these institutional provisions, private suppliers still bypass them and report their grievances to courts of law, which, in turn, refer them back to the education structures to deal with their cases, as the example below illustrates.

In 2010, the MoET invited tenders for the construction of additional infrastructure in seven schools in Lesotho. In January 2011, the Ministry announced the results of the tender process to all construction companies that had submitted tenders. All companies whose tender bids were not successful were invited to submit, in writing, any issues that they might have with the contract being awarded to the construction company whose tender bid was the most favourable. One company however complained directly to the court that the process had not been transparent. The judgment was that the company had failed to use section 54, Settlement of Disputes, of Public Procurement Regulation 2007, which stipulates that ‘any further redress shall be pursued through the Appeal or courts of law after the Appeal Panel intervention has failed’.65

F. Recommendations

• Teacher and parent associations and civil society organisations working with education matters need to participate in the budget process and in budget monitoring.
• An education fund should be established to sustain the education sector in case donor funding diminishes. This fund could be resourced through the private sector as an aspect of its social responsibility. The fund could be used for tertiary education, which is expensive.
• There is a need to set clear standards for the private sector so as to minimise corruption during the tender process.
• Tender panels must be inclusive of all key stakeholders in the education sector.

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• The media must disseminate budget information in a way that is easy to understand and can solicit citizens’ input.
• The NGO sector must be encouraged to make its own submissions to the budget so that it can contribute to a responsive budgetary process.
• Funding of higher education needs to be revisited so that NMDS scholarships can be directed largely to needy learners.
• Sponsorships from the private sector and NGOs need to be coordinated to avoid manipulation, where some learners can benefit from different sources if there are no checks and balances.
• There is a need for Parliament to have more influence regarding the budget, including revising and changing budget decisions.
Human resource management

The supply of teachers for the education system still falls short of the demand for quality education. The situation has been exacerbated by the high death rates among teachers owing to the HIV epidemic, which is affecting the entire workforce of the country.

The teaching cadre is comprised of both qualified and unqualified teachers. The Lesotho College of Education (LCE) and the National University of Lesotho (NUL) train teachers for the primary and secondary levels. The LCE has replaced certificates with diploma programmes for both levels. In addition, it has increased its intake for pre-service and in-service programmes. The introduction of the Distance Teacher Education Programme for unqualified serving teachers is a direct response to the Education Sector Strategic Plan’s target of having a qualified workforce that can deliver quality education. This Programme has led to an increase in the number of qualified teachers and has reduced the proportion of unqualified teachers from 40% in 2007 to 36% today.

The NUL offers pre-service education and part-time programmes at undergraduate and postgraduate levels through its Faculty of Education. The latter (postgraduates) qualify for administrative positions in the Ministry of Education and Training (MoET) as education officers or inspectors. The Ministry also commissions individuals or groups of consultants to offer short courses on specific areas for induction and ongoing training purposes. This effort to build the capacity of its human resources is in line with the targets of the Education Sector Strategic Plan and is included in the Ministry’s budget.

The unqualified teaching complement is comprised of Junior Certificate (JC) and Cambridge Overseas School Certificate (COSC) holders, most of whom could not be absorbed by institutes of higher learning because of their low grades. Such teachers are found mainly in rural schools. The other portion of the teaching force (about 10% of all teachers) is made up of
expatriates teaching in secondary schools. This community comprises largely Africans from Nigeria and Zimbabwe. There are also United States Peace Corps teachers, who teach mainly English and Mathematics in rural secondary schools.

A. Civil service reform

The government has developed the Public Sector Improvement and Reform Programme in partnership with key development actors in order to strengthen good governance and promote efficient service delivery. The education sector has embarked on a number of initiatives within this Programme so as to transform the way education services are delivered.

Within this context, the education sector focuses on increasing access and improving the quality and efficiency of the education system, including some commitment to decentralisation of education services. Both Vision 2020 and the Poverty Reduction Strategy have largely influenced these activities. Some of these activities relate to financial management, mitigating the impact of HIV/AIDS, and the general improvement of the quality of education to meet market needs.

B. Recruitment, retention and promotion

It is estimated that there are 15,000 teachers on the MoET payroll, while other members of staff number around 800. More than half of the Ministry’s budget goes to salaries. There are teachers and staff who are paid privately by schools whose statistics are not available. In an effort to improve the quality of education, the Ministry regards the professionalisation of teaching as a priority. In order to achieve this, the MoET has instituted interventions to transform the teaching career by rewarding good performance.

