

The Review of Public Administration

Overview

The Review of Public Administration was launched in June 2002 with the aim of revitalising and modernising public services here, replacing current structures with a new, more accountable public sector and working together with a common purpose to meet the public's needs and expectations of our public services.

The Review will mean major changes throughout the education sector, and will result in a fundamentally different sector following implementation.

How to use this document

This document is intended to act as a guide to the Review of Public Administration in Education, and how it will impact on various parts of the education sector. It is written in chapters. Chapter One is an introduction to the Review of Public Administration in Education, and gives an overview of the major changes that will take place. Subsequent chapters explore different aspects of the Review that are of particular relevance to or will affect specific groups of people who work in, use or are otherwise involved in the education sector here.

The document is not intended to be read from cover to cover. Most readers will wish to read Chapter One first, in order to gain a better understanding of the Review and what it will mean for the education sector as a whole. They should then pick out the chapter(s) or parts of chapters which most relate to their role within the education sector – for example, a teacher is likely to want to read the Chapter relating to teachers and schools, but may also wish to read parts of the chapters relating to parents and young people, and the new Education and Skills Authority (ESA).

This document is not a timetable for the implementation of the RPA, nor is it a guide to the transition process; other publications will be able to provide that information as the Review progresses.

Further information

This document, like any other, will not answer all the questions the reader may have, particularly as the details of the implementation of the RPA are still in the process of being worked out, and it is not yet possible to answer many very important questions. As we move closer to the implementation of the Review, more information and detail will become available.

There are a number of online sources of information on the Review, which readers may find it useful to check regularly for new information.

Department of Education: www.deni.gov.uk

ESA Implementation Team: www.esani.org.uk

Office of the First Minister and Deputy First Minister Central RPA
Implementation team: www.rpani.gov.uk

Public Service Commission: www.pscni.gov.uk

Office of the Commissioner for Public Appointments: www.ocpani.gov.uk

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Paper One: Overview of the Review of Public Administration (RPA)

History of the Review of Public Administration (RPA)

1. The Review of Public Administration was launched by the Northern Ireland Executive in June 2002 and, after the suspension of devolution in the autumn of that year, was progressed by direct rule ministers taking account of the views of the local political parties and others, until the return of devolution in May 2007.
2. Two public consultations on the Review were carried out during 2003 – 2005, and the then Secretary of State, Peter Hain, announced the final outcome of the review in two parts: in November 2005 he announced final decisions on the future of local government, Education and Health and Social Service structures; and in March 2006 he announced decisions on the remaining public bodies.
3. The aim of the Review was to revitalise public services here, to replace current structures with a new, more transparently accountable public sector, working together with a common purpose to meet the needs and expectations that people have of our public services. The Review, therefore, was a comprehensive examination of the arrangements for the administration and delivery of public services here. It covered over 150 bodies, including the 26 district councils, the Health and Social Services Boards and Trusts, the five Education and Library Boards and about 100 other public bodies.
4. Implementation is now being taken forward by the relevant government departments under the direction of their Ministers, working with the relevant Assembly Committees, and overseen by the Executive. The Local Government aspects of the Review are being reviewed during the autumn of 2007 while the health aspect is also being considered. In addition there are a series of cross-cutting themes, which affect or impact on more than one department, that are being overseen by a central RPA Steering Group, that reports through the First Minister and deputy First Minister.
5. More information on the implementation of the RPA as a whole can be found on the Office of the First Minister and deputy First Minister Central RPA team website at www.rpani.gov.uk

The Review in Education

6. The proposed reforms to the education system are complex and wide-ranging and are arguably the most complex element of the entire RPA programme.
7. The RPA heralds major changes throughout the education sector, streamlining structures and redefining relationships, creating a new and

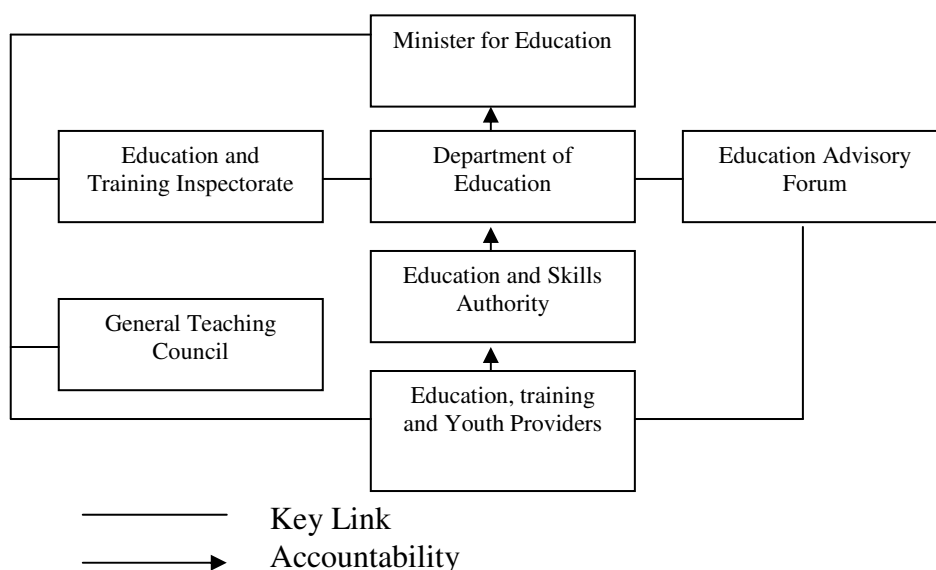
fundamentally different approach to the way education is administered here.

8. Due to the scale and complexity of the legislation needed to bring about these reforms, the Department, with the agreement of the Executive, will bring forward two substantial pieces of legislation to secure a phased approach to implementation. The first Bill will focus on structural reform – the establishment of the Education and Skills Authority (ESA) including the transfer of staff, functions, assets and liabilities from the existing organisation, and will be brought forward later this year with a view to having the ESA operational by April 2009 at the latest. The second Bill, to be brought forward a year later, will focus on four key areas that require further development work: area-based planning of the schools estate; the Employing Authority role; the reconstitution of Boards of Governors; and ownership of controlled schools.
9. The RPA is important, not only in terms of streamlining administration, but also as a key enabler of other education reforms, such as:
 - Raising standards and tackling underperformance in schools;
 - Addressing unacceptable inequalities in educational attainment; and
 - Responding to the challenges posed by the Bain Review

Changing the way we work – the Department of Education and the Education and Skills Authority

10. The central focus of the proposed model for the RPA in Education is on raising the quality of education. This will be through the creation of a better co-ordinated single policy administrative and planning framework that fosters and supports schools of different sectors and ethos, as the main drivers of educational improvement. The aim is to enable them to achieve greater autonomy and assume enhanced responsibility for raising standards of teaching and learning. This will be complemented and enhanced by high quality youth work.
11. Following the implementation of the Review, there will be a clear separation between policy formulation and operational delivery. The diagram below illustrates the new structures and relationships within the sector. The following paragraphs set out the new roles, responsibilities and relationships of the main bodies.

The new education structure



The Department of Education

12. The Department of Education (the Department) will undergo significant internal changes in order to enable it to focus on strategy and policy, and set priorities and standards for the ESA, schools and youth services.

13. While the Department will delegate operational functions to the ESA, it will remain ultimately responsible for assuring the quality and standards of the services provided under its policies.

14. The Department will therefore be responsible for:

- establishing the strategic direction for education;
- setting policy, priorities and standards for the ESA, schools and youth services;
- allocating and monitoring resources; and
- ensuring the efficient and effective delivery of services by the new ESA.

The Education and Skills Authority (ESA)

15. Operational functions and services will be delegated to the new Education and Skills Authority (ESA), which will be responsible for the delivery of education support services to schools and youth providers.

16. The ESA will take over the functions currently carried out by the:

- Education and Library Boards;
- Council for the Curriculum, Examinations and Assessments;
- Regional Training Unit; and
- Youth Council for Northern Ireland

17. It will also be responsible for the front-line support functions currently carried out by the:

- Council for Catholic Maintained Schools;
- Northern Ireland Council for Integrated Education; and
- Comhairle na Gaelscolaíochta.

18. In addition, it will absorb the role of the Staff Commission for Education and Library Boards, and will take on some operational functions currently carried out by the Department of Education.

19. The ESA will have responsibility for a wide range of functions, including performance management of schools, area planning, procurement, delivery and maintenance of the education estate, children's services and operational planning and delivery of school support services.

20. Work is ongoing on the most appropriate structure for the new organisation. This will inform decisions on location issues, including the need for sub-regional offices. The location of public sector jobs is an important and complex matter which raises potentially conflicting issues. A cross-departmental RPA Estates sub-group has been established to develop appropriate guiding principles in this area. In addition, any decisions taken on location will be subject to equality screening, and an Equality Impact Assessment and consultation where appropriate

Governance and Accountability arrangements for the ESA

21. The ESA will be a modern organisation, established in line with recognised best practice. It is currently proposed that it will be overseen by a small, highly skilled Board comprising of between 8 to 12 members, led by a Chairperson appointed by the Minister for Education. The Board will be accountable to the Minister for Education for the performance of the ESA, and the Minister in turn will be accountable to the Assembly, thus ensuring clear and transparent lines of democratic accountability for the performance of the Education system here.

22. Appointments to the Board are likely to last for 3 or 4 years (the different terms allowing for continuity of membership), and the performance of the Chairperson and Board members will be assessed annually.

23. In the event of mismanagement, incompetence or impropriety within the Board, or if the Minister for Education believes that an individual's membership of the ESA Board is not conducive to the good management of the ESA, the Minister will have the power to remove that person.
24. The disqualification of members may also occur in certain circumstances, such as where a member has been convicted of an indictable offence.
25. The relationship between the Department and the ESA will enable the ESA to focus on service delivery and be more responsive to the needs of the sector and more flexible in its approach to local circumstances and situations. Some major functions, such as area plans and major capital development proposals, however, will still require the approval of the Department. The degree of flexibility afforded to the ESA will be set out in the Financial Memorandum and management statements drawn up by the Department.
26. The ESA will be subject to the normal government accounting and accountability rules. As at present, the Permanent Secretary of the Department will be the primary accounting officer responsible for ensuring propriety and regularity of the use of resources and value for money. The Chief Executive of the ESA, in turn, will be accounting officer for detailed operational activity.
27. The ESA will play a key role in supporting the provision of front line services and its contribution will be monitored by the Department. The Education and Training Inspectorate (ETI) will also evaluate the impact of services provided by the ESA to support the improvement of teaching and learning. Evidence from inspections will be used to assure the Department and the public of the quality and standard of the services provided.

The Education Estate

28. Currently the five Education and Library Boards the Catholic Trustees and other trustees own the Education estate, including schools, youth service buildings and outdoor education centres. All the properties currently held by the Education and Library Boards will transfer initially to the ESA.
29. The ownership of schools (other than controlled schools) will not change under the Review. The ownership of controlled schools currently lies with the Education and Library Boards, and will transfer initially to the ESA. However, there are some concerns that there could be an actual or potential conflict of interests, if ESA were to own the current controlled estate and also be responsible for area planning and funding.

30. A policy team within the Department is currently exploring other options for ownership of controlled schools, and this should be resolved in the second education Bill. The RPA legislation, however, will require the ESA to treat all schools equitably, regardless of ownership. This duty will reinforce the equitable treatment duty already placed upon both the Department and the ESA under section 75 of the Northern Ireland Act 1998.
31. The ESA will have responsibility for the school's estate under the RPA, including appraisals, development proposals, area-based planning and investment plans. In the second Bill it is intended to modernise the existing legislation for this area of work.
32. At present, the five Education and Library Boards can acquire, hold and dispose of land, with the permission of the Department. The ESA will be given these same powers in the new legislation. The existing statutory rules on disposal of assets will also continue, with adjustments to take account of the new education structures. The ESA will also take over the current role of the Education and Library Boards and DE in relation to handling the disposal of property and the distribution of proceeds raised.
33. The Department will give guidance to ESA on appraisals, development proposals, area planning and investment plans. The ESA will manage this work on a day-to-day basis, but ultimate responsibility for approval of these measures will remain with the Department.
34. The ESA will carry out strategic planning for the schools' estate, within guidance provided by the Department, and each school sector will be consulted and involved in this process.

Procurement for capital development and maintenance

35. The ESA will have responsibility for the procurement of suppliers for all capital schemes. A new Education Infrastructure Procurement service will be developed within the ESA and this will help to achieve better value for money and ensure that all capital schemes are subject to a consistent contract management regime. It will implement long-term contractual relationships for all capital development and for maintenance, and will become a recognised Centre of Procurement Expertise (COPE).

Capital Development

36. The current arrangements under which voluntary and maintained schools have to first raise the funds to pay for a capital development, before having it refunded by the Department at a later date, will be brought to an end by the Review.

37. The ESA will now be responsible in the first instance for meeting the full costs of all capital schemes approved and funded by the Department. This will help to ensure that all schools have equal access to capital development, regardless of the type or ownership of the school. An agreement will then be put in place between the ESA and the school for the school to pay its share of the costs back to the ESA.
38. Capital schemes which will begin prior to implementation, but will continue past that date, will be subject to transitional arrangements. It is the intention that, if possible, these schemes will be run under the new arrangements, so that from the date of implementation, all capital schemes will be run under the new arrangements, regardless of when they began.
39. Asset Management Plans are being developed for the school's estate, which will help to determine capital investment priorities and maintenance investment plans for the entire schools estate. It has been decided that additional responsibility for maintenance will not be delegated to schools at this stage, as the system of asset management and estate maintenance is not sufficiently mature as yet.
40. The Department will delegate operational functions to the ESA, which, in turn, will delegate many front-line operational functions to schools under a structure of maximised supported autonomy for schools (MSA). The role of ESA will be to support schools and hold them to account for their performance, within this structure.

Individual and collective ethos

41. The rights of schools to develop their own ethos and values, whether individually or collectively, and the right to use collective descriptors such as 'Catholic' or 'Integrated', will remain unchanged. This is an important and valued aspect of our diverse and progressive education system here, and the Review will not weaken this in any way.
42. The Department understands that ethos is determined, not by the Department or the ESA, but by Boards of Governors, including those appointed by Trustees, Principals, staff, parents and pupils and others involved in the work of individual schools. It also recognises that schools with a similar ethos can share a collective ethos and way of working, based on their beliefs and values.
43. The Department recognises that there are many definitions and interpretations of the term 'ethos', and does not seek to impose an ethos or interpretation of the term. It is committed to ensuring that, within the new administrative arrangements, the rights of individual schools and groups of schools to develop, maintain, define and interpret their own distinctive ethos is recognised and supported.

New administrative arrangements for schools

44. There will continue to be the variety of school types with their own ethos and values, however the four existing types of administrative arrangements that support these schools will be replaced with a single set of arrangements. This means that all schools will operate within a common administrative framework, which will be managed centrally by the ESA.
45. This cohesive structure will help to ensure that the administrative arrangements will be to the same high standards for all schools, regardless of its ownership, ethos or location. It is anticipated that this arrangement will also lead to economies of scale in administration, and an improvement in the quality of information available to the Department from the sector. The relationship between the ESA and schools will develop and in many cases will be different than those for example that exist between the Education and Library Boards and the current controlled schools. It will be based on the concept of support (using a new mechanism of Maximised Supported Autonomy), with schools being held to account for their performance.

Maximised Supported Autonomy for schools

46. The detail of how Maximised Supported Autonomy (MSA) will operate in practice will be developed by a working group led by the Department. The underlying concept is that administrative and management functions should be delegated to the lowest possible level within the education sector, taking account of capacity to undertake these functions, and with as much or as little support as is appropriate or required in each case. This means that key functions and decisions, such as those relating to the employment of teaching staff, and the spending of school's budgets, will be carried out by schools with support from the ESA. The aim is to ensure the best possible level of service and value for money. The ESA, taking account of the views of Boards of Governors, will determine the appropriate mix of autonomy and support for individual schools. No school will have additional administrative responsibilities delegated to it that it feels it does not have the capacity to deliver.

Levels of Autonomy

47. The aim will be that all schools will be placed at an appropriate level of autonomy, based on their skills and experience in administration and management. Schools will be supported by the ESA to build their level of expertise and move along the continuum over time, if that is appropriate.
48. The MSA working group will work on a model of different levels of autonomy. For those schools who currently enjoy a high degree of

autonomy this is likely to mean little change to their current practices; for others it may involve a journey over the coming years to arrive at a point that provides them with the ideal balance of autonomy and support from the ESA.

49. The Department will put in place a policy and high level strategy, setting out the objective that all schools should be supported by the ESA to progress along the continuum of autonomy over time, if that is appropriate.

