

Proposal: Development of Federal PSDP Investment Framework for Education

Background

In Pakistan education has been mandated under laws enacted during British Rule, i.e. Government of India Act 1880, 1919 and 1935. The Local Government Ordinance (LGO) promulgated by provincial governments during August 2001, with amendments during 2002, attempted to assign clear powers, responsibilities, and service delivery functions to three levels of local governments: district, tehsil, and union. As part of these overall reforms as stated in the Provincial Local Government Ordinance 2001 and reflected in the Education Sector Reforms Action Plan (ESRA) 2001-2005, the district rather than the province, has become the operational tier of governance.

With the 18th Amendment to the Constitution, concurrent list was abolished, and amidst other subjects, major and critical components were devolved to the provinces. There continue to be ambiguities and gaps vis-à-vis their interpretations to-date, with grey areas falling in the ambit of neither. 18th amendment also marked inclusion of Article 25A, thereby increasing provincial responsibilities substantially, in alignment with the view of a decentralized governance system and redistribution of responsibilities and resources.

The Ministry of Professional and Technical Training was established in the wake of the 18th amendment in July 2021 with a limited scope of overseeing training in Islamabad Capital Territory (ICT). Subsequently, the Supreme Court of Pakistan in its Judgment dated 25th November categorically directed that given the insertion of Article 25-1 in the Constitution, the Federal Government cannot absolve itself from the responsibility of providing education to its citizens. Hence this Ministry was renamed as “Ministry of Education and Training” on 24th July 2021. However, on the reorganization of the Federal Secretariat, the Ministry was once again renamed as Ministry of Education, Training & Standards in Higher Education on 07th June 2012. Lastly, to make it even more explicit, it was finally renamed as Ministry of Federal Education and Professional Training Division on 19th June 2014. However, the ambiguities continue to intervene in routine business, underscored by capacity challenges at the provincial level and decelerated development in lagging districts.

While chairing the Central Developing Working Party (CDWP) meeting on 27th May 2021, the Deputy Chairman Planning Commission highlighted the consistent misalignments and deviated scopes of PC-1s and schemes being reviewed in the CDWP. He expressed his concern over the lack of clarity of sponsoring agencies while submitting these schemes for approval to the Planning Commission, which clearly fall into provincial purview post-18th amendment. These includes projects like building of link roads, upgrading of schools’ infrastructure etc. Focus on provincial mandates has disabled the federal government from working on areas under the federal ambit as enshrined in the Constitution: such as streamlining of higher education, curriculum setting, higher education, national testing services, workforce regulation to name a few.

Developing federal PSDP Investment Frameworks

During the afore-mentioned meeting, Deputy Chairman Planning Commission desired that the exact functions of the Public Sector Development Programs (PSDP) in the Planning Commission domains need to be collated and reviewed so that a clear federal investment framework is in place which clearly guides the future PSDP. This would also entail reviewing the federal and provincial progress on their respective mandates 10 years into the devolution to establish if the devolution has resulted in the sectors getting more equitable share of funding, improved planning process and implementation of more locally responsive solutions. This guidance is critical for future PSDPs/ ADPs 'approval and implementation, to ensure that federal and provincial governments optimally discharge the functions mandated to them by the Constitution, and that the people of Pakistan do not suffer due to incompetent governance and/or inadequate policy interpretations.

To execute this critical technical assignment, the Planning Commission is proposing the following approach and envisaged outputs, that will feed into a National Report on Federal and Provincial Investment Frameworks vis-à-vis Education

Proposed Methodology

A smart team is proposed to execute this assignment within an expected timeline of one and half month.

Purpose

To provide guidance for future Education PSDPs/ ADPs approval and implementation,

- to ensure that federal and provincial governments optimally discharge the functions mandated to them by the Constitution,
- and that the people of Pakistan do not suffer due to incompetent governance and/or inadequate policy interpretations.

Objectives

1. Collate and review the exact functions of the Public Sector Development Programs (PSDP) in the Planning Commission domains
2. Develop a clear federal investment framework which clearly guides future PSDP investments for Education
3. Review the federal and provincial progress on their respective mandates 10 years into the devolution to establish whether:
 - a. the devolution has resulted in the sectors getting more equitable share of funding,
 - b. there is improved planning process and
 - c. there is implementation of more locally responsive solutions.