The MoET has also developed a teacher management database aimed at enabling the Ministry to: identify all registered teachers; manage appointments, promotion, leave, transfers and termination; create a payroll structure for all teachers that is compatible with the government’s payroll system; and determine teachers’ employment termination benefits.

Furthermore, the Ministry has adopted the principle of ‘equal pay for equal work’ by reducing emphasis on qualifications and experience. This has resulted in teachers with degree qualifications teaching in primary schools. The problem with this is that these teachers have been trained for secondary education, which is based on double major specialisation, while primary-school programmes offer training in all subjects taught at this level.

Recruitment and remuneration of teachers are done through the Teaching Service Department (TSD), which was established under section 144 of the Constitution of Lesotho. It executes its functions through the Teaching Service Commission (TSC). One notable feature of the teaching service is the imbalance in the distribution of teachers between urban and rural schools, with ‘difficult areas’ having mostly unqualified teachers.

Clear procedural guidelines are set for recruitment, and these are published at the Ministry and at the offices of the churches’ school secretariats and principals. There has to be a vacant position that is advertised, and anyone who wishes to fill the vacancy may submit an application letter together with academic certificates to the TSD. A copy of this letter is then sent to the school

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that has a vacancy. After the selection of qualifying applicants is completed, a short-list is drawn up and this is followed by interviews carried out by the school board; such interviews can also be conducted by heads of departments. The final stage entails the issuance of a causality return form by the TSD, which is an approval that the candidate is actually a teacher and that he or she qualifies for the job. With regard to other employees in the sector, their recruitment is done through the Human Resource Office and the Public Service Commission, while that for school secretariats is done by the Church but is paid by the government in line with the teaching career structure.

Retaining teachers within the system has been a big challenge owing to a number of factors. Attrition levels have been high – around 7% for the primary level and 10% for the secondary level. According to the Education Sector Strategic Plan, the main contributing factor has been the impact of Aids-related deaths. HIV prevalence was estimated at 24% in 2010, but is projected to decline and stabilise by 2015. Free access to HIV treatment and prevention is being prioritised, and the MoET puts aside 2% of its budget to address the impact of the HIV epidemic in the sector.

Furthermore, in its effort to motivate and retain teachers, the Ministry has introduced an incentive scheme that responds to the Education Sector Strategic Plan targets. The scheme proposes the payment of special allowances to qualified teachers who teach in designated difficult schools. These incentives include transport, housing and communication allowances. Nonetheless, Lesotho is now experiencing an increasing number of unemployed teachers who hold university degrees. What still needs to be established is whether there is an overproduction of teachers or if the right teachers are not being matched with the right jobs.

Promotion in public schools is initiated at the school level. If the principal wants to promote a teacher, a request is submitted in writing to the school board. Before this is approved, the following attributes are considered: the performance of the teacher, his or her relationships with other teachers, reliability, responsibility, and initiative (whether the teacher is able to initiate new ideas/projects for the betterment of the school). If the teacher has all these qualities, she or he can then be promoted and this is communicated to the TSD.

### c. Remuneration and conditions of work

In order to promote quality in the sector, the MoET has initiated a number of interventions in partnership with teachers’ associations and unions. For example, in 2009, the Ministry introduced the Teacher’s Career and Salary Structure (TCSS). This brought about a significant increase in teachers’ salaries (by almost 70%) and has helped to retain teachers.

The higher salaries – a graduate teacher can now earn a gross monthly salary of M7 000 – have attracted many graduates, some of whom do not have a teaching certificate, as well as civil servants possessing education qualifications from the past. As is the case with civil servants, teachers’ salary packages do not include accommodation or pension contributions. However, with the recent reforms, accommodation incentives for teachers in remote schools are included.

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67 MoET, Circular Notice no. 4 of 2009, Teacher’s Career and Salary Structure.
68 Views of stakeholders at the validation workshop.
69 Interview with the Head of Department of a high school.
The process of including civil servants and teachers in the contributory pension scheme is also
at an advanced stage.

One problem that affects the remuneration of teachers relates to documentation of
resignations, retirements and promotions. This information is said to move very slowly from the
offices of school secretariats to the TSD, resulting in the late payment of teachers. There have
been reports of teachers being paid as late as six months, and this is attributed to the inefficiency
of the system. In some cases, teachers agree to take up a teaching position before signing a
causality return form, which is proof of a vacancy, and, as such, they may go for months without
pay, as they are not reflected in the system. In this case, they can report the matter to both the
school secretariat and the TSD.