Support services for schools and Boards of Governors

50. In order for MSA to work well, school governors and principals will need to be adequately trained and equipped to cope with their new roles and responsibilities. A working group will be giving consideration as to the best way to prepare and equip school governors and principals in preparation for MSA and to support them following its implementation.
51. The ESA will be placed under a duty to provide or procure a range of support services for all schools. These will include such things as staff recruitment services, procurement for goods and services, training and pay roll services.
52. In line with the MSA proposals, the Department is considering how schools can be given appropriate choices in the provision of these professional and administrative support services.
53. The Education and Training Inspectorate (ETI) will have the power to inspect all services provided or procured by the ESA that have a direct impact on the quality of teaching and learning, including these support services. Where such an inspection is carried out and a report is published, the Department will have the power to direct the ESA to implement the ETI recommendations.

The Employer and Employing Authority roles

54. The November 2005 announcement on the RPA included the decision that the roles of 'employing authority' and 'employer' would be separated under the RPA arrangements.
55. Schools will continue to have an *employer* role for their own staff, but the ESA will be the single *employing authority* for all teaching and non-teaching staff in all schools. 86% of staff will be covered in the first Education Bill with the remaining 14%, working in voluntary grammar and grant-maintained integrated schools, being covered in the second Bill.. This will put common employment practices and policies into place across the sector and bring increased potential for deployment, redeployment and joint appointments for teaching and non-teaching staff.

56. The Department will make regulations to place the employing authority function with the ESA, and to prescribe that the ESA will delegate the employer functions to schools.

The term 'Employing authority' is likely to include 'collective' functions such as determining terms and conditions of employment, negotiations with trade unions and strategic workforce planning. It does not include day-to-day or individual management functions or decisions.

The term 'Employer' is likely to include school specific functions such as recruitment, promotion, discipline, dismissal and performance appraisals. It reflects the role of the school in managing individual and groups of staff on a day-to-day basis.

57. As all schools will be placed at different levels of autonomy under the new Maximised Supported Autonomy arrangements, individual schools will be able to have different levels of support from the ESA in discharging their employer role. The ESA will not become involved in the day-to-day management of schools, or the decisions relating to the employment of individual staff, except when schools request this or where intervention is necessary.
58. The role of Boards of Governors in relation to personnel and employment issues will be an empowered and autonomous one, complemented by the support role provided by the ESA. There will be a clear accountability framework, and a mechanism for the ESA to challenge schools where necessary, in order to ensure consistency and propriety in the discharge of the employer role.
59. The Department's regulations to place the employing authority function with the ESA and to prescribe the delegation of employer functions to schools will also make provision for the withdrawal of this delegation in extreme circumstances, where there is impropriety, or where intervention to tackle poor performance has failed. It is intended that this power will be used extremely rarely, and even then, only temporarily, pending fresh appointments to the Board of Governors.
60. Both the ESA and Boards of Governors will carry responsibility for employment law matters. The current provisions giving Education and Library Boards the right to be joined in legal proceedings against Boards of Governors are likely to be retained in an amended form for the ESA. This is to ensure that the ESA can defend the interests of the public purse in these cases.

School Boards of Governors

61. Just as the administration at regional level will be transformed by the Review, so too will there be significant changes within many individual schools. The Board of Governors of a school plays a vital role in management and administration, and for this reason, the structure of these Boards will also be revised. The intention is that there will be four standardised categories of school governor:

Foundation Governors (School owners or former owners or their representatives), who normally represent the character and ethos of the school;

Community Governors anyone from the local community, business community or who has a vested interest in a school **and** who can bring specific skills and experience necessary for the effective management of the school;

Staff Governors staff from the school. This category will be extended to include part-time and non-teaching staff; and

Parent Governor elected from among the parents of pupils currently attending the school.

62. The Department will determine a Code of Practice for the appointment of governors of all categories in schools. A working group is to be established to develop the detail on how Boards are to be restructured, and this will be dealt with in the second Bill, following consultation.

63. The law prohibits legislation from including a provision which discriminates against a class of persons on the grounds of religious belief or political opinion. Advice indicates that this necessitates a change in the rights of the Transferor to nominate representatives to the Boards of Governors of controlled schools, and this issue will require further consultation and be dealt with in the second Bill.

School Improvement

64. The RPA is a key enabler of other reforms such as raising standards and tackling underperformance in schools. The new School Improvement Policy will set out clearly the respective roles and responsibilities for the Department, the ESA and individual Boards of Governors for raising standards across the education sector. Raising standards and school improvement is to be addressed in the first Bill.

65. Under the new arrangements, the Department will be accountable for the overall performance of the education system and for monitoring the effectiveness of the ESA's work in regard to school improvement.

66. The ESA will be responsible for monitoring the performance of individual schools, for challenging performance and for providing the required support, especially to under-performing schools. It will also

have the power to intervene in a graduated manner, where necessary to tackle under-performance in schools. The Department may also take more stringent powers in the legislation, in order to intervene further where intervention by the ESA has failed.

67. School principals and Boards of Governors will be responsible for the quality of education in their school and the standards attained by pupils, and Boards of Governors will be placed under a general duty to promote high quality and standards. The emphasis will be on self-evaluation and self-improvement, supported by the ESA.
68. The Department is currently considering how 'quality of education' should be defined. It will seek agreement across the sector on what would constitute a rounded view of this, but it will include assessment and examination performance brought together in a common set of Performance Indicators applied by the school and the ESA, using benchmarked information on the indicators against schools of a similar type and size. There will be regular meetings between the ESA, the school principal and the Board of Governors to discuss the school's performance against the Performance Indicators as part of the ongoing school improvement process.

The Education Advisory Forum (EAF)

69. Following the implementation of the RPA, the Department and the ESA will need access to sources of information and advice from across the sector, in order to carry out their respective roles. One important source of information and advice will be an Education Advisory Forum (EAF), which will be established in legislation, and will act as a unified advisory interface between the Department and the education sector.
70. The EAF will be an important body in helping to achieve the vision for education. The purpose of the forum will be to bring together expertise and knowledge from across the education sector, to work co-operatively for the good of the education system as a whole.
71. The Forum will have a modest secretariat, and the Department will provide funding to support the work of the Forum.
72. The chair of the EAF is likely to be appointed by the Minister for Education and membership will include, among others, representatives of parents, young people, teachers, the Transferor Representatives Council, Catholic Trustees, the Integrated and Irish-medium sectors and voluntary grammar schools. Although the publicly owned schools sector does not currently have a single representative voice, arrangements will also be in place under the RPA to enable these schools to participate effectively within the EAF. It will be important that the voices of parents and young people are heard within the forum, and specific consideration is currently being given as to the best way for this to be achieved.

73. Members will be appointed to bring a particular perspective, knowledge and background to inform discussions. They will not be expected to represent the views of a particular interest group or advocate on their behalf; rather they will be expected to advise on how particular issues or policies might affect the group or sector of which they have knowledge, take on board the views of others and collectively arrive at an agreed outcome. The value of the EAF lies not only in its advice to government, but in the potential for creative solutions to be developed through the cross-fertilisation of ideas, as well as greater engagement between interest groups leading to a better understanding of different perspectives while focussing on the outcomes for children and young people.
74. The Department recognises that flexibility of membership will key to the success of the EAF. In a modern education sector, it is essential that the EAF will reflect modern life, and modern concepts. For example, the Department is currently considering arrangements whereby the EAF could enable non-members to take part in specific debates, therefore harnessing additional expert knowledge and experience as necessary.
75. While the EAF will be a major source of advice, the Department will also be able to draw on other sources of advice such as the ETI, ESA, Assembly Committees and the individual sectors. Sectoral interests and others will continue to have direct contact with the Department to lobby government about specific issues which are of particular interest or concern for them. This is recognised by the Department as a legitimate function of sectoral interests and one that is entirely separate from membership of the EAF.

Sectoral support arrangements

76. Under the RPA proposals, the current statutory advisory role of the Council for Catholic Maintained Schools (CCMS) is to be repealed and all the front-line support functions funded by the Department and delivered by the CCMS, Comhairle na Gaelscolaíochta (C na G) and the Northern Ireland Council for Integrated Education (NICIE) will be transferred to the ESA.
77. However, the Department recognises that sectoral interests will continue to have a key role to play under the new arrangements and will need professional capacity to support this role. **The Department will therefore provide modest financial support to each of the sectors** to enable them to contribute effectively to the new arrangements. In particular, this should support their engagement with the EAF, their role in area-based planning, their role in maintaining the ethos of their sector and building co-operation and engagement with other sectors in matters of mutual interest.

78. The Department is currently carrying out work with individual sectors to determine the level of support each will require under the RPA arrangements. Each sector will only receive support for functions that complement, and do not overlap with, the functions of the ESA and EAF.
79. Each sector will have the opportunity to develop its own individual sectoral support arrangements. The Department will not determine the structure or composition of sectoral support, only the level of funding available, which will be modest. Sectoral interests will be free to determine what structures and arrangements to put in place, using the support provided, in order to best meet the needs of the sector.

Youth Services

80. Youth services are an important form of non-formal education, engaging with some of the most troubled children in our society, helping them to achieve better outcomes, and creating opportunities for children of all backgrounds to participate in decision-making and to make a contribution to their community. As such, the youth service is an important aspect of the education sector, and is a central part of the changes the Review will bring.
81. The former Minister's statement in November 2005 confirmed that youth services would remain the responsibility of the Department and that the ESA would assume the youth service functions of the five Education and Library Boards and the Youth Council for Northern Ireland.
82. The Department of Education's role in relation to youth services will be at a strategic level, with operational functions delegated to the ESA.
83. The Department will have a duty to ensure that youth service provision is in place and determine (and revise) funding for it. It will also set the policy, the age range, standards and long-term objectives for the sector, and will ensure that the outcomes expected of the sector are linked to the outcomes of the Office of the First Minister and Deputy First Minister 10 year Strategy for Children and Young People. The Department will also continue to chair the Youth Service Liaison Forum, which will continue to assist the Department in planning and delivering strategy.
84. The ESA will have an operational role in respect of youth services. It will have a statutory duty to secure the delivery of youth services, in the same way as other formal and non-formal education services. It will also have a duty to establish, fund and maintain youth services according to the Department's strategic plans for the sector.

85. The ESA will prepare and publish a plan for the provision of youth services, which it will review and agree annually with the Department, and modify or rewrite as necessary. The Department will have a right to direct the way in which the plan for youth services is to be published by the ESA. It may also make a direction as to who the ESA must consult when drawing up the plan.
86. The ESA will work in partnership with voluntary organisations on a continuing basis to identify and meet youth service needs on an area basis and will also maintain a register of all groups approved for youth service delivery,
87. A Northern Ireland Network for Youth will also be established, supported and monitored by the ESA, to ensure that the voices of children and young people reach government and the youth service in particular.

The School Library Service

88. The School Library Service (SLS) is a statutory service, that provides a centralised support service to school libraries and also works closely with the Curriculum Advisory Support Service (CASS) and other services in each Education and Library Board. It provides a number of advice and support services in addition to purchasing book stock for libraries. It makes a significant contribution to the wider educational objective of raising standards, by stimulating an interest in reading and helping to compensate where there is a poor home learning environment by providing study facilities and access to ICT.
89. Under the RPA, the SLS and its staff will transfer to the ESA. The SLS will maintain close links with the new regional public library authority established by the Department for Culture, Arts and Leisure, and the links between the two services will be determined by the respective parent Departments and implemented through a Service Level Agreement.

The Education and Training Inspectorate (ETI)

90. The Education and Training Inspectorate is a vital part of the education sector, and will continue to be under the RPA, playing an essential role in providing independent, expert advice to Departments, the ESA and to education, training and youth providers. It has a unique perspective on the education sector, and expert knowledge of how it operates, and the best practice that exists within it. This makes the role of the Inspectorate as an advisory body one that is essential to improving standards across the sector.
91. The Inspectorate will remain operationally autonomous from Government Departments, and will continue to have a seat at all

Department of Education Board meetings, and will be consulted regarding all major policy decisions taken by the Department. This will help to ensure that the Department has access to independent, expert advice and is fully informed about the potential impact of any proposed policy change at a very early stage.

92. The Inspectorate will continue to publish inspection reports regularly, and will also publish reports on specific issues and areas, such as a Special Education provision or Alternative Education provision. These will help to inform and shape the work carried out by the Department in setting the policy for the education sector.
93. The Inspectorate will also assist the Department in its role of 'empowering and holding to account' the ESA, by evaluating the impact of services provided by the ESA to support the improvement of teaching and learning, and by identifying ways in which improvements could be made. Evidence from these inspections will help to assure the Department and the public of the quality and standard of the services provided.

The Director of Children's Services

94. An important new development that will be brought about by the Review will be the establishment of the role of a Director of Children's Services. The creation of this new role was announced as part of the outcome of the RPA in November 2005, and work has been ongoing within the Department to develop this concept and determine the exact nature of the role. While similar arrangements are in place elsewhere, this post is being developed specifically to meet needs here, and will be unique to our education system.
95. The ESA will appoint a Director of Children's Services, who will work closely with other partners such as health and social services, criminal justice system, PSNI and local district councils to develop arrangements for the better integration of services to children.
96. The Department for Health, Social Services and Public Safety is currently developing proposals for the establishment of a Safeguarding Board for Northern Ireland. The ESA will be a key member of this Board and it is likely that this will be an important role for the Director for Children's Services.
97. The Department has welcomed the proposals put forward by stakeholders for a regional Children and Young people's strategic partnership and will consider how this might be implemented in conjunction with colleagues in other Departments. The Department will also need to consider how this proposal might be developed in the context of an evolving community planning process.

98. The introduction of a District Council-led community planning process is a key part of the overall RPA proposals and is seen as an important mechanism for facilitating local input into the decision-making process for local services. While it is a process that is likely to take a number of years to evolve, even after the new Council structure is in place, the Director of Children's Services is likely to be the key contact on community planning within the ESA and will work to develop local partnership arrangements now that are capable of linking into the community planning process in each local council area as it evolves in the coming years.

Contingency Planning

99. Civil contingencies activities are undertaken to ensure that the risk of an emergency occurring is minimised, that an organisation can respond effectively if an emergency happens and that essential public services are maintained throughout any disruption.

100. The Department, the Education and Library Boards and the CCMS already undertake a considerable amount of Civil contingencies activities. Although the Department does not currently have a statutory duty in relation to civil contingencies activities, Ministers have committed Departments to comply with the NI Civil Contingencies Framework (NICCF). The Department has decided to include a duty within the RPA legislation in relation to this.

101. There will be a general duty on ESA to undertake civil contingencies activities in relation to its functions. The Department will have the power to give direction or guidance to the ESA and/or schools on the discharge of their responsibilities and will also be able to give directions on how they should respond to a specific emergency situation.

102. A requirement on the ESA to participate in local civil contingencies co-ordination led by District Councils will be also included in District Council legislation.

Chapter Two: Parents and young people

Audience

This chapter is written primarily for the following groups, and is written using language and terminology familiar to them. Others may find this chapter useful in gaining a better understanding of how the RPA will affect these groups:

- Parents and prospective parents;
- Children and young people;
- Statutory and voluntary youth service providers;
- Statutory representatives for the above groups, such as the Commissioner for Children and Young People; and
- Other representative bodies for the above groups

Introduction

Children, young people and their parents are at the heart of our education system. It exists to serve them and ensure every child has an equal opportunity to develop their abilities and realise their full potential. It also aims to help secure the future of our society by producing well-rounded young adults with the right mix of skills to ensure social and economic growth and prosperity. Without the commitment and participation of young people, coupled with the support of their parents, the realisation of the vision for education would be impossible.

The Review will bring many changes throughout the education sector, which, although they will not directly affect the front-line services used by parents and young people, will mean that they will experience positive changes to the quality and manner in which those services are delivered.

It is a primary function of the education sector as a whole to continually strive to meet the needs and expectations of both parents and young people, and to work to make continual improvements across the sector and services provided. The RPA is a key part of this.

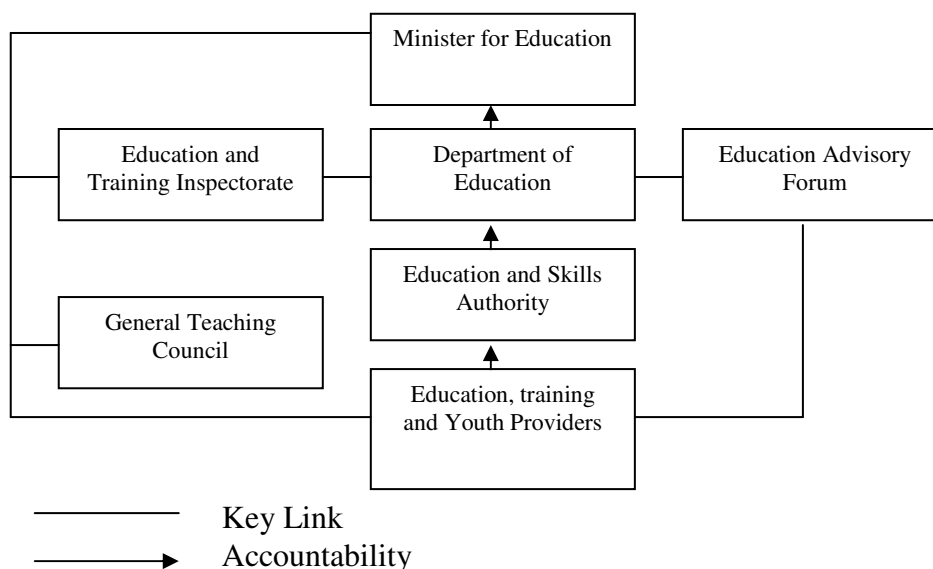
Under the review, the administration of the whole education sector will be streamlined and modernised, releasing funds by reducing bureaucracy, and improving access to services, so that front line services such as schools and youth service facilities can benefit.