Activities

Activity	Implementation	Outputs	Deliverable
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Activity	Implementation	Outputs	Deliverable
Documents' Review	Review of Constitution, 18 th amendment and subsequent legal documents, notifications, guidelines, strategic frameworks and policy papers defining/ delineating federal and provincial roles post-devolution	<ul style="list-style-type: none"> • Listing and defining of federal and provincial mandates post-devolution vis-à-vis education • Identification of grey areas (overlapping mandates and/or neglected areas) • Review of education-related mandates in purview of the Council of Common Interests. 	<ol style="list-style-type: none"> 1) Working Paper on Devolved Mandates; and 2) Overview/ Outline of 10-years of devolution of education mandates – A National Report
Review and Ranking of PSDP projects	Review of Federal PSDPs and Provincial ADPs	<ul style="list-style-type: none"> • Review of respective PSDPS and performance toolkits to rank projects as compliant or non-compliant to their respective mandates • Identify common areas of conflict 	<ul style="list-style-type: none"> • Reporting Template for Provincial and Federal Government • A dashboard of PSDP and ADP schemes with compliance ranking
Meetings and Interviews with Federal and Provincial education and planning and development decision-makers	Consultative meetings and key informant interviews from federal and provincial stakeholders	<ul style="list-style-type: none"> • Documentation of the relevant decision-makers' understanding of and interpretation of their respective mandates as laid down in the Constitution • Documentation on stakeholders' understanding of the responsibilities of federal (Planning Commission, M/o PD&SI) and provincial governments (Planning & Development Departments) regarding strategic and operational planning • Identification of areas requiring additional clarity and/or amendments based on practical experience of 10 years post-devolution. • Documentation of problems and barriers to implementation of 	<ul style="list-style-type: none"> • Separation of federal and provincial mandates in grey and overlapping areas • Draft Investment Frameworks for Education

Activity	Implementation	Outputs	Deliverable
		<p>mandated functions, as well as successes and key lessons</p> <ul style="list-style-type: none"> • Suggested solutions for resolving issues and challenges 	
First Bi-annual stewardship review meeting	First bi-annual stewardship review meeting with federal and provincial governments to get overviews of education projects and performance post-2011	<ul style="list-style-type: none"> • Documentation of facilitators and barriers to implementation of PSDP funded projects • Clarification on the roles of Ministry, Planning Commission, Provincial Departments of Education and Provincial Planning and Development Departments • Progress review of Provincial P&Ds vis-à-vis education planning at district levels • Progress review of Provincial DoEs vis-à-vis mandates and responsibilities since devolution • Generation of inputs for the finalization of the PSDP Investment Frameworks • Advice on institutional arrangements to improve planning approach of regulatory bodies in the federal government (HEC, MoFEPT) and subsequent operational implementation by provincial governments. • Deliberations on accountability and M&E measures for optimal functioning of education sector respecting the constitutional mandates 	<ul style="list-style-type: none"> • Final Federal PSDP investment frameworks for education
Dissemination and Advocacy *-+ -Seminar	<ul style="list-style-type: none"> • Present and advocate for the adoption of the PSDP frameworks 	<ul style="list-style-type: none"> • Discussion and finalization of recommendations for Capacity development, Overcoming barriers and Evidence generation 	<ul style="list-style-type: none"> • National Report ready for presentation before NEC for approval • Mini-handbook to



Activity	Implementation	Outputs	Deliverable
	and other tools developed		guide ministers on investments in education and building provincial/ regional capacities as per the Constitutional Mandates

Proposed Team Structure, Eligibilities and Requirements

Team Member	Desired Qualification	Requisite Experience
Legal Expert (1)	LLM from HEC-recognized institution	<ul style="list-style-type: none"> At least 20+ years of experience in providing legal advisory services Experience in undertaking critical reviews of legislations, developing TORs, reports and legislations for education Experience in consulting with/ advising federal and provincial governments on education related projects and sectoral reforms Clear understanding of ambiguity of federal and provincial mandates vis-à-vis education
Education Expert (1)	Master's in education, Education Delivery and/or relevant discipline etc. from HEC-recognized institution	<ul style="list-style-type: none"> At least 10 years of senior level experience in education related technical assistance to government/ development partners Experience of working with provincial/ federal governments essential Familiarity with PSDP/ ADP structures essential Experience in education reform projects desirable Experience of working on TA related to devolved education mandates desirable
Research Associates (1)	Bachelor's in social or management sciences and/or relevant discipline etc. from HEC-recognized institution	<ul style="list-style-type: none"> At least 5 years of experience in development sector Experience in education desirable Experience in public sector desirable High proficiency in MS Office