Private schools employ teachers through school boards. The main challenge for these
schools is the high number of unqualified teachers and the delay in receiving fees from parents,
which makes it difficult to pay teachers (the government pays some teachers while others are
paid by the school itself). In an effort to retain teachers and maintain quality in these schools,
workshops are held for unqualified teachers who are not accommodated by the Ministry, while,
in some schools, teachers are paid more than in public schools as an incentive to retain them.

D. Codes of conduct/ethics
The Code of Good Practice of the Teaching Service 2011 sets out: the procedures to be followed
prior to a hearing, and during and after a hearing; how to handle misconduct charges; how to
write notices-of-hearing letters; the principles of evidence pertinent to workplace hearings; and
the manner in which hearings are conducted.

This Code emanates from the provisions of the Education Act 2010, which, among other
things, serves to guide teachers in the conduct of their relationships and in dealings with their
employers and the general public (section 57[i][j]). The act compels the Minister of Education to
consult all stakeholders in the sector and to make the Code available to teachers and the public
within 15 days of the laying down of the Code or the revision thereof (section 57[2]). This Code
is in line with the 2001 Charter for the Public Service in Africa, as it provides the teacher with
the right to representation in cases of transgressions of the Code, but prohibits representation
by a legal practitioner. However, with regard to the settlement of disputes, such representation
is allowed.

The Ministry has a Teaching Service Tribunal to deal with appeals lodged by teachers,
unions or employers. The Tribunal has the power to regulate its procedures, but the chairperson
is appointed by the Minister in consultation with the Judicial Service Commission.

Lesotho does not have a strong legal framework that compels senior employees to declare
their assets, and this also applies to the education sector.

E. Action against corruption and misconduct
Lesotho does not have a policy on whistleblower protection. There is therefore reluctance on
the part of the public to report corruption cases. In cases where such reports are made, there
is evidence of lack of prosecution, and this discourages members of the public from revealing

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70 Interview with a school principal of a private primary school on 19 January 2012.
maladministration in the sector. Nonetheless, a number of corruption cases involving officers in the education sector, whose sanctions have not been implemented, have been publicised in the media. These include misuse of funds by some teachers and officers in the TSD.

In relation to misconduct, there should be a disciplinary committee within each school that consists of the deputy principal, heads of departments and a teachers’ representative. Any teacher accused of corruption or misconduct can then be summoned to a hearing before the disciplinary committee. The matter is thereafter tabled before the members, issues that are discussed are documented, and the accused teacher signs such a document as evidence that she or he agrees with the content of such document. This is treated as a first warning. If the accused does something improper or illegal for the second time, the same procedure as above is followed, but, this time, the documents of both the first second hearings are collated and are sent to the TSC. The matter is then discussed again in the presence of the school board and the teacher concerned. The final decision is taken by the Commission either to dismiss or demote such a teacher.  

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<th>6: Misconduct and the eroded powers of the proprietor</th>
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<tr>
<td>While codes of conduct are clearly spelt out for administrative purposes, in practice it has been difficult to discipline teachers owing to the nature of school ownership.</td>
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<tr>
<td>The role of the proprietor in disciplinary matters is very complex, especially when it comes to dismissing teachers. But when the Ministry believes the misconduct does not require legal intervention, the proprietor is expected to be involved. Some teachers have manipulated this dualism of control to their benefit, while principals have been left unprotected from teachers’ attacks, as the case below illustrates.</td>
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<tr>
<td>In August 2011, teachers at a high school in Quthing petitioned the principal concerning allegations that he was misusing school property such as vehicles and finances. They further alleged that he did not consult them on a number of issues that concerned teaching and learning. Surprisingly, the learners also went on strike, citing maladministration by the principal. They went on a rampage, destroying property and assaulting some teachers whom they believed were on the side of the principal.</td>
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<td>It was very clear that the learners were being used by some teachers, who went on air to state that the principal must be removed. The school was closed for the whole term and the Examination Council of Lesotho (ECOL) had to make special arrangements for learners writing final examinations. All other learners failed to write the end-of-year examinations (the June marks were therefore used for transition to the next level).</td>
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<td>This situation was complicated by the fact that the school proprietor (the Church) wanted to discipline the teachers, who were seen as instigators of the instability, either by suspending</td>
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Interview with a principal of a public primary school.
them or transferring them to other schools. This became impossible, as the Education Act 2010 gives only the TSC the right to dismiss or transfer teachers.

