

## **Paper No 3**

### **THE RELATIONSHIP BETWEEN THE DEPARTMENT OF EDUCATION AND THE EDUCATION AND SKILLS AUTHORITY**

#### Overview

1. DE will focus on leading the Education system, setting the direction and the outcomes that are being sought for children and young people. The ESA will administer the education system within the framework of policy, legislation and accountability established by DE. The relationship will not be one of 'command and control', but of 'empower and hold to account'. It will be characterised by the following:
  - a clear reporting and accountability framework;
  - access by DE to the full range of operational and statistical information held by the ESA;
  - the inclusion of those functions of ESA that have a direct impact on the quality of teaching and learning within the remit of the Education and Training Inspectorate which will be formally part of DE but, as at present, will be operationally independent; and
  - effective challenge mechanisms for DE, including the power to direct the ESA, and power to remove, in specified circumstances, the Chairman and/or other members of the ESA board.

#### Policy Development

2. The new arrangements will see a clear separation of policy development from service delivery. However, there will be many occasions when ESA input to the policy development process is desirable. The ESA will have an advisory role, but DE will also receive policy advice from a range of sources, including the Education Advisory Forum. It will be for DE to develop its policy programmes and decide if and when the ESA (or others) should be involved or engaged.

3. The Department will also need to ensure that the ESA is meeting other legislative or policy obligations such as statutory duties on equality and good relations, rural-proofing, etc. It is likely that these obligations will be built into Management Statements. This will be managed through the new accountability arrangements (as outlined in paper 5 on Governance and Accountability).

#### Resource Allocation

4. A significant proportion of the funding allocated to education will simply pass through the ESA – ie schools budgets and other ear-marked funds. For other functions, such as major capital development, ESA proposals will require departmental approval. However, in order to add value to the education system, the ESA will need to have an element of discretion in how it uses some of its resources. For example, it will require flexibility to develop support services to meet the needs of schools and other education providers, and to participate in cross-sectoral initiatives within the community planning process. This will require a greater degree of operational flexibility than is currently afforded to Education and Library Boards.
5. The detail of how much operational flexibility the ESA will have over specific elements of its budget will be set out in the Financial Memorandum and management statements drawn up by DE. There will also be a requirement that the ESA's corporate and business plans will reflect its statutory responsibilities and priorities set by Ministers.

#### Accountability

6. The Board of the ESA will be accountable, through the Department, to the Minister. The Minister will be accountable to Parliament/ the Assembly for the effective and efficient delivery of services to support the education system, and the achievement of the Government's education objectives. As at present, the Permanent Secretary will be

the primary accounting officer responsible for ensuring propriety, and regularity of use of resources devoted to education services, as well as value for money. The Chief Executive of the ESA will be accounting officer on detailed operations.

7. The Minister, through Departmental officials, needs to know how the ESA is performing, that public funds are being properly used and achieving best value for money, and that policy objectives are being achieved. The Financial Memorandum and Management Statements will put in place a robust reporting framework that will facilitate this, including details of the required content, format and regularity of reporting.

#### Performance Management

8. DE will set policy priorities and expected output/outcomes. It will assess how the ESA as a body is performing against set objectives, targets and outcomes. As a means of ensuring the availability of up to date and accurate information, consideration should be given to the development of a common/shared/agreed database, to be used by DE, the ESA and schools. This will facilitate target setting and monitoring of performance. An ICT project is being established which could include this requirement as part of its remit.
9. The Education and Training Inspectorate will evaluate the impact of those services provided by the ESA to support the improvement of learning and teaching. Evidence from inspection will be used to assure DE and the public of the quality and standard of the services provided.

#### Democratic Accountability

10. Local politicians will want to have an input to the education system regardless of whether or not devolution is restored. This input may be sought at two levels – policy and delivery. While policy will be for central government, the Assembly/Parliament and its Ministers and committees to develop and scrutinise, local government may also want

an input to the policy process.