Schools will continue to be where they are and do what they do, but the RPA reforms will impact young people and their parents in two ways: firstly funding released by streamlining administration will be directed towards schools, providing more money for teachers, books and other resources; secondly there will be more opportunities to influence how education is delivered both locally, through involvement on Boards of Governors that will have greater freedom to manage their schools, and regionally, through parents and young people being involved in the new Education Advisory Forum. With a local Minister, the Assembly and its Education Committee, democratic accountability is also stronger and more transparent.

Changes in Administration

Under the RPA, the whole administration structure of the education sector will undergo changes. The new structure will be much more streamlined than it is at present, and the roles and responsibilities of the organisations will be clearly defined, making it easier than it is at present for parents and young people to access the information and services they want.

The new education structure



Under the new arrangements, there will be a clear separation between the high-level work of setting out the way forward for the sector, and the more hands-on, operational work of delivering education and youth services. The Department of Education will focus on the high-level strategy and policy development work for the sector, and will maintain a 'hands-off' approach to the day-to-day running of educational and youth services. An Education and Skills Authority (ESA) will be set up, to concentrate on operational delivery of services and supporting education and youth providers.

The Department will focus on:

- setting the overall strategic direction of the education and youth sector;
- setting policy, priorities and standards for schools and youth services;
- allocating and monitoring resources; and
- ensuring the efficient and effective delivery of services by the new ESA

The ESA will focus on :

- funding and providing support services to all schools
- delivering school improvement programmes

- monitoring school performance and intervening as necessary
- strategic planning and procurement of the schools' estate,
- advice on curriculum and assessment
- development and delivery of qualifications
- acting as employing authority for teaching and other staff in grant-aided schools

What is the Education and Skills Authority (ESA)?

The ESA is a body that, as well as taking over responsibility for some operational functions that are currently carried out by the Department, will take over the functions that are currently carried out by the:

- Education and Library Boards;
- Council for the Curriculum, Examinations and Assessments;
- Regional Training Unit; and
- Staff Commission for Education and Library Boards

It will also be responsible for the front-line support functions currently carried out by the:

- Council for Catholic Maintained Schools;
- Northern Ireland Council for Integrated Education; and
- Comhairle na Gaelscolaíochta

It will be the main administrative body for the whole of the education sector here and will provide support to all front-line service providers within the sector, such as schools and youth service providers. By bringing together in one organisation the responsibility for all service delivery for the education sector, the ESA will be key to ensuring that parents and young people receive a world-class service that meets their needs in a timely, consistent and cohesive manner.

Schools

The role of schools will also change as a result of the RPA. Although the curriculum and the way in which young people are taught will not be altered in any way by the RPA, the behind-the-scenes administration carried out by schools will be very different following the implementation of the Review.

The Review will bring in a system of Maximised Supported Autonomy (MSA) for schools. This means that decisions relating to the day-to-day running and management of a school, which in many cases were previously made by the Education and Library Board or the Department, will now be made by the Board of Governors of the school, who are best placed to make such decisions, given their unique role and understanding of the individual circumstances of the school.

Naturally, the Department and the ESA want to make sure that, while schools are given as much control as possible over their administration and budgets,

schools are not under pressure to take on additional responsibilities which they do not feel they are equipped for, and which could potentially damage the standard of educational service they are able to deliver. For this reason, the Department and the ESA are developing a system by which schools that want and can cope with a lot of administrative freedom (or autonomy) can be enabled to do so, while other schools that may require additional support from the ESA as they build up their capacity to carry out these functions, are both catered for under the system of MSA.

All schools will be placed on a continuum of autonomy, based on both the preference of the Board of Governors and their skills and experience in administration and management. Initially, it is likely that schools will be placed on the continuum at a point which best describes their current (pre-RPA) level of autonomy. Therefore, schools with high levels of autonomy will be able to retain it, while schools that currently have lower levels of autonomy will not feel 'out of their depth', by being asked to take on a lot of new responsibilities at an early stage. All schools will be supported by the ESA in building their level of expertise and moving along the continuum at their own pace over time.

The Continuum of Autonomy

A team within the Department is currently working on a model of the continuum of autonomy. The continuum is likely to consist of a 'sliding scale' of indicative behaviours and management functions; the more of which a school displays or is capable of displaying, the further along the continuum it can be placed, and the more freedom it can enjoy in its administrative functions.

The work being carried out by this team will involve close co-operation with both the ESA and schools throughout the sector to ensure that schools and the ESA can agree on the level of autonomy and support that is right for each individual school.

The ESA will be given responsibility to support schools in their administrative functions, and to support Boards of Governors of schools in building their expertise over time, so that they can gradually increase the level of autonomy they can enjoy.

Example

A small school currently has few resources to dedicate to administration or to develop administrative expertise. In the past, the school relied heavily on the support of its Education and Library Board for administrative functions such as procurement and recruitment. Although the school wants to build professional capacity over time, it wishes to continue receiving a high level of support from the ESA for the time being, and is concerned that the MSA arrangements will push too much responsibility onto the Board of Governors before they are ready to assume this role.

This school is likely to agree with the ESA that it should be placed on the continuum of autonomy at a point where it has a low level of autonomy, and

will receive a high level of professional support from the ESA. As well as receiving professional support in administration, the school will also receive support to build on its professional capacity and operational autonomy, therefore moving along the continuum over time.

Example

A school currently enjoys a high degree of operational autonomy. The Board of Governors has a high level of professional expertise, and generally deals with administrative and management functions such as procurement and recruitment with minimal support from the local Education and Library Board. The school is comfortable with this arrangement, and wishes to ensure that the MSA arrangements will not curb its operational autonomy.

This school is likely to agree with the ESA to be placed on the continuum of autonomy at a point where it will have a large degree of operational autonomy. As with all schools, the ESA will be available to provide support when it is needed, and will assist the school in further developing its professional expertise where this is required.

The ESA will have a power, when necessary, to take action to address poor or bad practices in school management. This will ensure that the resources available to schools are used to the best advantage, and that parents and young people receive the high-quality service they rightly expect from their local schools. In order to preserve the autonomy of the school, any ESA intervention will seek to reinforce, rather than undermine, the MSA system.

Example

A school has shown a lack of professional capacity in relation to administration over a period of time, despite the support services provided by the ESA. The ESA will need to consider how best to address this matter, keeping in mind the need to preserve the spirit of MSA arrangements.

First, it is likely to ask the school to write a report on the situation, and to develop a plan to address the areas of weakness. In this way, the ESA can support the school in taking ownership of the situation and choosing the way in which it is to be addressed. If this is not successful, further, progressive steps may be considered.

The ESA may decide to link the school with another local school that is performing well, in order that it can benefit from their best practices. If an Education and Training Inspectorate (ETI) report has been written about the school, the school may be directed to implement the changes recommended in that report.

Only where measures such as these have failed, is the ESA likely to resort to more drastic measures, such as removing the delegation of functions from the school, or replacing members of the Board of Governors.

Support services for schools and Boards of Governors

The Department and the ESA is currently giving consideration as to the best way to prepare and equip school governors and principals in preparation for MSA and to support them following its implementation. It is likely that the ESA will provide training sessions and support materials in the months prior to the implementation of the Review, to prepare the ground in advance of the launch of the new way of working. Following the implementation of MSA, the ESA will provide support services as required for schools, and will support schools, over time, to increase their levels of operational autonomy.

In keeping with the system of increased autonomy for schools, schools are also likely to be given appropriate choices in the provision of the professional and administrative support services provided by the ESA. Schools which are placed on the continuum of autonomy at a point where they will have a high level of autonomy may, for example, choose to use their own expertise to provide or procure some services independently of the ESA. This will be facilitated as much as possible, providing that the school can show that it can achieve better 'value for money' (not just a cheaper price).

Support services for schools – Quality assurance

The Education and Training Inspectorate (ETI) will have the power to inspect all services provided or procured by the ESA that have a direct impact on the quality of teaching and learning. Where such an inspection is carried out, and a report is published, the Department will have the power to direct the ESA to implement the ETI recommendations.

This will help to assure the quality of service received by parents and young people.

School Boards of Governors

Clearly, the Board of Governors of a school will play a vital role in the management and administration of the school under the new MSA arrangements, and it is because of this that the Review will also make changes to Boards of Governors.

There are currently 11 different management compositions of school Boards of Governors prescribed in legislation, so in order to modernise and unify the sector, Governor Categories will now be standardised into four categories:

- **Foundation Governors** (School owners or former owners or their representatives), who normally represent the character and ethos of the school;
- **Community Governors** anyone from the local community, business community or who has a vested interest in a school **and** who can bring specific skills and experience necessary for the effective management of the school;

- **Staff Governors** staff from the school. This category will be extended to include part-time and non-teaching staff; and
- **Parent Governor** elected from among the parents of pupils currently attending the school.

The Department of Education will determine a Code of Practice in regard to the appointment of governors in all four categories, while the ESA will appoint Community governors and will also process the appointments of all governors in the other three categories.

Given the increased autonomy provided to Governors under the MSA arrangements, parents should give real consideration to volunteering for a position on the Board of their local school, as this will provide a unique opportunity to help shape and improve the service provided to their children and local community.

The ESA will monitor school performance and improvement, and will intervene when necessary if a school's performance is unsatisfactory. In exceptional circumstances, the ESA will have the power to remove and replace members of a Board of Governors where it is felt that this is necessary to achieve improvement within the school. It is the intention that this power would only be exercised where lesser interventions had been tried and had failed to produce the necessary improvements.

School and Sectoral Ethos

Although the Review will mean that the administrative arrangements for all schools will come under the same model of MSA, the rights for schools to develop their own ethos and values, whether individually or collectively, and the right to use collective descriptors such as 'Catholic' or 'Integrated', will remain unchanged. This is an important and valued aspect of our diverse and progressive education system here, and the Review will not weaken this in any way.

The Department understands that ethos is determined, not by the Department or any other outside body, but by Boards of Governors, Principals, staff, parents and pupils and others involved in the work of individual schools, and collectively, schools with a similar ethos can share a sectoral ethos and way of working, based on those beliefs and values.

Sectoral support for schools

Many schools define themselves in terms of ownership, the type of education provided, or the ethos of the school; for example, Irish medium, Catholic maintained or Integrated. Groups defined in this way can be referred to as sectors. A variety of organisations exist to support, promote and represent these sectors, and these are referred to as sectoral interests.

Across the education sector, there are a number of sectoral interests which have a special interest and relationship with schools, youth organisations and

other educational facilities. These organisations have grown up over a period of time, and as a result, vary widely in status, function, funding and in their relationships within the education sector. Despite the differences between sectoral interests, the Department recognises that all contribute significantly to the education sector, and the vision for education.

While the ESA will assume front line support and related functions that are currently carried out by some sectoral interests, it will still be important for the Department to continue to provide funding to enable independent sectoral interests to support and represent sectors. The Department is currently working with sectoral interests to agree on the support services that should be provided to sectors by these bodies, and therefore to determine the level of financial support that should be made available by the Department. More information on this work is available in Chapter 2.

The Schools' Estate

Currently the five Education and Library Boards and the Catholic Trustees own the majority of the Education estate, including schools, youth service buildings and outdoor education centres. All the properties currently held by the Education and Library Boards will transfer initially to the ESA, although the Department is thinking about alternative options for the long term ownership of the controlled schools estate. The ownership of other schools will not change as a result of the RPA.

The ESA will have a duty to plan for the whole school's estate on an area basis. In carrying out the planning process, the ESA will consult with elected representatives, local communities, including specifically parents and young people and sectoral interests as appropriate to determine the number, size, composition and location of schools needed in each area. Development proposals for a school or group of schools will then only be published if they are consistent with the ESA's area plans.

The Employer and Employing Authority roles

The November 2005 announcement on the RPA included the decision that the roles of 'employing authority' and 'employer' would be separated under the RPA arrangements.

The ESA will be the single *employing authority* for all teaching and non-teaching staff in all schools and is likely to hold the contracts of employment for all staff, while schools will continue to have an *employer* role for their own staff.

The Department will make regulations to place the employing authority function with the ESA, and to prescribe that the ESA will delegate the employer functions to schools.

The term 'Employing authority' includes 'collective' functions such as determining terms and conditions of employment, negotiations with trade unions and strategic workforce planning. It does not include day-to-day or individual management functions or decisions.

The term 'Employer' includes school specific functions such as recruitment, promotion, discipline, dismissal and performance appraisals. It reflects the role of the school in managing individual and groups of staff on a day-to-day basis.

As all schools will be placed on the continuum of autonomy under the new Maximised Supported Autonomy arrangements, individual schools will be able to choose how much support they require from the ESA in discharging their employer role. The ESA will generally not become involved in the day-to-day management of schools, or the decisions relating to the employment of individual staff, except where the school requests this.

Example

The Board of Governors of a school recruits a new Principal. The Board of Governors has a high degree of professional expertise and experience, so decides to handle all aspects of the recruitment process, including advertisements, interviews and selection of the appropriate candidate, 'in-house'. They do this independently of the ESA, but within the guidelines for all appointments, set by the ESA.

This is likely to be acceptable under MSA arrangements for a school placed on the continuum of autonomy at a point where it will have high operational autonomy.

Example

A new primary school requires a grounds maintenance worker. The school and Board of Governors are still in the process of building up their professional expertise, and the school has agreed that it should be placed on the continuum of autonomy at a point where it has relatively little operational autonomy, and receives a high level of support from the ESA.

The Board of Governors choose to make use of the support services provided by the ESA, and make a request for a grounds maintenance worker to be recruited for the school. The ESA makes all the necessary arrangements for the appointment to be made, with minimal involvement required from the school.

This is likely to be acceptable under MSA arrangements for a school placed low on the continuum of autonomy.

There will be a clear accountability framework and a management scheme that will make it clear that employer decisions are for the Board of Governors alone. ESA will have no role in approving such decisions, but will have a power to challenge schools where necessary, in order to ensure consistency and propriety in the discharge of the employer role.

These arrangements will help to ensure that schools will have as much involvement in the recruitment process for their staff as they wish, in order to ensure that the staff working in the school are the best possible to meet the particular needs of the parents and young people who use their services. Similarly, schools that prefer to have minimal involvement in some appointments will be free to ask the ESA to carry out the majority of the necessary work involved in recruitment, therefore freeing school-based staff to concentrate in service delivery to parents and young people.

The School Library Service

The School Library Service (SLS) is a statutory service, that provides a centralised support service to school libraries and also works closely with the Curriculum Advisory Support Service (CASS) and other services in each Education and Library Board. It provides a number of advice and support services in addition to purchasing book stock for libraries. It makes a significant contribution to the wider educational objective of raising standards, by stimulating an interest in reading and helping to compensate where there is a poor home learning environment by providing study facilities and access to ICT.

Under the RPA, the SLS and its staff will transfer to the ESA. As with all staff transferred as a result of the Review, SLS posts will be protected under TUPE arrangements.

The SLS will maintain close links with the new regional public library authority established by the Department for Culture, Arts and Leisure, and the links between the two services will be determined by the respective parent Departments and implemented through a Service Level Agreement.

Some stakeholders have asked for consideration to be given to the name of the service, which some have suggested should change to 'Education Library Service' to better reflect its role and responsibilities. The ESA will give consideration to the appropriate name for this service following the implementation of the RPA.

School Improvement

There are currently no specific school improvement provisions in education legislation here; the Department currently relies on a broad general duty to

provide an effective education. Under the RPA, this will be strengthened, by establishing specific duties in relation to school improvement.

Under the new arrangements, the Department will be accountable to government for the overall performance of the education system and for monitoring the effectiveness of the ESA's work in regard to school improvement, while the ESA will be responsible for monitoring the performance of individual schools, for challenging performance and for providing the required support, especially to under-performing schools.

Where a school is performing very well, the ESA will have incentives available to it to encourage it to share their best practice with others. It will also have the power to intervene in a graduated manner, where necessary, to tackle under-performance in schools.