The school management had to expel all male students at the beginning of 2012 as punishment. This was because they were believed to have led the illegal strike. None of the teachers were dismissed, and this was a blow to the proprietor who could not enforce any action in respect of the misconduct of the teachers.

On the basis of this case, it can be argued that the status of the school proprietors has become cosmetic. At the moment, they cannot determine fees or regulations, or even contribute to policy design or budgeting processes.

F. Recommendations

- There is a need for the harmonisation of different laws that have a direct bearing on children, such as the Sexual Offences Act and the Education Act, in order to protect pupils from sexual harassment by teachers and other learners.
- The incentive scheme should be extended to teachers working with children with disabilities and other special needs.
- The NUL should open satellite campuses to help teachers in remote districts to access advanced educational degrees.
- Both the NUL and LCE must collaborate with the MoET in establishing programmes for the in-service training of unqualified teachers.
- The promotion of teachers must not be the responsibility of the principal alone, as this may encourage favouritism. Teachers’ representatives and school management committees must also be involved in screening candidates for promotion.
- Regulations regarding misconduct and ill-discipline need to be reviewed in order to accommodate proprietors so that they can contribute meaningfully to disciplinary decisions.
External oversight mechanisms

A. National Assembly
The Parliament of Lesotho exercises oversight over the actions of the administration by holding committee hearings. These committees include the Social Cluster Portfolio Committee, which is mandated to exercise oversight over social-policy issues such as education and health. The Committee can hold hearings on specific social-policy issues. In addition, written or oral questions can be put to the relevant Minister, who has to respond within a period of six days.

Parliament also exercises oversight through the annual reports emanating from the offices of the Auditor General and the Ombudsman. The Auditor General’s reports have a history of being submitted on an irregular basis (i.e. not annually). The expectation is that the Auditor General will submit every report to the Minister of Finance, who presents it before the chambers not later than seven days after both chambers first meet. The Public Accounts Committee then scrutinises such reports and makes recommendations. However, there have been claims, especially by opposition leaders, that ministries do not take recommendations seriously.

On the issue of budgetary oversight, presentation of the budget to Parliament is provided for by section 6(i) of the Financial Act 1973. However, Parliament is not consulted in the preparation of the national budget, but can scrutinise the bill that accompanies the budget in a plenary session. The budget-making process involves a budget team from the Ministry of Finance that prepares the budget a year in advance of its tabling in Parliament. Members of Parliament (MPs) are therefore unable to make constructive contributions to the content of the budget. The Public Accounts Committee, however, is invested with the power to scrutinise the education

There are provisions that allow the Committee to request ministry officials to attend and respond to questions, but it cannot call on outside parties to give evidence.

Another problem is that Committee members are not necessarily appointed on the basis of expertise, and, as a result, the Committee lacks adequate research capacity to challenge the Ministry’s presentations. Furthermore, there is no room for civil society organisations to participate in these deliberations. Ideally, the ministries concerned should take the recommendations made by the Public Accounts Committee seriously, but this has not been the case. There has been an outcry from Committee members about the government’s failure to implement some of its recommendations, especially on charging officers who have misused public funds.

The Social Cluster Portfolio Committee can make recommendations to the Minister of Education, but the Minister can implement the recommendations at her discretion. This was the case with the industrial strike by teaching staff and researchers at the National University of Lesotho (NUL).

Furthermore, as the standing orders require that the Minister must appear before the committees to answer questions, MPs use this opportunity to present the public’s concerns about the Ministry. However, it has been reported that the Minister sometimes gives answers to other ministers to present to the House on her behalf, and, in such cases, it is then difficult to probe further for clarifications. Senior officers such as the Permanent Secretary and financial officers are expected to be present during these sessions, but, if the Minister delegates another minister, it is difficult to ensure that these officials attend the sessions. This practice makes it difficult to assess if the Ministry is implementing recommendations.

**B. Supreme audit institution**

The office and powers of the Auditor General were established by section 117 of the Constitution and section 5 of the Audit Act 1973. The Auditor General is appointed by the Head of State on the advice of the Prime Minister. In order to maintain its independence, the Auditor General’s office moved from the public service so as to be directly answerable to Parliament, in line with the resolution of the Southern African Development Community (SADC) Public Accounts Committee.

