

TERMS OF REFERENCE FOR LEGAL CONSULTANT

1. Background

The Ghana Statistical Service (GSS) is provided with the mandate under Act 135 of 1985 as the central statistical agency of government responsible for the production and dissemination of official statistics in the country. It is tasked under the law to coordinate and collaborate with other organizations that produce statistics. This coordination is, however, weak in view of the proliferation of data collection agencies that produce varied statistical information without recourse to GSS. Enforcement of statistical standards to ensure that data produced meet internationally accepted standards and classifications becomes difficult to monitor even though section 10 of the PNDCL 135 states that “Public services and other official or quasi-official organisations or any other organisation shall collaborate with the Government Statistician in the collection, compilation, analysis and publication of statistical records of or connected with those organisations”. A more binding legal provision that ensures reference to Ghana Statistical Service, as the custodian of nationally or internationally accepted statistical concepts, definitions, standards and classifications is provided for under the National Statistical System (NSS).

At the moment there is no harmonized legal framework for statistical development under the NSS. There are references to the NSS in various statutes and acts governing the particular institutions and organisations engaged in data production. For instance, the Statistical Service Law (PNDCL 135) and the 1993 Civil Service Law, and PNDC Law 327, which enjoins each sector ministry to have both a Research, Statistics, Information and Public Relations (RSIPR) and a Policy, Planning and Monitoring and Evaluation (PPME) directorates in place. There is the need to harmonize these fragments of laws under the NSS. The Statistical Service Law of 1985 could be used as the starting point. However, there are some aspects of this Law that need updating or reviewing, with the goal of providing the NSS with a comprehensive legal framework that will enable it not only to fulfill its mandate, but also most critically, strengthening the GSS to better coordinate and technically support the National Statistical System (NSS). The services of a legal expert with experience in law drafting and review will be required to lead the process of reviewing the Statistical Service Law (PNDCL 135) of 1985 to incorporate the whole National Statistical System.

2. Objectives

The objectives of the consultancy are:

1. To review the GSS law to encompass the National Statistical System ;
2. To provide a proposal for new legislation that will ensure effective coordination of the NSS by GSS and collaboration among different actors in the production and management of statistics in Ghana.

3. Scope of work

As part of his or her assignment, the Legal Consultant will hold consultations with different actors in statistics production and management with a view to soliciting

information/views/opinions to review the GSS law to encompass the whole National Statistical System.

More specifically, the Legal Consultant will:

i. General considerations

- Meet with the GSS in order to clarify and confirm the overall objectives;
- Review all relevant legislation including:
 - Constitution,
 - Primary legislation, including both key statistics laws, civil service, administrative, and other laws relating to the production of statistical information,
 - Secondary regulations, including regulations subsidiary to primary laws, government orders, instructions, etc.
- Identify and review best practice from other countries

ii. Review the Statistical Service Law to enable it fulfill its mandate and better coordinate the entire National Statistical System.

- Review the functions of the Board to clearly differentiate them from those of the Government Statistician;
- Clearly define the composition of the Board to ensure the right mix of qualifications/experiences are properly represented on the Board;
- Outline the powers of GSS as the central coordinating agency within the National Statistical System, carefully balancing the level of authority it would need to efficiently run the coordinated system and the degree of autonomy for other departments and agencies to play their rightful role in the system;
- Consider and discuss with key stakeholders the feasibility of having a common cadre of statisticians across Government, and if so, identify different options for how the common cadre would operate.
- Critically assess how GSS can generate funds internally not only from sale of publications, but also from provision of services such as production of EA maps and design of samples for surveys;
- Review and bring up-to-date the First Schedule, that lists broad areas of statistics, to take account of present day realities; and
- Make recommendation to resolve the residency status of GSS emanating from provisions of PNDCL 135 of 1985 which places GSS under the Presidency and the Constitution which puts it under the Ministry of Finance and Economic Planning.

iii. Provide a comprehensive legal framework for the National Statistical System

- Harmonize the fragmented laws of the various institutions and organisations engaged in data production;
- Make legal provision to guide overall coordination within the NSS;
- Provide clear delineation of responsibilities for all actors within the NSS;

- Provide a schedule of functions for the National Statistical System, including the dissemination and publication of statistics;
- Make legal provisions for establishing a clearing house of statistical information as a mechanism for data quality assurance; and
- Make provision for national data warehouse of official statistics.
- Make provision for the collection of core data collection activities e.g. population and housing censuses

Consultations with the GS, the Board, MDAs, legal drafting team, etc will need to be carried out regularly throughout the consultancy.

4. Implementation and Reporting Arrangements

The consultant will work in close collaboration with the Programme Development and Management Group. The Consultant should report to the Government Statistician and the GSS Board Sub-Committee on Human Resource and Institutional Reform. Progress will be monitored in regular review meetings. The exact schedule for these review meetings will be agreed upon with the Consultant.

S/he will also work closely with the consultancy team providing advice on the reform of the GSS.

5. Input provided by Implementing Agency

Ghana Statistical Service will provide the consultant with the following;

- An office space;
- Data and information on GSS and the NSS; and
- Administrative support.

6. Expected Outputs

- a. An inception report prepared and submitted two weeks after the date of signing of the contract detailing the strategy to be adopted for the legal review;
 - b. After 30 days of employment, a draft report providing (i) a summary of best practice from other countries, (ii) a draft legal framework for the NSS (including the GSS) addressing the issues outlined under the tasks section, (iii) advise on how to address the residency status issues related to the GSS, (iv) possible options for a common cadre and (v) options for the GSS to generate funds.
- A presentation summarizing the findings; and
 - After 45 days of employment, a final report that takes into account any comments and suggestions from the presentation.

7. Period of Assignment

The period of assignment will be for 45 days. The final report is due on the 45th day of employment.

All reports must be submitted to Ghana Statistical Service and the World Bank with an adequate number of copies (10 copies each).

8. Terms of Payment

A contract shall be signed between the GSS and the Consultant. Payments will be made according to the following schedule:

- 10% on signing of the contract
- 40% upon receipt of the inception report and an invoice from the consultant
- 50% upon submission of final reports which are acceptable to the GSS.

9. Qualifications and experience required

The Legal Consultant should be a qualified legal practitioner with not less than 10 years practical experience in drafting and review of laws. Candidates should have the following qualifications/experience:

- In-depth knowledge of the judicial, administrative, and legal structure of Ghana;
- Practical experience in establishing cooperation with judicial, governmental and public organizations in the country;
- Knowledge of statistical legislation including best practice from other countries will be an advantage.

- Experience in dealing with Public Service Institutions or/and Donor projects;
- Demonstrated evidence of previous work done in various jurisdictions;
- Evidence of membership of a professional body;
- Focuses on results for the client and responds positively to feedback;
- Proven expertise in revision of legal documents related to data production and management is an advantage;
- Very strong communication, analytical and writing skills; and
- Excellent information technology skills, including word's processing, presentations and Internet.