School principals and Boards of Governors will be responsible for the quality of education in school and the standards attained by pupils, and Boards of Governors will be placed under a general duty to promote high quality and standards. The emphasis will be on self-evaluation and self-improvement, supported by the ESA.

These changes will help to give focus to the work already carried out throughout the sector, particularly in schools, to improve schools and the education service provided by them, therefore giving benefits to schools, parents and young people.

Youth Services

Youth services are an important form of non-formal education which reinforce, supplement and complement formal and statutory education, and are particularly important in regard to their unique ability to reach the most socially disadvantaged children and young people in our society. They make a huge contribution to the vision for education by engaging with children and young people, helping them to achieve better outcomes, and creating opportunities for children of all backgrounds to participate in decision-making and to make a contribution to their community.

The vision for education is "To educate the young people of Northern Ireland to the highest possible standards, providing equality of access for all."

As such, the youth service is an important part of the education sector, and is a central part of the changes the Review will bring.

Youth services will remain the responsibility of the Department of Education and the ESA will assume the youth service functions of the five Education and Library Boards and the Youth Council for Northern Ireland as part of the RPA changes.

As with statutory education, the Department of Education's role in relation to youth services will be a high-level one under the RPA, with operational functions delegated to the ESA.

The Department will have a duty in respect of ensuring that youth service provision is in place as well as maintaining funding arrangements for it. It will also set the age range for youth services, the policy, standards and long term objectives for the sector, and will ensure that the outcomes expected of the sector are linked to the outcomes of the Office of the First Minister and Deputy First Minister 10 year Strategy for Children and Young People.

The Department will also continue to chair the Youth Service Liaison Forum, which will assist the Department in planning and delivering youth strategy.

The ESA will have an operational role in respect of youth services. It will be given a statutory duty to secure the delivery of youth services, in the same way as other formal and non-formal education services. It will also have a duty to establish, fund and maintain youth services according to the Department's strategic plans for the sector.

The ESA will prepare and publish a plan for the provision of youth services, which it will review annually, and modify or rewrite as necessary. The Department will have a right to direct the way in which the plan for youth services is to be published by the ESA and may also make a direction as to who the ESA must consult when drawing up the plan.

The ESA will work in partnership with voluntary organisations to identify and meet needs on an area basis, and will maintain a list of all organisations registered for youth service delivery. It will also establish, support and monitor a Northern Ireland Network for Youth, which will ensure that the voice of young people reaches government and the youth service.

The Director of Children's Services

An important new development that will be brought about by the Review will be the establishment of the role of a Director of Children's Services. The creation of this new role was announced as part of the outcome of the RPA in November 2005, and work has been ongoing within the Department to develop this concept and determine the exact nature of the role. While similar arrangements are in place elsewhere, this post is being developed specifically to meet needs here, and will be unique to our education system.

The ESA will appoint a Director of Children's Services, who will work closely together with other partners such as health and social services, criminal justice system, PSNI and local district councils to develop arrangements for the better integration of services to children.

The Department for Health, Social Services and Public Safety is currently developing proposals for the establishment of a Safeguarding Board for

Northern Ireland. The ESA will be a key member of this Board and it is likely that this will be an important role for the Director for Children's Services.

The Department has welcomed the proposals put forward by stakeholders for a regional Children and Young people's strategic partnership and will consider how this might be implemented in conjunction with colleagues in other Departments. The Department will also need to consider how this proposal might be developed in the context of an evolving community planning process.

The introduction of a District Council-led community planning process is a key part of the overall RPA proposals and is seen as an important mechanism for facilitating local input into the decision-making process for local services. While it is a process that is likely to take a number of years to evolve, even after the new Council structure is in place, the Director of Children's Services will be the key contact on community planning within the ESA and should work to develop local partnership arrangements now that are capable of linking into the community planning process in each local council area as it evolves in the coming years.

The Education Advisory Forum

Following the implementation of the RPA, the Department and the ESA will need access to sources of information and advice from throughout the sector, in order to carry out their respective roles. One important source of information and advice will be an Education Advisory Form (EAF), which will be established in legislation, and will act as a unified advisory interface between the Department and the education sector.

The EAF will be an important body in helping to achieve the vision for education. The purpose of the forum will be to bring together expertise and knowledge from across and throughout the education sector, to work co-operatively for the good of the sector as a whole. This will be in addition to work carried out separately by sectoral support bodies and others, for individual sectoral interests.

The Forum will be operationally autonomous from the Department of Education. It will receive its funding from the Department and will have a modest secretariat seconded from the Department.

The chair of the EAF is likely to be appointed by the Minister for Education and membership will include representatives from a wide range of groups with a vested interest in the education system, including pupils, parents, teachers, employers, Trade Unions and the education sectors. The latter group will include representatives from the Transferor's Representative Council, Catholic Trustees, the Integrated and Irish-medium sectors and voluntary grammar schools. Although the publicly owned schools sector does not currently have a single representative voice, the Department is working with the sector so that arrangements can be put into place to enable these schools to participate effectively within the EAF when it is established.

The Department is also giving consideration as to the best way to ensure that the parents and young people can be effectively represented within the forum which will be an important opportunity for representatives for parents and young people to influence government policy on education.

The Department recognises that flexibility of membership will key to the success of the EAF. In a modern education sector, it is essential that the EAF will reflect modern life, and modern concepts. For example, the Department is currently considering arrangements whereby the EAF could enable non-members to take part in specific debates, therefore harnessing additional expert knowledge and experience as necessary.

While the EAF will be a major source of advice for the Department, it will also be able to draw on other sources of advice such as the ETI, the ESA, Assembly Committees and individual sectoral support bodies.

Chapter Three: Schools

Audience

This chapter is written primarily for the following groups, and is written using language and terminology familiar to them. Others may find this chapter useful in gaining a better understanding of how the RPA will affect these groups:

- Principals
- Boards of Governors
- Teaching and non-teaching staff
- Other interests, such as bursars
- Representative bodies for the above groups

Introduction

The education sector here is widely recognised as a very successful and positive place for children and young people to grow, develop, and prepare for adult life. Schools, their staff, Board of Governors, parents, pupils and others involved at the front-line of the education service here therefore deserve recognition for the excellent service provided, which our whole society benefits from. Without this core front-line service, the vision for education would be impossible to achieve.

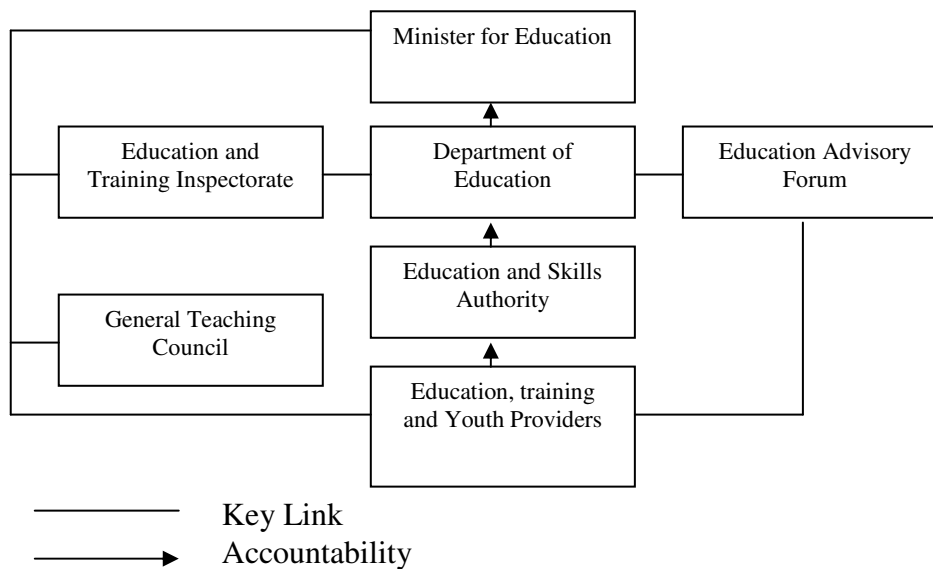
The central focus of the RPA changes is on raising the quality of education here still further, through the creation of a policy and administrative framework that fosters and supports schools as the main drivers of educational improvement, enabling them to achieve greater autonomy and assume enhanced responsibility for raising standards of teaching and learning.

Changes in administration

The new education sector structure will be significantly more streamlined than it is at present, and roles and responsibilities of the component organisations will be clearly defined.

Under the RPA arrangements, the Department of Education will set the policy and strategy for the education sector, which a new organisation called the Education and Skills Authority (ESA) will then work to implement through service delivery. The majority of administrative functions within the sector will be carried out either by the ESA, or by schools under a system of Maximised Supported Autonomy (MSA), with support from the ESA.

The new education structure



What will the ESA do?

In addition to assuming some operational functions currently carried out by the Department, the ESA will also take over the functions currently carried out by the:

- Education and Library Boards;
- Council for the Curriculum, Examinations and Assessments; and
- Regional Training Unit
- Staff Commission for Education and Library Boards

It will also be responsible for the front-line support functions currently carried out by the:

- Council for Catholic Maintained Schools;
- Northern Ireland Council for Integrated Education; and
- Comhairle na Gaelscolaíochta

The ESA will be the main administrative body for the education sector, and the primary source of support for schools.

Maximised Supported Autonomy for schools

The relationship between schools and the ESA will be very different from the one they had with the Education and Library Boards. It will change from a 'command and control' relationship to support and hold to account, with schools having the opportunity to have more management freedom, under a system of Maximised Supported Autonomy (MSA) that will be introduced as part of the Review.

MSA will mean that administrative and management functions will be delegated to the lowest possible level within the education sector, so that key functions and decisions, such as those relating to the employment of teaching staff, and the spending of school's budgets, will be carried out by those who know best what is needed at the 'coal face' of education, rather than being made at a higher, more removed level. With support from the ESA, this will help to ensure the best possible level of service and value for money.

All schools will be placed on a continuum of autonomy, based on their skills and experience in administration and management. Initially, it is likely that schools will be placed on the continuum at a point which best describes their current (pre-RPA) level of autonomy. Therefore, schools with high levels of autonomy will be able to retain it, while schools that currently have lower levels of autonomy will not feel 'out of their depth', by being asked to take on a lot of new responsibilities at an early stage. Schools will be supported by the ESA in building their level of expertise and moving along the continuum over time.

This will enable schools to take control of their own administrative and management decisions where they feel able to do so, and to work to improve their ability to do so over time, with the support of the ESA.

The Continuum of Autonomy

A team within the Department is currently working on a model of the continuum of autonomy. The continuum is likely to consist of a 'sliding scale' of indicative behaviours and management functions; the more of which a school displays or is capable of displaying, the further along the continuum it can be placed.

The work being carried out by this team will involve close co-operation with both the ESA and schools throughout the sector. Over time, the Department will continue to monitor the effectiveness of the model and its component indicators; adjusting it where necessary as schools' management practice and technology develops over time at their own pace.

The Department will put in place a policy and high level strategy, setting out the objective that all schools should be supported by the ESA to progress along the continuum of autonomy over time.

Example

A small school currently has few resources to dedicate to administration or to develop administrative expertise. In the past, the school relied heavily on the support of its Education and Library Board for administrative functions such as procurement and recruitment. Although the school wants to build professional capacity over time, it wishes to continue receiving a high level of support from the ESA for the time being, and is concerned that the MSA arrangements will push too much responsibility onto the Board of Governors before they are ready to assume this role.

This school is likely to agree with the ESA that it should be placed on the continuum of autonomy at a point where it has a low level of autonomy, and will receive a high level of professional support from the ESA. As well as receiving professional support in administration, the school will also receive support to build on its professional capacity and operational autonomy, therefore moving along the continuum over time.

Example

A school currently operates with a high degree of operational autonomy. The Board of Governors has a high level of professional expertise, and generally deals with administrative and management functions such as procurement and recruitment with minimal support from the local Education and Library Board. The school is comfortable with this arrangement, and wishes to ensure that the MSA arrangements will not curb its operational autonomy.

This school is likely to agree with the ESA to be placed on the continuum of autonomy at a point where it will have a large degree of operational autonomy. As with all schools, the ESA will be available to provide support when it is needed, and will assist the school in further developing its professional expertise where this is required.

The ESA will also, when necessary, take action to address poor or bad practices in school management. It is vital that any intervention on the part of the ESA reinforces, rather than undermines, the MSA system

Example

A school has shown a lack of professional capacity in relation to professional administration over a period of time, despite the support services provided by the ESA. The ESA will need to consider how best to address this matter, keeping in mind the need to preserve the spirit of MSA arrangements.

First, it is likely to ask the school to write a report on the situation, and to develop a plan to address the areas of weakness. In this way, the ESA can support the school in taking ownership of the situation and choosing the way in which it is to be addressed. If this is not successful, further, progressive steps may be considered.

The ESA may decide to link the school with another local school that is performing well, in order that it can benefit from their best practices. If an ETI report has been written about the school, the school may be directed to implement the changes recommended in that report.

Only where measures such as these have failed, is the ESA likely to resort to more drastic measures, such as removing the delegation of functions from the school, or replacing members of the Board of Governors.

Support services for schools and Boards of Governors

The Department and the ESA is currently giving consideration as to the best way to prepare and equip school governors and principals in preparation for

MSA and to support them following its implementation. It is likely that the ESA will roll out training sessions and support materials in the months prior to the implementation of the Review, to prepare the ground in advance of the launch of the new way of working. Following the implementation of MSA, the ESA will provide support services as required for schools, and will support schools, over time, to increase their levels of operational autonomy.

The ESA will be placed under a duty to provide or procure a range of support services for all schools. These will include such things as staff recruitment services, procurement for goods and services, training and pay roll services.

In the spirit of the MSA arrangements, the Department is considering how schools can be given appropriate choices in the provision of these professional and administrative support services. Schools which are placed on the continuum of autonomy at a point where they will have a high level of autonomy may wish to use their own expertise to provide or procure some services independently of the ESA. This will be facilitated as much as possible, providing that the school can show that it can achieve better 'value for money' (not just a cheaper price).

Support services for schools – Quality assurance

The Education and Training Inspectorate (ETI) will have the power to inspect all services provided or procured by the ESA that have a direct impact on the quality of teaching and learning. Where such an inspection is carried out, and a report is published, the Department will have the power to direct the ESA to implement the ETI recommendations.

Schools will also be able to challenge the ESA if it is believed that it is in breach of an agreement in relation to the provision of these services.

Financial Management

In keeping with the spirit of MSA, the RPA Legislation will include provisions for the ESA to delegate certain financial responsibilities and freedoms to schools.

Financial management throughout the education sector will be delegated to the lowest reasonable level, within the structure of MSA. The ESA will have greater financial autonomy than the Education and Library Boards currently do, and schools will also be enabled to steadily increase their financial autonomy over time, as they move along the continuum of autonomy.

Schools will be accountable to the ESA for the use of their funding through their Boards of Governors. The Board of the ESA, in turn, will be accountable to its funding Departments and to their respective Ministers, who are accountable to the Assembly.

In exceptional circumstances, such as where there is clear evidence of poor management, the legislation will enable the ESA to remove financial

delegation from a school either in part or in full. It is anticipated that this power will be used very rarely, and only in extreme circumstances.

School Boards of Governors

The Board of Governors of a school plays a vital role in management and administration, and this role will increase under MSA arrangements. There are currently 11 different management compositions of school Boards of Governors prescribed in legislation, so in order to modernise and unify the sector, Governor Categories will now be standardised into four categories:

- **Foundation Governors** (School owners or former owners or their representatives), who normally represent the character and ethos of the school;
- **Community Governors** anyone from the local community, business community or who has a vested interest in a school **and** who can bring specific skills and experience necessary for the effective management of the school;
- **Staff Governors** staff from the school. This category will be extended to include part-time and non-teaching staff; and
- **Parent Governor** elected from among the parents of pupils currently attending the school.

The Department will determine a Code of Practice in regard to the appointment of governors in all four categories. The ESA will appoint Community governors and will also process the appointments of all governors in the other three categories.

The ESA will monitor school performance and improvement, and will intervene if necessary when a school's performance is unsatisfactory. In exceptional circumstances, the ESA will have the power to remove and replace members of a Board of Governors where it is felt that this is necessary to effect improvement within the school. It is the intention that this power would only be exercised where lesser interventions had been tried and had failed to produce the necessary improvements

Sectoral support arrangements

Government values the diversity in the education sector here and will continue to support a variety of different types of school, giving parents real choices. The administrative arrangements for all schools will be streamlined and brought under the auspices of the ESA, but there will continue to be different sectoral interests who have a valuable role to play but will need some professional support in order to do so.

The Department is carrying out work with individual sectors to determine what level of support and capacity each will require under the RPA arrangements.