The Constitution provides that the Auditor General will not be subject to the direction or control of any other person or authority. Various conditions of service of the Auditor General designed to secure independence include special appointment and dismissal procedures, immunity and protection from actions by others in carrying out his or her duties, fixed tenure, and independence with regard to framework plans. Staff for the Office of the Auditor General are, however, provided by the Ministry of Public Service, while financial resources are provided by the Ministry of Finance in consultation with the Auditor General. This therefore suggests that the Office of Auditor General is part and parcel of the civil service, as staff are recruited by the Public Service Commission and the Office falls under general public service rules.

In executing his or her duties, the Auditor General has the power to requisition all records/
books of departments. Audit findings are then reported to the heads of ministries and any serious ones are included in the annual report presented to Parliament through the Minister of Finance. Further, in line with section 105 of the Parliamentary Standing Orders, the Clerk of the National Assembly is vested with the power to instruct relevant ministers to implement proposals within 30 days of adoption of any motion by the House. Section 3 of the same Standing Orders directs that, ‘if the recommendation has not been implemented within 30 days, the relevant minister must report in writing to the Speaker of the House providing reasons for failure to submit such a report’.\(^\text{74}\)

Despite the preceding provisions, the Auditor General does not have powers to enforce or initiate action to secure access to needed records that are not produced, except that he or she can report the matter to the minister concerned and qualify the report accordingly. The Auditor General has the power only to seal, search and seize documents and other related items considered necessary for audit and inspection. He or she can also seek testimonials of the persons concerned and call upon any public officer for any explanation and information he or she may require. The Auditor General can further seek the cooperation of persons other than agencies subject to audit and inspection, but the Office’s role remains only an advisory one. The Auditor General cannot even share audit reports with the public and the media; the audit reports are only discussed by the Public Accounts Committee of Parliament and shared with the Cabinet and relevant ministries.

As the mandate of the Auditor General’s Office is exclusively to audit accounts of the Ministry and provide an overall opinion on these accounts, the audit reports do not cover other activities of the Ministry, and, because of discrepancies in submitted documents, they are not comprehensive enough to influence significant action. For example, the 2005/2006 report on public accounts of the Ministry of Education and Training (MoET) showed only the accounts of the NUL, which were qualified because of a lack of proper documents. Another issue shown to be a concern for the Auditor General is related to cheque fraud in the payment of teachers, with some teachers receiving double payments and the system failing to detect such malpractices. The Auditor General only recommended that the system be tightened up, but could not charge the official concerned as such power remains with the Minister of Education.

C. The courts

Courts of law in Lesotho do not fulfil an oversight role with regard to education service delivery. Their role is mainly dealing with criminal cases such as theft and fraud. As indicated in case study 5, corruption cases can only be addressed in the courts of law if the Ministry’s appeal panel has failed to resolve any matter concerning corruption presented to it by the public. Education-related criminal cases include the closure of ‘illegal’ schools, fraudulent certificates, and strikes. Recent leakages of examination papers were first investigated by the Examination Council and later referred to the police for further investigation and prosecution in the courts of law.

In relation to labour disputes, the Directorate of Disputes Prevention and Resolution (DDPR) was created in terms of the Labour Code Amendment Act 2000 as an independent

organ to resolve trade disputes through conciliation and arbitration. Teachers’ trade unions have used this unit for labour disputes with their employers, and, where the DDPR fails to intervene, the matter is taken to the High Court. For example, in 2007, LUTARU took a matter involving the contracts of its members with an employer (the NUL) to the High Court. Most matters relating to service delivery are addressed by the TSD.

7: Social Cluster Portfolio Committee on the LUTARU strike

The Social Cluster Portfolio Committee was created to monitor education performance and governance as part of democratising access to social services. However, the blurred division of powers between the executive and the National Assembly often led to confusion over issues of accountability. While the Cabinet should be answerable to the representative house, it (the Cabinet) has tended to make decisions without accounting to the latter. The following case illustrates this point further.

The Lesotho University Teachers and Researchers Union (LUTARU) embarked on an industrial strike on 7 October 2011, demanding a salary increase and improved working conditions. The University was shut down on 12 October and classes resumed only on 3 January 2012 after a number of efforts failed to bring management and LUTARU to the negotiating table.