11. As part of its work to implement the RPA, DOE is working on a project to develop formal liaison arrangements between central and local government (a Central/Local Partnership Panel). These arrangements may need to be different depending on whether or not central government is operating in a devolved context. Regardless of the context, DE needs to work with DOE to ensure that there is clarity about the role and limitations of this panel in relation to the development of Education policy and priorities.
12. The main engagement with local government on the delivery of Education should be through the ESA as the vehicle for supporting the delivery of the education service. The ESA needs to be able to engage in the community planning process, and in joined-up delivery. The latter requires operational flexibility to commit resources to programmes. This needs to be grounded in appropriate legal powers, such as a general power to promote and support the development and wellbeing of children and young people. Such a power, which would be analogous to the power of wellbeing proposed for local councils, needs to be broad enough to be effective, but also sufficiently discrete to avoid overlap with the statutory responsibility of other public bodies.

### Community Planning

13. Proposals for community planning are still at the early stage of development. The aim will be to make sure that people and communities are genuinely engaged in decisions made about the public services that affect them. It is about promoting joined-up working between organisations in order to develop a shared strategic vision for a geographical area, providing greater opportunities for community participation and encouraging more integrated service delivery across organisational boundaries.

14. Education must make a positive contribution to the process with ESA playing an active role. ESA will be one of the core partners in the community planning process; indeed this may be a statutory obligation. The Department will hold the ESA to account for the way in which it meets this obligation but will also want to ensure that any activities/projects the ESA undertakes as part of a community planning process are aligned to DE's strategic priorities.
15. There needs to be clarity about what ESA functions should and should not come within the remit of the community planning process. The strengths of this process lie in addressing issues that do not fall neatly within the responsibility of one organisation. Experience from Scotland suggests that it may take many years for community planning to mature and develop to the point where it is effective and that if issues to be addressed through this vehicle are not prioritised there is a risk of overloading the fledgling process. Initially, therefore, the process should concentrate on matters where it can be most effective - developing multi-sectoral approaches to cross-sectoral issues. There are many such issues where education has a key role to play, and which would benefit from a more integrated approach. Examples include: suicide rates; teenage pregnancy; diet; anti-social behaviour; good relations, and community capacity and cohesion.
16. This is not to say that the community should be excluded from education planning. Where there are matters that fall within ESA's core business but affect a local area (eg a school closure), it will be appropriate to consult with the local elected representatives and communities. ESA should therefore have a relationship with councils, outside of the community planning framework, on matters that are not part of the remit of the community planning partnership – eg planning the school estate. We will want to examine examples of best practice in developing productive relationships with councils that will allow genuine and positive engagement but with a clear understanding of the

limitations of the relationship as it is outside the management and accountability arrangements for the ESA.

### Relationships

17. The relationship between DE and the ESA will largely be shaped by the nature of the relationships between key individuals: the Minister, Permanent Secretary and senior DE officials, the Chair of the ESA, Board members, Chief Executive and directors of the Authority. Currently the Permanent Secretary holds quarterly accountability meetings with ELB Chief Executive Officers. It is likely that such meetings would continue with the Chief Executive Officer of the ESA (if not more frequently in the initial transition period) to review progress against strategic priorities and targets. More detailed discussions on specific policy areas could take place between officials with direct responsibility for those areas on a more regular basis.

### Relationships with Other Departments/Public Bodies

18. The ESA will be accountable to DEL for functions it delivers, but that fall within the policy/budgetary remit of that department (delivery of the curriculum for 14 -19 year olds other than in schools). It may also have a relationship with the new Libraries Authority on the delivery of the schools library service. The ESA will also have to develop a working relationship with the new Health Authority and the five Health Trusts. DE will need to consider the implications of these relationships for its management of the ESA and its own relationship with the relevant departments. The outworking of these operational relationships may also have implications for future policy programmes.

**RPA Division  
28th November 2006**