The role of sectoral interests post-RPA

It is envisaged that sectoral interests will have an important role to play in a number of areas and they will need a degree of professional capacity in order to be effective. The activities for which the sectoral interests may use their professional support include:

- Membership of the Education Advisory Forum
- Representation and advocacy for the sector
- Development and maintenance of sectoral ethos
- Identification and nomination of foundation governors
- Active encouragement of suitable nominees for Community governors
- Participation in area planning for the school's estate
- Engagement and co-operation with other sectors

Funding for sectoral interests

The Department recognises that it must provide funding and support to all sectors, in order to facilitate the role of sectoral interests. The Minister for Education has stated that the support should be “modest”, in order to maximise the funding available to front-line services.

The Department is currently working with each of the sectors to help them develop a business case defining and justifying their support requirements. These business cases will be used as the basis for negotiating an allocation of funding for each sector, taking into account the differing needs, roles and responsibilities of each.

Once indicative allocations have been agreed for each sector, the Department will publish that information.

Each sector will be free to decide how it will use the funding provided by the Department to best serve the interests of the sector under the new arrangements, but within the framework of activities agreed with the Department. This will ensure that arrangements are fit for purpose, and compatible with the ethos and structure of the sector they are catering for.

The Schools' Estate

All the property currently held by the five Education and Library Boards, including the controlled schools estate, will initially be transferred to the ESA under the RPA, although options for the long term ownership of the controlled schools estate are currently under consideration. The ownership of other schools will not change.

The ESA will have a duty to plan for the whole school's estate on an area basis on the behalf of, and within guidance provided by, the Department. In carrying out the planning process, the ESA will consult with elected representatives, local communities and sectoral support bodies as appropriate to determine the number, size, composition and location of schools needed in

each area. Development proposals for a school or group of schools will only be published if they are consistent with the ESA's area plans.

The ESA will also be responsible for co-ordinating work on the evaluation of investment and rationalisation options and will prepare a long-term Strategic Investment Plan (SIP) for each local area.

The Department will also give the ESA guidance on appraisals, development proposals and investment plans. While the ESA will manage this work on a day-to-day basis, ultimate responsibility for the approval of these measures will remain with the Department.

Procurement for capital development and maintenance

The ESA will have responsibility on behalf of the Department for the procurement of suppliers for all capital schemes. It is the intention that the ESA will implement long-term contractual relationships with fewer suppliers than at present for all capital development and for maintenance, and the ESA will become a recognised Centre of Procurement Expertise (COPE).

Initially Framework Agreements will be introduced and longer-term strategic partnering arrangements may be considered once the ESA is fully established.

Under this system, school sectors will be able to call off suppliers as required, from lists held and maintained by the ESA, and will be assisted as necessary by the ESA in doing so. This will help to achieve better value for money and ensure that all capital schemes are subject to a consistent contract management regime.

Capital Development

The existing arrangements where voluntary and maintained schools have to first raise the funds to pay for capital development works, before having it refunded by the Department at a later date, will be brought to an end by the Review. The ESA will now be responsible for meeting the costs of all capital schemes approved and funded by the Department. This will help to ensure that all schools have equal access to capital development, regardless of the type or ownership of the school. An agreement will then be put in place between the ESA and the school for the school to pay its share of the costs back to the ESA.

Capital schemes which will begin prior to April 2008, but will continue past that date, will be subject to transitional arrangements. It is the intention that, if possible, these schemes will be run under the new arrangements, so that from April 2008, all capital schemes will be run under the new arrangements, regardless of the date they began.

Asset Management Plans are being developed for the school's estate, which will help to determine capital investment priorities and maintenance

investment plans for the entire schools estate. It has been decided that additional responsibility for maintenance will not be delegated to schools at this stage, as the system of asset management and estate maintenance is not sufficiently mature as yet.

The Employer and Employing Authority roles

The November 2005 announcement on the RPA included the decision that the roles of 'employing authority' and 'employer' would be separated under the RPA arrangements.

The ESA will be the single *employing authority* for all teaching and non-teaching staff in all schools, while Schools will continue to have an *employer* role for their own staff, which means that the Board of Governors will continue to take all decisions about staff appointments; deciding what posts need to be filled, conducting interviews, selecting the successful candidate etc. The employing authority role of the ESA will put common employment practices and policies into place across the sector and bring increased potential for deployment, redeployment and joint appointments for teaching and non-teaching staff.

Example

A small rural post-primary school requires a replacement for their English teacher who retires this year. Due to the size of the school, this post is part-time. A large urban post-primary school in the same area also requires an additional English teacher. Previously, one of the teaching staff had taught both Computing and English. As more pupils are now studying Computing, he is no longer able to take English classes as well. As there are two other English teachers at the school, this is likely to be a part-time post.

The schools, with the support of the ESA, come to an agreement that a single joint appointment should be made. The teacher will spend three days per week at the rural school, and two at the urban school. This meets the needs of both schools, and brings the added benefit of increased sharing of best practice and understanding between the schools, their teaching staff and pupils.

The Department will make regulations to place the employing authority function with the ESA, and to prescribe that the ESA will delegate the employer functions to schools.

The term 'Employing authority' includes 'collective' functions such as determining terms and conditions of employment, negotiations with trade unions and strategic workforce planning. It does not include day-to-day or individual management functions or decisions.

The term 'Employer' includes school specific functions such as recruitment, promotion, discipline, dismissal and performance appraisals. It reflects the role of the school in managing individual and groups of staff on a day-to-day basis.

As all schools will be placed on the continuum of autonomy under the new Maximised Supported Autonomy arrangements, individual schools will be able to choose how much support they require from the ESA in discharging their employer role. The ESA will generally not become involved in the day-to-day management of schools, or the decisions relating to the employment of individual staff, except where the school requests this.

Example

The Board of Governors of a school recruits a new Principal. The Board of Governors has a high degree of professional expertise and experience, so decides to handle all aspects of the recruitment process, including advertisements, interviews and selection of the appropriate candidate, 'in-house'. They do this independently of the ESA, but within the guidelines for all appointments, set by the ESA.

This is likely to be acceptable under MSA arrangements for a school placed on the continuum of autonomy at a point where it will have high operational autonomy.

Example

A new primary school requires a grounds maintenance worker. The school and Board of Governors are still in the process of building up their professional expertise, and the school has agreed that it should be placed on the continuum of autonomy at a point where it has relatively little operational autonomy, and receives a high level of support from the ESA.

The Board of Governors choose to make use of the support services provided by the ESA, and make a request for a grounds maintenance worker to be recruited for the school. The ESA makes all the necessary arrangements for the appointment to be made, with minimal involvement required from the school.

This is likely to be acceptable under MSA arrangements for a school placed low on the continuum of autonomy.

The role of Boards of Governors in relation to personnel and employment issues will be an empowered and autonomous one, complemented by the support role provided by the ESA. There will be a clear accountability framework and a management scheme which schools will be required to implement. This scheme will make it clear that employer decisions are for the Board of Governors alone. ESA will have no role in approving such decisions, but will have a power to challenge schools where necessary, in order to ensure consistency and propriety in the discharge of the employer role.

The Department's regulations to place the employing authority function with the ESA, and to prescribe the delegation of employer functions to schools will also make provision for the withdrawal of this delegation in extreme circumstances, where there is impropriety, or where intervention to tackle poor performance has failed. It is intended that this power will be used extremely

rarely, and even then, only temporarily, pending fresh appointments to the Board of Governors.

Both the ESA and Boards of Governors will carry responsibility for employment law matters. The current provisions giving Education and Library Boards the right to be joined in legal proceedings against Boards of Governors on employment matters will be retained in an amended form for the ESA. This is to ensure that the ESA can defend the interests of the public purse in these cases.

School Improvement

There are currently no specific school improvement provisions in education legislation here; the Department currently relies on a broad general duty to provide an effective education. Under the RPA, this will be strengthened, by establishing specific duties in relation to school improvement.

Under the new arrangements, the Department will be accountable to government for the overall performance of the education system and for monitoring the effectiveness of the ESA's work in regard to school improvement.

The ESA will be responsible for monitoring the performance of individual schools, for challenging performance and for providing the required support, especially to under-performing schools.

Where a school is performing very well, the ESA will have incentives available to it to encourage it to share their best practice with others. It will also have the power to intervene in a graduated manner, where necessary to tackle under-performance in schools. The Department may also take more stringent powers in the legislation, in order to intervene further where intervention by the ESA has failed.

School principals and Boards of Governors will be responsible for the quality of education in school and the standards attained by pupils, and Boards of Governors will be placed under a general duty to promote high quality and standards. The emphasis will be on self-evaluation and self-improvement, supported by the ESA.

There will be a common set of Performance Indicators applied by the school and the ESA, using benchmarked information on the indicators against schools of a similar type and size. There will be regular meetings between the ESA, the school principal and the Board of Governors to discuss the school's performance against the Performance Indicators as part of the ongoing school improvement process.

The Director of Children's Services

An important new development that will be brought about by the Review will be the establishment of the role of a Director of Children's Services. The creation of this new role was announced as part of the outcome of the RPA in November 2005, and work has been ongoing within the Department to develop this concept and determine the exact nature of the role. While similar arrangements are in place elsewhere, this post is being developed specifically to meet needs here, and will be unique to our education system.

The ESA will appoint a Director of Children's Services, who will work closely together with other partners such as health and social services, criminal justice system, PSNI and local district councils to develop arrangements for the better integration of services to children.

The Department for Health, Social Services and Public Safety is currently developing proposals for the establishment of a Safeguarding Board for Northern Ireland. The ESA will be a key member of this Board and it is likely that this will be an important role for the Director for Children's Services.

The Department has welcomed the proposals put forward by stakeholders for a regional Children and Young people's strategic partnership and will consider how this might be implemented in conjunction with colleagues in other Departments. The Department will also need to consider how this proposal might be developed in the context of an evolving community planning process.

The introduction of a District Council-led community planning process is a key part of the overall RPA proposals and is seen as an important mechanism for facilitating local input into the decision-making process for local services. While it is a process that is likely to take a number of years to evolve, even after the new Council structure is in place, the Director of Children's Services will be the key contact on community planning within the ESA and should work to develop local partnership arrangements now that are capable of linking into the community planning process in each local council area as it evolves in the coming years.

Chapter Four: Sectoral Interests

Audience

This chapter is written primarily for the following groups, and is written using language and terminology familiar to these groups. Others may find this chapter useful in gaining a better understanding of how the RPA will affect these groups:

- Current sectoral organisations such as the TRC, NICIE, CnaG, GBA and CCMS;
- Schools within each of the education sectors, including the controlled sector which does not have a representative organisation at present;
- Churches; and
- Other representative groups or organisations associated with the different sectors

Introduction

Many schools define themselves in terms of ownership, the type of education provided, or the ethos of the school; for example, Irish medium, Catholic maintained or Integrated. Groups defined in this way can be referred to as sectors. A variety of organisations exist to support, promote and represent these sectors, and these are referred to as sectoral interests.

Across the education system, there are a number of sectoral interests which have a special interest and relationship with schools, youth organisations and other educational facilities. These organisations have grown up over a period of time, and as a result, vary widely in status, remit, funding and in their relationships with the Department, government and the education system generally. Despite the differences between sectoral interests, the Department recognises that all contribute significantly to the education system, and the vision for education which is “To educate the young people of Northern Ireland to the highest possible standards, providing equality of access for all.”

The Vision for Education

The vision for education is “To educate the young people of Northern Ireland to the highest possible standards, providing equality of access for all.”

Changes for Sectoral Interests

The Review of Public Administration is an opportunity to reform relationships with and between all sectoral interests, and address differences and inequalities in terms of status, funding and remit. This is in line with the Vision for education, and will help to ensure that all sectors are represented adequately, and treated in a consistent and equitable manner.

It has been accepted that the ESA will assume front line support and related functions that are currently carried out by some sectoral interests; but in recognition of the valuable contribution made by the different sectors and the

benefit to be derived from their continued involvement in education here, the Department is to provide modest financial support to all sectors to engage the professional support they need to effectively participate in the new arrangements.

The Department is currently working with sectoral interests to determine the nature, form and quantum of this support.

The role of sectoral interests post-RPA

It is envisaged that sectoral interests will have an important role to play in a number of areas and they will need a degree of professional capacity in order to be effective. The activities for which sectoral interests may use this professional support will include:

- Membership of the Education Advisory Forum
- Representation and advocacy for the sector
- Development and maintenance of sectoral ethos
- Identification and nomination of foundation governors
- Active encouragement of suitable nominees for Community governors
- Participation in area planning for the school's estate
- Engagement and co-operation with other sectors

Funding for sectoral interests

The Department recognises that it must provide funding and support to all sectors, in order to facilitate the role of sectoral interests. The Minister for Education has stated that the support should be “modest”, in order to maximise the funding available to front-line services.

The Department is currently working with each of the sectors to help them develop a business case defining and justifying their support requirements. These business cases will be used as the basis for negotiating an allocation of funding for each sector.

Once indicative allocations have been agreed for each sector, the Department will publish that information.

Each sector will be free to decide how it will use the funding provided by the Department to best serve the interests of the sector under the new arrangements, but within the framework of activities agreed with the Department. This will ensure that arrangements are fit for purpose, and compatible with the ethos and structure of the sector they are catering for.

The Controlled sector

The Controlled schools sector is the only sector which does not have an identifiable sectoral interest currently in place. Although the Transferor's Representative Council acts as a voice for transferred schools, which is a sub-set within the sector, they are not the only voice of the sector. These schools

currently lack the shared sense of identity and ownership that other sectors enjoy and benefit from.

It is important that this large and important group of schools is given the same opportunity to access sectoral support as other sectors under the Review. The Department is undertaking work to explore how best this might be achieved.

Changes for the Transferor Churches

The Transferor Churches currently have a right to nominate representatives to the Boards of Governors of controlled schools. This right came into existence when the Protestant churches transferred a number of schools under their ownership into state control a number of years ago.

Under the Review, the Transferor Churches will maintain a right to nominate representatives to those schools which they originally owned and transferred, but there is some question as to whether the Transferor Churches have a continuing right to nominate representatives to controlled schools which they did not previously own or transfer. This is because the law now prohibits legislation from including a provision which discriminates against a class of persons on the grounds of religious belief or political opinion. The Department recognises the contribution that the Transferor Churches have made to the education sector through representation of the boards of Governors of controlled schools, and will ensure that Transferor churches will have an opportunity to present their case to justify the retention of their current rights and this will be considered in the context of the current legal advice.

In terms of sectoral support, the Department recognises the Transferor Representative's Council (TRC) as a leading voice within the controlled sector and a sub-set of that sector needing professional support in its own right. Therefore, while it is recognised that the TRC will work within the wider family of publicly owned schools, the Department will provide separate funding to the TRC as the representative body of a defined sub-set of schools within that sector.

Changes for the Catholic Maintained sector

Currently, the Council for Catholic Maintained Schools (CCMS) operates on a statutory basis, and is therefore recognised as a statutory body or NDPB. Under the Review, all sectors are to be represented and treated in a consistent and equitable manner, so this statutory role will be repealed and CCMS as a statutory body will cease to exist. The Department will provide support to the Catholic Trustees to engage the necessary professional capacity to discharge their role as a sectoral interest.

As the ownership of the schools estate will not change under the Review (other than the transfer of controlled schools from Education and Library Boards to the ESA), the Catholic Trustees will continue to differ slightly from some of the other sectoral interests, as they will continue to have duties as the

owners of a large proportion of the schools estate. The Department recognises this, and will provide support accordingly.

Integrated, Irish-medium and Voluntary Grammar Sectors

The legislative changes brought about by the RPA will have no impact on the representative organisations for the Integrated, Irish-medium and Voluntary Grammar sectors as they were not established in legislation by government, although the funding that some of these organisations currently receive for the delivery of front-line functions will cease, as these functions will transfer to the ESA. Funding will, however, be provided to each sector to engage the appropriate professional capacity it requires, but it will be for the sector to decide how best to structure this support using the funding provided, and the impact this will have on the existing organisations.

Ethos

Under the new arrangements, the four existing types of administrative arrangements for schools will be replaced with one common set of administrative arrangements for all schools delivered through the ESA. All schools will retain their ethos, sectoral identity and descriptors, but these will no longer be associated with different administrative arrangements.

The ownership of schools, other than those in the controlled (or publicly owned) estate will not change.

In this way, the sectoral identity of schools will be preserved and protected throughout and beyond the implementation of the Review.

The administrative arrangements for all schools will be consistent, but the rights for schools to develop their own ethos and values, whether individually or collectively, and the right to use collective descriptors such as 'Catholic' or 'Integrated', will remain unchanged. This is an important and valued aspect of our diverse and progressive education system, and the Review will not weaken this in any way.