One of the efforts undertaken by the Social Cluster Portfolio Committee was to request the union to suspend the strike, while management was asked to look into the union’s grievances. However, the Minister of Education accused the Committee of being unprocedural in dealing with this issue, as it had failed to report its findings to the House, but had publicised them over the radio. She subsequently closed down the NUL officially on 23 November and proceeded to table the NUL Bill, which enabled management and other statutory bodies to dismiss employees. The Bill was passed despite the objection of opposition parties and their subsequent walk-out.

D. Anti-corruption agency

The government of Lesotho enacted the Prevention of Corruption and Economic Offences Act 1999. This act provided for the establishment of an anti-corruption unit, and, in 2003, the Directorate on Corruption and Economic Offences (DCEO) was established. The Directorate is mandated to investigate and prosecute suspected cases of corruption in the public sector.

While the Directorate has brought significant corruption charges, there is, however, a general belief that the DCEO has weak legislative capacity, as sanctions for culprits are implemented by different units such as the police and courts of law. Its legal oversight role is to fight corruption by investigating government ministries and departments with the purpose of detecting corrupt practices and prosecuting offenders. Section 4 of the act provides for the appointment of the Director of the DCEO by the Prime Minister. It further provides that the Director can be removed.

75 Case: NUL and others vs DDPR and others Civ/AP/266/2007.
from office by the Prime Minister acting on the recommendation of a tribunal, which is also
appointed by the Prime Minister. In practice, therefore, the Directorate is not fully independent.

Working together with the Director of Public Prosecutions, the DCEO is expected to assist
government ministries to prevent corruption in all its forms. The DCEO has decentralised
its activities by establishing community groups to report corrupt practices at the local level.
In practice, though, these community groups have very weak capacity to investigate corrupt
behaviour and they still depend largely on the central office, which also does not act quickly.

Furthermore, the role of the DCEO in education is very limited, as it concentrates more on
economic offences. Significant fraud and corruption cases in the education sector that have been
reported relate to ‘double dipping’, that is, where teachers’ transfers take a long time and they
continue to be paid twice (both for their previous and new position). Recovery of these payments
is reported to be too difficult even for the DCEO to investigate.

Members of the public often use structures within the Ministry to report misconduct
involving officials. For example, the school feeding scheme has been dominated by corrupt
practices, with education officers reportedly manipulating the scheme by awarding tenders
to people whom they favour. In some cases, the same education officers sponsor community
individuals to apply for these tenders on their behalf. Complaints about these practices are
submitted to the same education offices. In some instances, members of the public report
these malpractices to their MPs, who, in turn, present the matter as a question in Parliament
to the Minister of Education. The Ministry then investigates the matter by assigning the same
education office to respond to the question within a stipulated time.

E. Independent investigation of complaints made by the public

Section 134 of the Constitution 1993 and the Ombudsman Act 1996 provide that there shall
be an Ombudsman who shall be appointed, subject to the provisions of section 134(2) of the
Constitution, by the King acting in accordance with the advice of the Prime Minister for a term
not exceeding four years. While the Constitution provides that the Ombudsman can investigate
any government office or authority, the act prohibits the investigation of certain offices, namely
the King, Parliament and the Cabinet.

Section 135(3)(b) of the Constitution requires the Ombudsman to deliver written annual
reports to Parliament, while section 17 of the act empowers the Ombudsman to make
special reports to Parliament in cases where there has not been compliance with his or her
recommendations or where there are matters of an urgent nature that are of public interest. The
Office relies on the Public Service Commission to recruit its staff. Its finances are controlled by
the government, thus limiting its autonomy.

If the agencies that the Ombudsman investigates do not cooperate, his or her only recourse
is to submit a special report to Parliament, which then debates it and either endorses or rejects
the recommendations. In addition, Parliament has the power to set up ad hoc committees
to consider these reports. It should be noted that, because the education sector has both a
commission and a tribunal, most complaints in the sector are dealt with at these levels. Even
where teachers or private persons report matters to the Office of the Ombudsman, they are
usually advised to exhaust all options in the Ministry, especially in the light of the powers that the Teaching Service Tribunal possesses.

**F. School-level oversight**

School management boards have been introduced at both primary and secondary levels. These boards comprise: two parent representatives who are elected by other parents; two teacher representatives elected by other teachers (including the principal, who acts as secretary to the board); a church representative from the church’s congregation; and local traditional leaders and councillors.

