

PAPER 10

Education and Training Inspectorate (ETI)

Key Issue

1. To strengthen the legislation governing inspection and the Inspectorate.

Policy Requirement

2. In addition to the key issue above (ie the considerable weaknesses in the existing provisions – see paragraph 5 below); the new legislation needs to make clear that ETI should have, and be seen to exercise, operational autonomy, and have the capacity to work across the three Departments (DE, DCAL and DEL) as outlined in the Memorandum of Understanding (June 2006).
3. In order to promote improvement in the interests of all learners, ETI will:
 - Monitor, inspect and report on the quality and standards in all organisations grant-aided for the purposes of education and training, including youth, in Northern Ireland;
 - monitor, inspect and report on all elements of the work of ESA that have a direct impact on the quality of learning and teaching;
 - have appropriate powers of entry (see paragraph 131, page 97 Education and Inspections Act 2006); and
 - have access to all relevant documents, particularly those relating to pastoral care and child protection (see paragraph 132, page 97 Education and Inspections Act 2006).

In addition, where the Chief Inspector publishes a report of an inspection, the provider of the education or training which is the subject of the report must make a written response (see paragraph 127, page 95 Education and Inspections Act 2006).

Existing arrangements

4. Powers to inspect are set out in Article 102 of the Education and Libraries Order (NI) 1986 as substituted by Article 33 of the Education (NI) Order 1996.
5. In the existing arrangements, there are a number of weaknesses including:
 - no enabling legislation to permit the Inspectorate to be accompanied by Professional Associates, or other Inspectorates who have relevant specialist expertise or experience;
 - powers of entry are limited in some circumstances;
 - learning and teaching need to be accessible during inspection; and
 - need to secure the powers to inspect Training Organisations, Alternative Education Provision and those elements of the work of the Education and Skills Authority which have a direct impact on the quality of teaching and learning.
6. **Options for taking forward policy requirements:** Repeal of existing legislation with a brief, generic text in Primary legislation to give the ETI wide-ranging powers.

Views of Stakeholders

7. (DE Bilateral Meetings): A review of the legislation governing inspection and the Inspectorate was last considered as part of the Education Reform Order 2006. At that stage, consultation with key stakeholders¹ drew little by way of concern.
8. **Good Practice eg Codes of Practice** (if applicable): N/A

Specific Issues to Consider

9. ETI provides inspection services for DE, DCAL and DEL. Any new legislative powers accorded to ETI within the context of RPA would rest within DE legislation and would, therefore, cover some organisations and initiatives, which would fall within the responsibility of DE and DCAL. The advice of DSO is that consultation with the relevant Permanent Secretaries would be prudent, but should not result in any resistance. Certainly this was the experience when such consultation took place within the context of the Education Reform Order 2006.

Recommendations for Way Forward

10. Repeal of existing legislation governing inspection and the Inspectorate, and start with a clean slate.
11. **Legislative Powers Required** (including amendment/repeal of existing legislation and new provisions): See Policy Requirements above (paragraphs 1. 2 & 3).

ETI
28th November 2006

¹ On the same issues as are being proposed now