The Department understands that ethos is determined, not by the Department or any other outside body, but by Boards of Governors, Principals, staff, parents and pupils and others involved in the work of individual schools, and collectively, schools with a similar ethos can share a sectoral ethos and way of working, based on those beliefs and values. The Department recognises that there are many definitions and interpretations of the term, and it does not seek to impose an ethos or interpretation of the term. The evolution and maintenance of ethos lies very firmly within the remit of individual schools and sector, and neither the ESA nor the Department see it as their role to become involved in this matter.

Area Planning

The ESA will carry out area planning for the schools estate, and, in consultation with the sectors and the wider community, will determine the size, number, composition and location of schools needed in each area. The parameters within which strategic planning will take place will be set in consultation with key stakeholders, including sectoral interests.

Some sectoral interests have perceived potential difficulties regarding an actual or potential conflict of interests if the ESA were to own the current controlled estate, as well as be responsible for area planning. The Department is currently considering this matter, and how any potential conflict of interest can be avoided. The option of transferring ownership outside the ESA is being considered.

Regardless of the ownership of the current controlled estate, the ESA will be placed under a duty by the new legislation to treat all schools fairly and equitably, regardless of ethos or ownership. This will be in addition to existing legislative duties which will be imposed upon the ESA, such as s. 75 of the Northern Ireland Act 1998, which places statutory duty on public authorities "to have due regard" to the need to promote equality of opportunity and "to have regard" to the desirability of promoting good relations between specific groups of people.

Sectoral interests will have a role to play in area planning, and will provide the ESA with valuable advice and information about sectoral needs, trends and demand in specific areas. This will enable the ESA to make fully informed decisions that address the needs of each sector to ensure there is real parental choice within a framework of a strategy to best deliver high quality education to all children and young people.

Where the ESA considers taking an action that will affect a local area, such as a school closure or amalgamation, it will be appropriate for it to further consult with the local elected representatives, communities and relevant sectoral interests. Further work is required to develop appropriate mechanisms to facilitate the consultation.

The Education Advisory Forum (EAF)

A key outcome of the RPA was the announcement that a new body, known as the Education Advisory Forum (EAF) was to be established. The EAF will be based in legislation, and will act as a unified advisory interface between the Department and the education sector. It will bring sectoral interests together to enable them to use their knowledge and expertise to work collaboratively to provide advice and information for the good of the education sector as a whole.

The EAF will be headed by a Chairperson, who will be appointed by the Minister for Education, and its membership will include representatives of parents, teachers, Trade Unions, the Transferor's Representative Council, the Catholic Trustees, Integrated and Irish-medium sectors and voluntary grammar schools. As discussed above, consideration is being given as to how

sectoral interests for publicly owned schools (currently referred to as controlled schools) can participate effectively within the EAF.

The Department is giving specific consideration as to the best way for the voices of parents and young people to be heard in the EAF. It is recognised that flexibility of membership will be key to the success of the Forum, and various methods, such as allowing non-members to take part in specific debates are under active consideration.

Members appointed to the EAF will be expected to use their particular background, knowledge and experiences of the group or sector they represent to help inform discussions. They will not be expected to speak on behalf of, or lobby for, a particular sector. They will be expected to ensure that, where a policy or initiative under consideration may have an impact on their sector that perhaps has not been realised, this is highlighted and taken into account in discussions to allow appropriate advice that includes the views of all sectors to be brought forward.

As the EAF will be a forum, rather than a NDPB or similar body, it will not have permanent premises, but instead will meet regularly at locations which best suit its members. It will, however, have a permanent secretariat seconded from, and based within, the Department. The Department will also provide the necessary funding to support the work of the EAF.

Engagement with the Department of Education

Under the new arrangements, there will be a clear separation between policy development, which will be carried out by the Department, and service delivery, which will be under the remit of the ESA.

The Department will receive advice from a number of sources, including the ESA, the EAF, the Education and Training Inspectorate and Assembly Committees. Sectoral interests will be involved in this process both collectively and collaboratively, through membership of the EAF, and individually, through direct engagement with the Department on specific issues.

One of the high level policy papers published in December 2006 stated that the Department would develop policy and “decide if and when the ESA (or others) should be involved or engaged”. This statement is intended to broaden the scope for engagement, rather than restrict it. The Department will engage with the ESA, sectoral interests and others as required in legislation, but may also decide to engage these organisations and others prior to, or in addition to, formal or statutory consultation.

In addition to work carried out within the EAF, sectoral interests will to have direct contact with the Department to lobby government on behalf of their sector about specific issues which are of particular interest or concern for the sector. This is recognised by the Department as a legitimate function of sectoral interests and one that is entirely separate from membership of the EAF. As such, sectoral interests will receive funding, as described above, for

an agreed range of functions that will complement, but not overlap, with ESA and EAF functions.

Example

Mark is a member of a sectoral support organisation. He is also a member of the EAF. The EAF has been debating the Department's long term proposals for the extended schools policy.

Although Mark believes the policy proposals are sound, and will benefit the education sector as a whole, there are some issues specific to his sector that he has concerns about, and would like the Department to address.

Mark discusses his opinions regarding the proposals at the EAF, in relation to the education sector as a whole, and also objectively in relation to his own sector, based on his knowledge and experience. He also meets separately with other representatives of his sector to discuss the specific issues relating to that sector. As the EAF is a collaborative body, it would not be appropriate for Mark to lobby on the behalf of any specific sector at that forum, so he writes to the Department on behalf of the sectoral body itself, setting out his concerns, and asking for a meeting to discuss them further.

This is likely to be a reasonable way in which Mark can balance his responsibilities to the education sector as a whole (through membership of the EAF) and to his own specific sector (through the sectoral support body).

Chapter Five: Education Administration

Audience

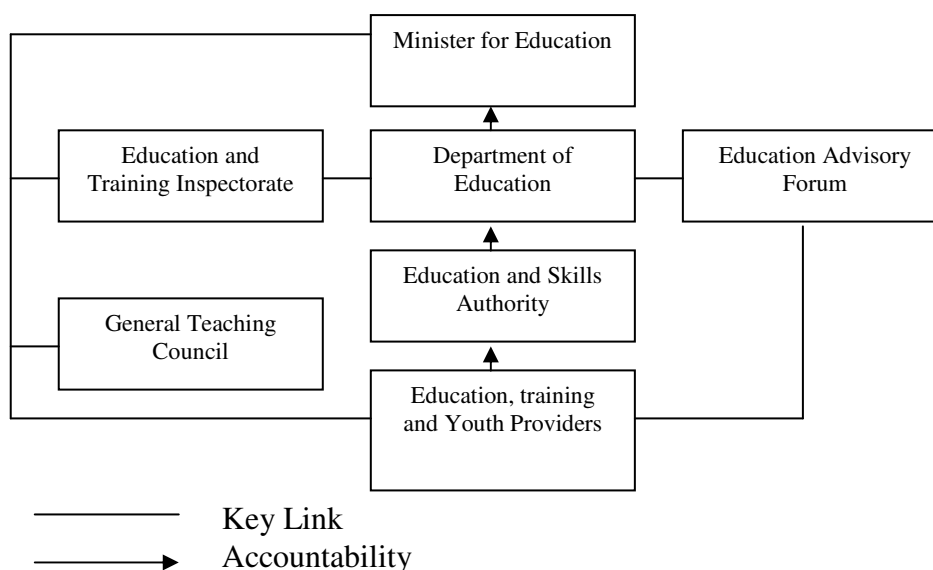
This chapter is written primarily for the following groups, and is written using language and terminology familiar to them. Others may find this chapter useful in gaining a better understanding of how the RPA will affect these groups:

- Northern Ireland Civil Service, in particular the Department of Education;
- Northern Ireland Assembly;
- Government interests;
- Staff currently working in the:
 - o Education and Library Boards;
 - o Council for the Curriculum, Examinations and Assessments;
 - o Regional Training Unit;
 - o Council for Catholic Maintained Schools;
 - o Northern Ireland Council for Integrated Education;
 - o Comhairle na Gaelscolaiochta; and
 - o Staff Commission for Education and Library Boards; and
- Representative bodies for the above groups.

Introduction

The administration of education here is currently carried out by a large number of different organisations, including the Department of Education, the five Education and Library Boards, the Council for the Curriculum, Examinations and Assessments, the Council for Catholic Maintained Schools, the Northern Ireland Council for Integrated Education, Comhairle na Gaelscolaiochta etc. Under the RPA, this administrative structure will be modernised and streamlined. There will be fewer bodies involved in the administration of education, and the roles of each body involved will be more clearly defined than it is at present.

The new education structure



Under the RPA arrangements, the Department will focus on strategy and policy for the sector, while the majority of administrative functions will be carried out either by the ESA, or by schools under a system of Maximised Supported Autonomy (MSA), with support from the ESA.

The changes to the administrative structures under the Review will make a significant contribution towards the vision for education in two main ways; by improving and streamlining the administration of the education sector, more money will be released for front-line services; and secondly by enabling better opportunities to influence how education is delivered, both locally, with Boards of Governors who have greater freedom in schools, and regionally through the establishment of the Education Advisory Forum (EAF).

Changes in administration

Under the RPA, all aspects of administration within the education sector will experience change in different ways. While some of this may be uncomfortable at first, the Department is confident that these changes will bring benefits to the entire sector, including those working in administration.

The new education sector structure will be significantly more streamlined than it is at present, and roles and responsibilities of the component organisations will be clearly defined.

Under the new arrangements, there will be a clear separation between policy formulation and operational delivery. The Department of Education will focus on strategy, policy development and on the translation of policy into improved outcomes at the front line, while the ESA will concentrate on operational delivery and supporting education and youth providers.

The Department of Education

The Department will focus on:

- setting the overall strategic direction of the education and youth sector;
- setting policy, priorities and standards for schools and youth services;
- allocating and monitoring resources; and
- ensuring the efficient and effective delivery of services by the new ESA

As a result of this adjustment in focus for the Department certain functions will transfer from the Department to the new Education and Skills Authority.

The Education and Skills Authority

In addition to assuming operational functions formerly carried out by the Department, the ESA will take over the functions currently carried out by the:

- Education and Library Boards;
- Council for the Curriculum, Examinations and Assessments; and
- Regional Training Unit
- Staff Commission for Education and Library Boards

It will also be responsible for the front-line support functions currently carried out by the:

- Council for Catholic Maintained Schools;
- Northern Ireland Council for Integrated Education; and
- Comhairle na Gaelscolaíochta

The ESA will focus on

- funding and providing support services to all schools
- delivering school improvement programmes
- monitoring school performance and intervening as necessary
- strategic planning and procurement of the schools' estate
- advice on curriculum and assessment
- development and delivery of qualifications
- acting as employing authority for teaching and other staff in grant-aided schools

Changes for staff

The reorganisation and streamlining of the administrative bodies here will mean significant changes for most people who currently work in this area. Some organisations will no longer exist after the implementation of the Review, while others will become smaller, and carry out a more streamlined range of services.

The transfer of functions to the ESA will mean that it will be necessary for some staff who work in the affected areas to transfer to the ESA. The general rule is that if a function transfers, staff will transfer with their functions (i.e. the job they do), this will help to ensure that valuable knowledge and expertise is not lost when these functions are relocated, but final decisions on individual transfers are still to be made.

From the beginning of the Review, Government has given a commitment to protect staff interests throughout the change process, and the Department and the ESA are keen to ensure that everything reasonably possible is done in order to safeguard the interests of staff and to make the transition as smooth as possible for everyone involved. As part of the commitment to protect staff interests, the government established the Public Service Commission (PSC) in 2006 to make recommendations on the guiding principles and steps necessary to safeguard the interest of staff and to ensure their smooth transfer to the new organisations established as a result of the RPA, while also ensuring that statutory obligations, such as the Equality obligations under section 75 of the Northern Ireland Act 1998 are also taken into account. The Department and ESA have been working with the PSC in order to ensure that all reasonable steps are taken throughout the change process to safeguard staff and their jobs.

A vacancy control policy is currently in place across the RPA affected group in order to help minimise the risk of redundancies in the sector due to the Review.

The majority of vacancies that will arise in existing organisations are likely to be as a result of natural wastage. No new posts in RPA affected areas should be created unless there is considered to be an inescapable requirement for the post. In other cases, where it is considered that a vacancy must be filled, employers should consider internal sources. Where it is considered that such vacancies must be filled through externally sourced resources, consideration should be given to employment on fixed term contracts, which would expire before the date of transfer, or through the use of secondments.

In addition, where it is determined that there is a need to fill a new, or substantially new, post in a new organisation through an external competition, applications should be sought, in the first instance, from staff employed in the RPA Affected Group. However, there may be exceptional circumstances where this is not appropriate and a decision will be taken to fill a post through a fully open, external competitive process.

Staff who will transfer to the ESA as part of the Review will transfer with their existing pay and terms and conditions in accordance with the Transfer of Undertakings (Protection of Employment) Regulations 2006, commonly referred to as TUPE. Occupational pensions, as well as severance terms will also be protected. New terms and conditions will be developed for new staff joining the ESA through negotiations with Trade Unions side.

More information

The ESA and the Department are currently carrying out work on a convergence programme, to bring together the functions of the administrative bodies within the sector prior to the implementation of the Review and to put in place the practical arrangements for transition. Work is still underway to determine the specific posts that will transfer from each organisation. Until this work is completed, the type and amount of information available about the transfer of functions will continually change, as new decisions are made and more arrangements are put in place. In order to keep staff fully informed, a number of on-line resources are available, which are kept up-to-date with new developments:

A resource of frequently asked questions and answers is maintained on the ESA Implementation Team website at www.esani.org.uk. This includes an up-to-date list of questions regarding the transfer of functions to the ESA.

The Department also has a section of its website dedicated to information about the Review. This can be accessed at www.deni.gov.uk

More information on the Public Service Commission is available on its website at www.pscni.gov.uk

More information about the Office of the Commissioner for Public Appointments and its code principles can be found at www.ocpani.gov.uk

A definition of the RPA affected group is available on the central RPA website at www.rpani.gov.uk. This also contains further links to other Departmental websites.

The Department's relationship with the ESA

Following the implementation of the RPA, there will be a clear demarcation of responsibilities between the Department and the ESA. The Department will set the policy and strategy for the education sector, which the ESA will then work to implement through service delivery. The Department will not become involved in operational functions or the day-to-day running of the ESA. Instead, the Department will have a general duty to ensure that the ESA meets its legislative and policy obligations. These obligations are likely to be built into Management Statements.

The relationship between the Department and the ESA, following the implementation of the RPA, will enable the ESA to be more responsive to the needs of the sector and more flexible in its approach to individual

circumstances and situations. Some functions, such as major capital development proposals, however, will still require the approval of the Department. The degree of flexibility afforded to the ESA will be set out in the Financial Memorandum and management statements drawn up by the Department.

The ESA will be subject to the normal government accounting and accountability rules and will be required to produce a corporate plan and an annual plan. As at present, the Permanent Secretary of the Department will be the primary accounting officer responsible for ensuring propriety and regularity of the use of resources and value for money. The Chief Executive of the ESA, in turn, will be accounting officer on detailed operations.

Governance and Accountability arrangements for the ESA

The ESA will be a modern organisation, established in line with recognised best practice. It will have at its helm a small, highly skilled Board comprising of between 8 to 12 members, led by a Chairperson appointed by the Minister for Education. All appointments to the board will be made on the basis of individual skills and experience, in line with OCPANI¹ principles. The board will be accountable to the Minister for Education for the performance of the ESA, and the Minister in turn will be accountable to the Assembly and its Education Committee, thus ensuring clear and transparent lines of democratic accountability for the performance of the Education system here.

Appointments to the Board will usually last 3 or 4 years (the different terms allowing for continuity of membership), and the performance of the Chairperson and board members will be assessed annually.

In the event of mismanagement, incompetence or impropriety within the board, or if the Minister for Education believes that a member of the ESA board's membership is not conducive to the good management of the ESA, the Minister will have the power to remove that person. This power is likely to be used extremely rarely, and only in exceptional circumstances.

The disqualification of members may also occur in certain circumstances, such as where a member has been convicted of an indictable offence.

Maximised Supported Autonomy for schools

One of the main functions of the ESA will be to support schools under a system of maximised supported autonomy (MSA). MSA will mean that administrative and management functions will be delegated to the lowest possible level within the education sector, so that key functions and decisions, such as those relating to the employment of teaching staff, and the spending of school's budgets, will be carried out by those who know best what is needed at the 'coal face' of education, rather than being made at a higher,

¹ Office of the Commissioner for Public Appointments for Northern Ireland – www.ocpani.gov.uk

more removed level. With support from the ESA, this will help to ensure the best possible level of service and value for money.

Likewise, by delegating administrative and management functions in this way, the Department will be free to focus on strategy and policy, therefore helping to improve the quality of the policies which the education system will run under, and therefore helping to improve the sector as a whole.