The structure provides that the proprietor must always occupy the position of chairperson, with a parent representative as vice chairperson. The board is expected to play both advisory and management roles. However, the problem has been that the parents, church representatives, and local leaders and councillors sitting on these boards often do not have expertise in educational matters. This results in principals using the boards to drive their own agendas. Although these boards are mandated to play an oversight role regarding school finances, it has been reported by some teachers that principals collude with the boards in order to misuse school funds. This practice has made it difficult for the management boards to play their oversight role effectively.

Parent–teacher associations are almost non-existent in both state and non-state schools. Even if parents have a representative on the school board as mentioned above, there are still no formal collectives comprising teachers and parents. The involvement of parents is limited to parents’ meetings where schools report on progress and financial matters. In some church schools, principals are requested to report to the Church leadership about the life of schools. The Evangelical Church, for example, asks for the principal’s report in a ‘presbytery’ forum where different structures of the Church are represented.

**G. Recommendations**

- There must be structures and institutional arrangements for imposing sanctions on MoET departments if they fail to respond satisfactorily to the concerns of citizens.
- Other stakeholders in the education sector, such as the Church, civil society organisations and the private sector, must be included in the monitoring of the MoET’s performance.
- School management boards must be capacitated with management skills so that they can play their oversight role effectively.
- Civil society organisations must empower parents to participate in parent–teacher associations for effective education service delivery. This can be done through community forums where education issues are discussed and the role of parents is highlighted.
- Youth and student associations need to be given the opportunity to participate in education forums and for their views on the type of education they need to be solicited.

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76 Interview with the principal of a public primary school on 4 February 2012.
77 Interview with a school management board member on 4 February 2012.
Development assistance

A. Overview of development assistance

Lesotho’s poor economic performance has contributed to the country’s overdependence on foreign assistance, and the level of assistance has been shaped by different global and regional developments. For example, the advent of democracy in South Africa in the mid-1990s saw many donors leaving Lesotho and relocating to Pretoria.

However, international assistance is still very significant in Lesotho’s development, despite the new aid architecture that is currently dominated by new players. External aid contributed 15% to the country’s gross domestic product (GDP) in 2011. The main development partners in education service delivery in Lesotho are Irish Aid, the World Bank, the European Union (EU), the United States Agency for International Development (USAID), the government of Japan, and some international non-governmental organisations (NGOs) such as World Vision and Save the Children (United Kingdom). The United Nations Children’s Fund (UNICEF) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) are also important partners of the Ministry of Education and Training (MoET).

Development assistance for the education sector goes mostly to capital projects and human resource development and is targeted at sub-sectors. UNICEF, for example, focuses on improving access to pre-primary and primary education for children; Save the Children works in pre-primary education; Irish Aid and the EU focus on primary education, while secondary education gets assistance mainly from the EU and Japan, with the latter contributing significantly to infrastructure development of the sub-sector.

78 Civil Society Voices for Better Aid, January 2011.
The large number of orphans in Lesotho has also attracted the attention of development partners. It is estimated that, in 2010, the education system accommodated more than 25% of orphans. In order to keep these children in the system, development partners have assisted the MoET by sponsoring such children at the secondary level, where school fees are still paid by parents.

The MoET does not publish detailed information on aid flows, but such information can be accessed from the Planning Unit of the Ministry. The central ministry that interacts with donors is the Ministry of Finance and Economic Planning. It tables projections on development financial assistance and gives details of the sources of funding through the national budget.

A Sector-wide Approach to programming (SWAp) has been adopted in line with the targets of the Education Sector Strategic Plan. One example where this has shown results is in the funding of an NGO coalition intended to monitor the delivery of education services, as well as progress towards achieving the Millennium Development Goals (MDGs) and the Education for All (EFA) goals. UNICEF supports the NGO Coalition on the Rights of the Child in order to coordinate educational support for orphans and vulnerable children. UNICEF also supports the development of policies and strategies that increase enrolment, retention, completion and transition rates in respect of all children.79

Different donors produce reports on the amount of funding they provide for the sub-sectors that they support. This information is widely available on the websites of some donor agencies and from the MoET Planning Unit. Most donors also share information adequately, with amounts of assistance clearly articulated. For example, Irish Aid produces notes to its financial statements on different sectors that it has funded. In the 2010 financial year, the agency funded the ‘improved efficiency and allocation of resources’ programme to the amount of 4.95 million Euros. The education sector received two million Euros, the largest share of the total amount.80 Donors also report on evaluation studies they have commissioned, but the challenge is that only those who have access to the internet, which is largely available in urban areas only, can access and read these reports.