All schools will be placed on a continuum of autonomy, based their skills and experience in administration and management. Initially, it is likely that schools will be placed on the continuum at a point which best describes their current (pre-RPA) level of autonomy. Therefore, schools with high levels of autonomy will be able to retain it, while schools that currently have lower levels of autonomy will not feel 'out of their depth', by being asked to take on a lot of new responsibilities at an early stage. Schools will be supported by the ESA in building their level of expertise and moving along the continuum over time at their own pace.

The Continuum of Autonomy

A policy team within the Department is currently working on a model of the continuum of autonomy. The continuum is likely to consist of a 'sliding scale' of indicative behaviours and management functions; the more of which a school displays or is capable of displaying, the further along the continuum it can be placed.

The work being carried out by this team will include close co-operation with both the ESA and schools throughout the sector. Over time, the Department will continue to monitor the effectiveness of the model and its component indicators; adjusting it where necessary as schools' management practice and technology develops over time.

The Department will put in place a policy and high level strategy, setting out the objective that all schools should be supported by the ESA to progress along the continuum of autonomy over time.

Example

A small school currently has few resources to dedicate to administration or to develop administrative expertise. In the past, the school relied heavily on the support of its Education and Library Board for administrative functions such as procurement and recruitment. Although the school wants to build professional capacity over time, it wishes to continue receiving a high level of support from the ESA for the time being, and is concerned that the MSA arrangements will push too much responsibility onto the Board of Governors before they are ready to assume this role.

This school is likely to agree with the ESA that it should be placed on the continuum of autonomy at a point where it has a low level of autonomy, and will receive a high level of professional support from the ESA. As well as receiving professional support in administration, the school will also receive

support to build on its professional capacity and operational autonomy, therefore moving along the continuum over time.

Example

A school currently operates with a high degree of operational autonomy. The Board of Governors has a high level of professional expertise, and generally deals with administrative and management functions such as procurement and recruitment with minimal support from the local Education and Library Board. The school is comfortable with this arrangement, and wishes to ensure that the MSA arrangements will not curb its operational autonomy.

This school is likely to agree with the ESA to be placed on the continuum of autonomy at a point where it will have a large degree of operational autonomy. As with all schools, the ESA will be available to provide support when it is needed, and will assist the school in further developing its professional expertise where this is required.

The ESA will also, when necessary, take action to address poor or bad practices in school management. It is vital that any intervention on the part of the ESA reinforces, rather than undermines, the MSA system

Example

A school has shown a lack of professional capacity in relation to professional administration over a period of time, despite the support services provided by the ESA. The ESA will need to consider how best to address this matter, keeping in mind the need to preserve the spirit of MSA arrangements.

First, it is likely to ask the school to write a report on the situation, and to develop a plan to address the areas of weakness. In this way, the ESA can support the school in taking ownership of the situation and choosing the way in which it is to be addressed. If this is not successful, further, progressive steps may be considered.

The ESA may decide to link the school with another local school that is performing well, in order that it can benefit from their best practices. If an ETI report has been written about the school, the school may be directed to implement the changes recommended in that report.

Only where measures such as these have failed, is the ESA likely to resort to more drastic measures, such as removing the delegation of functions from the school, or replacing members of the Board of Governors.

Support services for schools and Boards of Governors

The Department and the ESA is currently giving consideration as to the best way to prepare and equip school governors and principals in preparation for MSA and to support them following its implementation. It is likely that the ESA will roll out training sessions and support materials in the months prior to the implementation of the Review, to prepare the ground in advance of the launch of the new way of working. Following the implementation of MSA, the ESA will

provide support services as required for schools, and will support schools, over time, to increase their levels of operational autonomy.

The ESA will be placed under a duty to provide or procure a range of support services for all schools. These will include such things as staff recruitment services, procurement for goods and services, training and pay roll services.

In the spirit of the MSA arrangements, the Department is considering how schools can be given appropriate choices in the provision of these professional and administrative support services. Schools which are placed on the continuum of autonomy at a point where they will have a high level of autonomy may wish to use their own expertise to provide or procure some services independently of the ESA. This will be facilitated as much as possible, providing that the school can show that it can achieve better 'value for money' (not just a cheaper price).

Support services for schools – Quality assurance

The Education and Training Inspectorate (ETI) will have the power to inspect all services provided or procured by the ESA that have a direct impact on the quality of teaching and learning. Where such an inspection is carried out, and a report is published, the Department will have the power to direct the ESA to implement the ETI recommendations.

Schools will also be able to challenge the ESA if it is believed that it is in breach of an agreement in relation to the provision of these services.

Financial Management

In keeping with the spirit of MSA, the RPA Legislation will include provisions for the ESA to delegate certain financial responsibilities and freedoms to schools.

Financial management throughout the education sector will be delegated to the lowest reasonable level, within the structure of MSA. In this way, the ESA will have greater financial autonomy than the Education and Library Boards currently do, and schools will also be enabled to steadily increase their financial autonomy over time, as they move along the continuum of autonomy.

Schools will be accountable to the ESA for the use of their funding through their Boards of Governors. The Board of the ESA, in turn, will be accountable to its funding Departments and to their respective Ministers, who are accountable to the Assembly.

In exceptional circumstances, such as where there is clear evidence of poor management, the legislation will enable the ESA to remove financial delegation from a school either in part or in full. It is anticipated that this power will be used very rarely, and only in extreme circumstances.

School Boards of Governors

The Board of Governors of a school plays a vital role in management and administration, and this role will increase under MSA arrangements. There are currently 11 different management compositions of school Boards of Governors prescribed in legislation, so in order to modernise and unify the sector, Governor Categories will now be standardised into four categories:

- **Foundation Governors** (School owners or former owners or their representatives), who normally represent the character and ethos of the school;
- **Community Governors** anyone from the local community, business community or who has a vested interest in a school **and** who can bring specific skills and experience necessary for the effective management of the school;
- **Staff Governors** staff from the school. This category will be extended to include part-time and non-teaching staff; and
- **Parent Governor** elected from among the parents of pupils currently attending the school.

The Department will determine a Code of Practice in regard to the appointment of governors in all four categories. The ESA will play an important role in regard to governor appointments; it will recruit and appoint Community governors and will also process the appointments of all governors in the other three categories.

The ESA will monitor school performance and improvement, and will intervene if necessary when a school's performance is unsatisfactory. In exceptional circumstances, the ESA will have the power to remove and replace members of a Board of Governors where it is felt that this is necessary to effect improvement within the school. It is the intention that this power would only be exercised where lesser interventions had been tried and had failed to produce the necessary improvements

The ownership of schools

The ownership of schools (other than controlled schools) will not change under the Review. The five Education and Library Boards currently have ownership of the controlled schools estate, which will initially transfer to the ESA under the Review.

The Department is currently giving consideration as to where ownership of publicly owned schools should rest in the long term. Issues regarding an actual or perceived conflict of interests have been raised, in circumstances where the ESA were to own the current controlled estate and also be responsible for area planning and funding.

Regardless of where the ownership of these schools will lie under the new arrangements, the RPA legislation will require the ESA to treat all schools equitably, regardless of ownership. This duty will reinforce the equitable

treatment duty placed upon both the Department and the ESA under section 75 of the Northern Ireland Act 1998.

Ethos

While the administrative arrangements for all schools will be consistent, the rights for schools to develop their own ethos and values, whether individually or collectively, and the right to use collective descriptors such as 'Catholic' or 'Integrated', will remain unchanged. This is an important and valued aspect of our diverse and progressive education system, and the Review will not weaken this in any way.

The Department understands that ethos is determined, not by the Department or any other external body, but by Boards of Governors, Principals, staff, parents and pupils and others involved in the work of individual schools. In addition, collectively, schools with a similar ethos can share a collective ethos and way of working, based on their beliefs and values.

The Department recognises that there are many definitions and interpretations of the term 'ethos', and does not seek to impose an ethos or interpretation of the term. It is committed to ensuring that, within the new administrative arrangements, the rights of individual schools and groups of schools to develop, maintain, define and interpret their own distinctive ethos is recognised and supported.

New administrative arrangements for schools

The four existing types of administrative arrangements that support the different types of schools here will be replaced with a single set of arrangements, which will be managed centrally by the ESA.

This cohesive structure will help to ensure that the administrative arrangements for all schools will be to the same high standards for all schools, regardless of its ownership, ethos or location. It is anticipated that this arrangement will also lead to economies of scale in administration, and an improvement in the quality of information available to the Department from the sector.

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where the ESA were to own the current controlled estate and also be responsible for area planning and funding.

Regardless of where the ownership of these schools will lie under the new arrangements, the RPA legislation will require the ESA to treat all schools equitably, regardless of ownership. This duty will reinforce the equitable treatment duty placed upon both the Department and the ESA under section 75 of the Northern Ireland Act 1998.

The ESA's operational autonomy

The ESA will have a greater degree of flexibility with its resources than the Education and Library Boards currently have. This will enable it to be more responsive to the needs of the sector and more flexible in its approach to individual circumstances, although some functions, such as major capital development proposals; and working in partnership with others (e.g. in community planning partnerships) will still require the approval of the Department. The degree of flexibility afforded to the ESA will be set out in the Financial Memorandum and management statements drawn up by the Department.

As at present, the Permanent Secretary of the Department will be the primary accounting officer responsible for ensuring propriety and regularity of the use of resources and value for money. The Chief Executive of the ESA, in turn, will be accounting officer on detailed operations.

The ESA as an advisory body

Following the implementation of the Review, the ESA will have a role in providing advice to the Department, which will also receive advice from other sources, including the Education Advisory Forum (EAF), the Education and Training Inspectorate (ETI) and Assembly Committees.

The ESA will also receive advice from sectoral support bodies, the ETI and (through the Department) from the EAF.

The Education Advisory Form (EAF)

Following the implementation of the RPA, the Department and the ESA will need access to sources of information and advice from throughout the sector, in order to carry out their respective roles. One important source of information and advice will be an Education Advisory Form (EAF), which will be established in legislation, and will act as a unified advisory interface between the Department and the education sector.

The EAF will be an important body in helping to achieve the vision for education. The purpose of the forum will be to bring together expertise and knowledge from across and throughout the education sector, to work co-operatively for the good of the sector as a whole. This will be in addition to

work carried out separately by sectoral interests and others, for individual sectors.

The Forum will be operationally autonomous from the Department of Education. It will receive its funding from the Department and will have a modest secretariat seconded from the Department.

The chair of the EAF will be appointed by the Minister for Education and membership will include representatives from a wide range of groups with a vested interest in the education system, including pupils, parents, teachers, employers, Trade Unions and the education sectors. The latter group will include representatives from the Transferor's Representative Council, Catholic Trustees, the Integrated and Irish-medium sectors and voluntary grammar schools. Although the publicly owned schools sector does not currently have a single representative voice, the Department is working with the sector so that arrangements can be put into place to enable these schools to participate effectively within the EAF when it is established. It is also giving consideration as to the best way to ensure that the voices of parents and young people are heard within the forum.

The Department recognises that flexibility of membership will key to the success of the EAF. In a modern education sector, it is essential that the EAF will reflect modern life, and modern concepts. For example, the Department is currently considering arrangements whereby the EAF could enable non-members to take part in specific debates, therefore harnessing additional expert knowledge and experience as necessary.

Although the EAF will be a major source of advice for the Department, it will also be able to draw on other sources of advice such as the ETI, the ESA, Assembly Committees and individual sectoral support bodies.

Sectoral support arrangements

The Review of Public Administration is an opportunity to reform relationships with and between all sectoral interests, and address differences and inequalities in terms of status, funding and remit. This is in line with the Vision for education, and will help to ensure that all sectors are represented adequately, and treated in a consistent and equitable manner.

It has been accepted that the ESA will assume front line support and related functions that are currently carried out by some sectoral interests; but in recognition of the valuable contribution made by the different sectors and the benefit to be derived from their continued involvement in education here, the Department is to provide modest financial support to all sectors to engage the professional support they need to effectively participate in the new arrangements.

The Department is currently working with sectoral interests to determine the nature, form and quantum of this support.

The role of sectoral interests post-RPA

It is envisaged that sectoral interests will have an important role to play in a number of areas and they will need a degree of professional capacity in order to be effective. The activities for which sectoral interests may use their professional support includes:

- Membership of the Education Advisory Forum
- Representation and advocacy for the sector
- Development and maintenance of sectoral ethos
- Identification and nomination of foundation governors
- Active encouragement of suitable nominees for Community governors
- Participation in area planning for the school's estate
- Engagement and co-operation with other sectors

Funding for sectoral interests

The Department recognises that it must provide funding and support to all sectors, in order to facilitate the role of sectoral interests. The Minister for Education has stated that the support should be “modest”, in order to maximise the funding available to front-line services.

The Department is currently working with each of the sectors to help them develop a business case defining and justifying their support requirements. These business cases will be used as the basis for negotiating an allocation of funding for each sector, taking into account the differing needs, roles and responsibilities of each.

Once indicative allocations have been agreed for each sector, the Department will publish that information.

Each sector will be free to decide how it will use the funding provided by the Department to best serve the interests of the sector under the new arrangements, but within the framework of activities agreed with the Department. This will ensure that arrangements are fit for purpose, and compatible with the ethos and structure of the sector they are catering for.

The Schools' Estate

Currently the five Education and Library Boards and the Catholic Trustees own the majority of the Education estate, including schools, youth service buildings and outdoor education centres. All the properties currently held by the Education and Library Boards will transfer initially to the ESA, although options for the long term ownership of the controlled schools estate are currently under consideration. The ownership of other schools will not change.

The ESA will have a duty to plan for the whole school's estate on an area basis on the behalf of, and within guidance provided by, the Department. In carrying out the planning process, the ESA will consult with elected representatives, local communities and sectoral support bodies as appropriate to determine the number, size, composition and location of schools needed in each area. Development proposals for a school or group of schools will only be published if they are consistent with the ESA's area plans.

The ESA will also be responsible for co-ordinating work on the evaluation of investment and rationalisation options and will prepare a long-term Strategic Investment Plan (SIP) for each local area.

The Department will also give the ESA guidance on appraisals, development proposals and investment plans. While the ESA will manage this work on a day-to-day basis, ultimate responsibility for the approval of these measures will remain with the Department.

At present the Education and Library Boards can acquire, hold and dispose of land, with the permission of the Department. The ESA will be given these same powers via the RPA legislation and will also take over the current role of the Education and Library Boards and the Department in relation to the distribution of the proceeds raised after property is disposed of.

Procurement for capital development and maintenance

The ESA will have responsibility on behalf of the Department for the procurement of suppliers for all capital schemes. It is the intention that the ESA will implement long-term contractual relationships with fewer suppliers than at present for all capital development and for maintenance, and the ESA will become a recognised Centre of Procurement Expertise (COPE).

Initially Framework Agreements will be introduced and longer-term strategic partnering arrangements may be considered once the ESA is fully established.

Under this system, school sectors will be able to call off suppliers as required, from lists held and maintained by the ESA, and will be assisted as necessary by the ESA in doing so. This will help to achieve better value for money and ensure that all capital schemes are subject to a consistent contract management regime.

Capital Development

The existing arrangements where voluntary and maintained schools have to first raise the funds to pay for capital development works, before having it refunded by the Department at a later date, will be brought to an end by the Review. The ESA will now be responsible for meeting the costs of all capital schemes approved and funded by the Department. This will help to ensure that all schools have equal access to capital development, regardless of the type or ownership of the school. An agreement will then be put in place

between the ESA and the school for the school to pay its share of the costs back to the ESA.

Capital schemes which will begin prior to April 2008, but will continue past that date, will be subject to transitional arrangements. It is the intention that, if possible, these schemes will be run under the new arrangements, so that from April 2008, all capital schemes will be run under the new arrangements, regardless of the date they began.

Asset Management Plans are being developed for the school's estate, which will help to determine capital investment priorities and maintenance investment plans for the entire schools estate. It has been decided that additional responsibility for maintenance will not be delegated to schools at this stage, as the system of asset management and estate maintenance is not sufficiently mature as yet.

The Employer and Employing Authority roles

The November 2005 announcement on the RPA included the decision that the roles of 'employing authority' and 'employer' would be separated under the RPA arrangements.

The ESA will be the single *employing authority* for all teaching and non-teaching staff in all schools, while schools will continue to have an *employer* role for their own staff. This will put common employment practices and policies into place across the sector and bring increased potential for deployment, redeployment and joint appointments for teaching and non-teaching staff.

The Department will make regulations to place the employing authority function with the ESA, and to prescribe that the ESA will delegate the employer functions to schools.

The term 'Employing authority' includes 'collective' functions such as determining terms and conditions of employment, negotiations with trade unions and strategic workforce planning. It does not include day-to-day or individual management functions or decisions.

The term 'Employer' includes school specific functions such as recruitment, promotion, discipline, dismissal and performance appraisals. It reflects the role of the school in managing individual and groups of staff on a day-to-day basis.

As all schools will be placed on the continuum of autonomy under the new Maximised Supported Autonomy arrangements, individual schools will be able to choose how much support they require from the ESA in discharging their employer role. The ESA will generally not become involved in the day-to-day management of schools, or the decisions relating to the employment of individual staff, except where the school requests this.

Example

The Board of Governors of a school recruits a new Principal. The Board of Governors has a high degree of professional expertise and experience, so decides to handle all aspects of the recruitment process, including advertisements, interviews and selection of the appropriate candidate, 'in-house'. They do this independently of the ESA, but within the guidelines for all appointments, set by the ESA.

This is likely to be acceptable under MSA arrangements for a school placed on the continuum of autonomy at a point where it will have high operational autonomy.

Example

A new primary school requires a grounds maintenance worker. The school and Board of Governors are still in the process of building up their professional expertise, and the school has agreed that it should be placed on the continuum of autonomy at a point where it has relatively little operational autonomy, and receives a high level of support from the ESA.

The Board of Governors choose to make use of the support services provided by the ESA, and make a request for a grounds maintenance worker to be recruited for the school. The ESA makes all the necessary arrangements for the appointment to be made, with minimal involvement required from the school.

This is likely to be acceptable under MSA arrangements for a school placed low on the continuum of autonomy.

The role of Boards of Governors in relation to personnel and employment issues will be an empowered and autonomous one, complemented by the support role provided by the ESA. There will be a clear accountability framework and a management scheme which schools will be required to implement. This scheme will make it clear that employer decisions are for the Board of Governors alone. ESA will have no role in approving such decisions, but will have a power to challenge schools where necessary, in order to ensure consistency and propriety in the discharge of the employer role.

The Department's regulations to place the employing authority function with the ESA, and to prescribe the delegation of employer functions to schools will also make provision for the withdrawal of this delegation in extreme circumstances, where there is impropriety, or where intervention to tackle poor performance has failed. It is intended that this power will be used extremely

rarely, and even then, only temporarily, pending fresh appointments to the Board of Governors.

Both the ESA and Boards of Governors will carry responsibility for employment law matters. The current provisions giving Education and Library Boards the right to be joined in legal proceedings against Boards of Governors on employment matters will be retained in an amended form for the ESA. This is to ensure that the ESA can defend the interests of the public purse in these cases.

The School Library Service

The School Library Service (SLS) is a statutory service, which provides a centralised support service to school libraries and also works closely with the Curriculum Advisory Support Service (CASS) and other services in each Education and Library Board. It provides a number of advice and support services in addition to purchasing book stock for libraries. It makes a significant contribution to the wider educational objective of raising standards, by stimulating an interest in reading and helping to compensate where there is a poor home learning environment by providing study facilities and access to ICT.

Under the RPA, the SLS and its staff will transfer to the ESA. As with all staff transferred as a result of the Review, SLS posts will be protected under TUPE arrangements.

The SLS will maintain close links with the new regional public library authority established by the Department for Culture, Arts and Leisure, and the links between the two services will be determined by the respective parent Departments and implemented through a Service Level Agreement.

Some stakeholders have asked for consideration to be given to the name of the service, which some have suggested should change to 'Education Library Service' to better reflect its role and responsibilities. The ESA will give consideration to the appropriate name for this service following the implementation of the RPA.

Youth Services

Youth services are an important form of non-formal education, engaging with some of the most troubled children in our society, helping them to achieve better outcomes, and creating opportunities for children of all backgrounds to participate in decision-making and to make a contribution to their community. As such, the youth service is an important part of the education sector, and is a central part of the changes the Review will bring.

Youth services will remain the responsibility of the Department and the ESA will assume the youth service functions of the five Education and Library Boards and the Youth Council for Northern Ireland.

The Department of Education's role in relation to youth services will be a high-level one under the RPA, with operational functions delegated to the ESA.

The Department will have a duty in respect of ensuring that youth service provision is in place as well as maintaining funding arrangements for it. It will also set the policy, age range for youth services, the standards and long term objectives for the sector, and will ensure that the outcomes expected of the sector are linked to the outcomes of the Office of the First Minister and Deputy First Minister 10 year Strategy for Children and Young People.

The Department will continue to chair the Youth Service Liaison Forum, which assists the Department in planning and delivering youth strategy.

The ESA will have an operational role in respect of youth services. It will be given a statutory duty to secure the delivery of youth services, in the same way as other formal and non-formal education services. It will also have a duty to establish, fund and maintain youth services according to the Department's strategic plans for the sector.

The ESA will prepare and publish a plan for the provision of youth services, which it will review annually, and modify or rewrite as necessary. The Department will have a right to direct the way in which the plan for youth services is to be published by the ESA and may also make a direction as to who the ESA must consult when drawing up the plan.

The ESA will work in partnership with voluntary organisations to identify and meet needs on an area basis, and will maintain a list of all organisations registered for youth service delivery. It will also establish, support and monitor a Northern Ireland Network for Youth, which will ensure that the voice of young people reaches government and the youth service.

The Education and Training Inspectorate (ETI)

The Education and Training Inspectorate is a vital part of the education sector, and will continue to be under the RPA, playing an essential role in providing independent, expert advice to Departments, the ESA and to education, training and youth providers. It has a unique perspective on the education sector, and expert knowledge of how it operates, and the best practice that exists within it. This makes the role of the Inspectorate as an advisory body one that is essential to improving standards across the sector.

The Inspectorate will remain operationally autonomous from Government Departments, and will continue to have a seat at all Department of Education Board meetings, and will be consulted regarding all major policy decisions taken by the Department. This will help to ensure that the Department has access to independent, expert advice and is fully informed about the potential impact of any proposed policy change at a very early stage.

The Inspectorate will continue to publish inspection reports regularly, and will also publish reports on specific issues and areas, such as a Special Education

provision or Alternative Education provision. These will help to inform and shape the work carried out by the Department in setting the policy for the education sector.

The Inspectorate will also assist the Department in its role of 'empowering and holding to account' the ESA, by evaluating the impact of services provided by the ESA to support the improvement of teaching and learning, and by identifying ways in which improvements could be made. Evidence from these inspections will help to assure the Department and the public of the quality and standard of the services provided.

School Improvement

There are currently no specific school improvement provisions in education legislation here; the Department currently relies on a broad general duty to provide an effective education. Under the RPA, this will be strengthened, by establishing specific duties in relation to school improvement.

Under the new arrangements, the Department will be accountable to government for the overall performance of the education system and for monitoring the effectiveness of the ESA's work in regard to school improvement.

The ESA will be responsible for monitoring the performance of individual schools, for challenging performance and for providing the required support, especially to under-performing schools.

Where a school is performing very well, the ESA will have incentives available to it to encourage it to share their best practice with others. It will also have the power to intervene in a graduated manner, where necessary to tackle under-performance in schools. The Department may also take more stringent powers in the legislation, in order to intervene further where intervention by the ESA has failed.

School principals and Boards of Governors will be responsible for the quality of education in school and the standards attained by pupils, and Boards of Governors will be placed under a general duty to promote high quality and standards. The emphasis will be on self-evaluation and self-improvement, supported by the ESA.

The Department is currently considering how 'quality of education' should be defined. It will seek agreement across the sector on what would constitute a rounded view of this, but it will include assessment and examination performance brought together in a common set of Performance Indicators applied by the school and the ESA, using benchmarked information on the indicators against schools of a similar type and size. There will be regular meetings between the ESA, the school principal and the Board of Governors to discuss the school's performance against the Performance Indicators as part of the ongoing school improvement process.

Contingency Planning

Civil contingencies activities are undertaken to ensure that the risk of an emergency occurring is minimised, that an organisation can respond effectively if an emergency happens and that essential public services are maintained throughout any disruption.

The Department, the Education and Library Boards and the CCMS already undertake a considerable amount of Civil contingencies activities. Although the Department does not currently have a statutory duty in relation to civil contingencies activities, Ministers have committed Departments to comply with the NI Civil Contingencies Framework (NICCF). The Department has decided to include a duty within the RPA legislation in relation to this.

There will be a general duty on ESA to undertake civil contingencies activities in relation to its functions. The Department will have the power to give direction or guidance to the ESA and/or schools on the discharge of their responsibilities and will also be able to give directions on how they should respond to a specific emergency situation.

A requirement on the ESA to participate in local civil contingencies co-ordination led by District Councils will be also included in District Council legislation.

The Director of Children's Services

An important new development that will be brought about by the Review will be the establishment of the role of a Director of Children's Services. The creation of this new role was announced as part of the outcome of the RPA in November 2005, and work has been ongoing within the Department to develop this concept and determine the exact nature of the role. While similar arrangements are in place elsewhere, this post is being developed specifically to meet the needs which exist here, and will be unique to our education system.

The ESA will appoint a Director of Children's Services, who will work closely together with other partners such as health and social services, criminal justice system, PSNI and local district councils to develop arrangements for the better integration of services to children.

The Department for Health, Social Services and Public Safety is currently developing proposals for the establishment of a Safeguarding Board for Northern Ireland. The ESA will be a key member of this Board and it is likely that this will be an important role for the Director for Children's Services.

The Department has welcomed the proposals put forward by stakeholders for a regional Children and Young people's strategic partnership and will consider how this might be implemented in conjunction with colleagues in other Departments. The Department will also need to consider how this proposal might be developed in the context of an evolving community planning process.

The introduction of a District Council-led community planning process is a key part of the overall RPA proposals and is seen as an important mechanism for facilitating local input into the decision-making process for local services. While it is a process that is likely to take a number of years to evolve, even after the new Council structure is in place, the Director of Children's Services will be the key contact on community planning within the ESA and should work to develop local partnership arrangements now that are capable of linking into the community planning process in each local council area as it evolves in the coming years.

Chapter Six: The Education and Training Inspectorate

Audience

This chapter is written primarily for the following groups, and uses language and terminology familiar to them. Others may find this chapter useful in gaining a better understanding of how the RPA will affect these groups.

- Inspectors
- Inspectorate services
- Associates
- Representative bodies for the above groups

Introduction

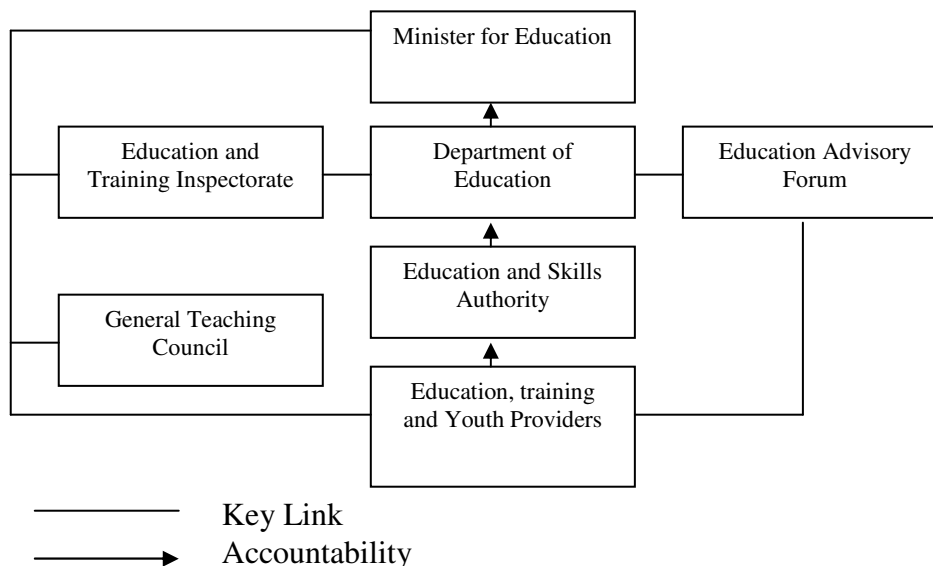
The vision for education is “To educate the young people of Northern Ireland to the highest possible standards, providing equality of access for all.”

The Inspectorate plays a vital role in helping to achieve this vision by working to identify and share best practice, and to challenge and overcome weaknesses in the sector.

The role of the ETI

Under the Review, the role and powers of the Inspectorate will be strengthened within the new, streamlined education system.

The new education structure



The Inspectorate, as at present, will be operationally autonomous from Government Departments. This is essential to its monitoring and challenge roles, and strengthens its ability to provide independent, expert advice to Departments and organisations within the sector.

Changing the Inspection process

The Inspectorate will have the capacity to monitor, inspect and report on quality and standards in all organisations grant-aided for the purposes of education, training and youth here. This will mean working across the three Departments which play a role in the provision of these services; the Department of Education (DE), The Department for Employment and Learning (DEL), and the Department for Culture, Arts and Leisure (DCAL).

The Inspectorate will not only inspect grant-aided providers of education, training and youth, but will also have a remit to monitor, inspect and report on all work that the ESA will do, that directly impacts on the quality of teaching and learning, such as the provision of guidance and training. The evidence from these inspections will be used to help assure the Department and the public of the quality and standard of the services provided, as well as making recommendations to help further improve the services provided.

The Inspectorate will report the outcomes of its inspections to the three parent Departments, to the ESA, to schools (through Boards of Governors) and to the public.

As at present, the Inspectorate will continue to have a remit to prepare special reports on important subjects, such as Special Educational Needs provision, in addition to its ordinary inspection work.

Carrying out an Inspection

The Inspectorate will have appropriate powers of entry into all organisations which are grant-aided for the purposes of education, training and youth here and will have a right of access to any relevant documents necessary to carry out its work.

Inspectors will also now have a statutory right to be accompanied by Professional Associates or other Inspectors with appropriate expertise or experience when carrying out inspections. This will help to improve the expediency and quality of the inspection process, and improve the recommendations made in Inspection reports.

As at present, the Inspectorate will continue to work on improving the ways in which it takes children's views into account as an integral part of its work on school inspections.

Reporting on an inspection

The Inspectorate will report the outcomes of inspections to the three Departments, to the ESA, to the inspected school (through the Board of Governors) and to the public. Reports will be tailored to the audience it will cater for. For example, the Board of Governors will need a lot of detail about the assessment of their school, in order to be able to properly action any recommendations that have been made. The Departments, the ESA and the

public, on the other hand, will not require as much in-depth detail, but will have different requirements. Reports for these audiences will give a more high-level assessment of the performance and standards of the organisation, and what recommendations have been made. This should also serve to make inspection reports more accessible to the general public.

Once a report is published by the Chief Inspector, the subject of the report (that is, the education or training provider) will be required to make a written response to that report. This will help to ensure that the report is considered as quickly as possible by the provider, and that the recommendations made are actioned as quickly as possible, in a clear and communicated manner

The Inspectorate as an advisory body

The Inspectorate will remain operationally autonomous from Government Departments. This is essential to its role in providing independent, expert advice to Departments, the ESA and education, training and youth providers.

The Inspectorate has a unique perspective on the education sector, and expert knowledge of how it operates, and the best practice that exists within it. This makes the role of the Inspectorate as an advisory body one which is essential to improving standards across the sector.

The Inspectorate will be an important advisory body for the Department, along with other sources, including the EAF, the ESA and Assembly Committees. The Inspectorate will continue to have a seat at all Department of Education Board meetings, and will be consulted regarding all major policy decisions taken by the Department. This will help to ensure that the Department has access to expert advice and is fully informed about the potential impact of any proposed policy change at a very early stage.

The Inspectorate will publish inspection reports regularly, and will also publish reports on specific issues and areas, such as a Special Education provision or Alternative Education provision. These will help to inform and shape the work carried out by the Department in setting the policy for the education sector.

The Department of Education

Following the implementation of the Review, there will be a clear separation between policy development for the education sector, which will be carried out by the Department of Education, and service delivery, which will be under the auspices of the Education and Skills Authority.

The relationship between the Department and the ESA will be one to 'empower and hold to account'. The Inspectorate will assist the Department in this role by evaluating the impact of services provided by the ESA to support the improvement of teaching and learning, and by identifying ways in which improvements could be made.

The Education and Skills Authority

The ESA will be responsible for monitoring the performance of individual schools, for challenging performance and for providing necessary support, especially to under-performing schools. It will also have the power to intervene in a graduated manner, where necessary, to address under performance. Intervention may involve many measures, including making a request to the Inspectorate to inspect the school, linking the school with a better performing school in the area, or requiring the school to produce an action plan to identify and tackle problem areas.

Where the ESA decides to make a request for inspection, the Inspectorate will carry out an inspection and produce a report, making recommendations for improvement. The school will then be required to make a written reply to the report once it is published. The ESA may also, if necessary, choose to require the school to produce an action plan showing how it will implement the ETI recommendations.

If a decision is made to link the school with another, better performing, school, so that best practice can be shared, the ESA will once again look to the ETI for its advice and knowledge of an appropriate school to link with.

How the changes will be made

The existing legislation governing the Inspectorate and the inspection process will be repealed and completely new provisions will be included in the RPA legislation.