Development assistance for the education sector is generally not tied to conditionalities, except in the case of the World Bank. Other donors do not impose any conditionalities, as they provide assistance in the form of grants not loans. For example, the World Bank requires that the rules and regulations be compatible with those of the Bank, and, because of the competition for funding among poor countries, the Bank sets certain standards that have to be met by the country, even if these are not the country’s priorities.

In relation to coordination of development assistance and adaptability to national priorities and plans, there are forums where development partners discuss these priorities. For example, as mentioned earlier, in December 2011 development partners met to evaluate progress with the implementation of the Education Sector Strategic Plan.

The Ministry of Finance coordinates all matters concerning foreign aid, and this is reported to the National Assembly. The involvement of the donor community in the education sector is

79 www.letsema.org/organisation/unicef.
shared with other stakeholders through the press and in Parliament. Although the government of Lesotho sets national education goals, donors and international financial institutions are invited to provide assistance, and, in some cases, they even fund some planning activities. As mentioned earlier, their funding targets priority areas within different sub-sectors.

It is within this context of involvement that the SWAp has been adopted. Through the SWAp, development partners meet with senior government officials to discuss policy implementation and progress. Information on the contributions of donors for the provision of education services is shared with Parliament, but donor representatives do not appear before the National Assembly to present their views on progress in implementing education plans.

While most donor funding is channelled through the government, assistance for NGOs working in the sector relates more to issues of access, with less focus on governance, and there is minimum capacity building regarding the monitoring of education budgets. Development partners such as the United Nations Development Programme (UNDP) have attempted to build civil society capacity in order to strengthen its watchdog role, but not much has been achieved.

These efforts, however, are mainly at the central level and leave out community-based organisations. Because of the challenges brought by development partners working on HIV-related issues, some community-based organisations have been capacitated to strengthen the education sector’s response to HIV/AIDS. For example, Irish Aid mentions that it intends to make use of at least two faith-based organisations to achieve this goal.\(^1\)

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8: Girls and Boys Movement (GBM) in Lesotho

In an effort to help the government of Lesotho realise the achievement of the EFA goals, especially with regard to the education of the girl child, UNICEF supported the introduction of the Girls Education Movement.

However, Lesotho adopted a different approach, as the evidence showed that boys were less literate than girls and were disadvantaged when it came to education. The movement was therefore called the Girls and Boys Movement (GBM).

The GBM was initiated in the remote rural district of Thaba-Tseka, where boys herded cattle and girls dropped out of school at a very tender age. The movement exposed these children to international and regional experience. Most of them gained confidence, completed their education and went to tertiary institutions.

Although there were fewer boys than girls participating in the GBM, the few who did participate were able to escape the harsh winters of cattle posts and improve their reading and writing skills. The assertiveness that the girls developed helped them with a range of skills, including public speaking in front of large crowds.

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B. Recommendations

- The NGO sector must take advantage of available funding by engaging with donors on education issues that require strong advocacy.
- There is a need to engage the NGO sector in identifying sector reforms so that it can play its oversight role effectively. Donors need to encourage government to set clear guidelines on how it intends working with NGOs on education issues.
- The NGO sector must integrate social-service delivery and education in its priority agenda.
- There must be strong linkages among school proprietors, the NGO sector and donors in enhancing education service delivery. These can include regular meetings on reforms in the sector.
- NGOs need to publish shadow reports regularly and share them with the public as a way of holding government accountable. Development partners can assist in this exercise as a way of also making sure that their funding is used for the right cause.
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Chief Education Officer
Chief Education Officer, Tertiary
Chief Education Planner
Chief Inspector, Primary
Chief Inspector, Secondary
Director of Quality Assurance, Council for Higher Education
District Bursary Officer, Quthing
Head of Department of a high school
Librarian at the State Library
Member of Council, National University of Lesotho
Secretary General of the LTTU
President of the Lesotho Association of Teachers (LAT)
President of the Lesotho Campaign for Education Forum
Principal of a high school
Principal of a private primary school
Principal of a public primary school
Principal of an unregistered high school
Roman Catholic and Anglican Church School Secretariats
School management board member (church representative Moyeni LEC)
Statistician, Bureau of Statistics