



Memorandum of Understanding between

the Education and Training Inspectorate (ETI); and
the Department of Education (DE);
the Department of Culture Arts and Leisure (DCAL); and
the Department for Employment and Learning (DEL)

June 2006

Memorandum of Understanding between ETI and DE, DCAL and DEL

PREAMBLE – Current legislative position of ETI

The Department of Education's powers of inspection, and hence the role of the Education and Training Inspectorate (ETI), are conferred by Article 102 of the 1986 Education and Libraries Order, as substituted by Article 33 of 1996 Education Order. At the time of devolution (1999), parallel powers of inspection were conferred on DEL and DCAL in relation to certain functions for which those Departments are responsible. In the interests of economy, efficiency and effectiveness, DEL and DCAL have elected to use the unified ETI for the delivery of inspection and survey services based on an agreed annual work programme and assumptions about levels of resources.

The Ministerial statement on the Review of Public Administration (RPA) reiterates the agreed principle that ETI will be operationally independent of all service providers and users for which it provides inspection services. This independence, which is in keeping with key Governmental principles for inspection, may be more fully reflected in forthcoming legislation within the context of the RPA. In the interim, and notwithstanding the current statutory position as described above, this Memorandum is written on the basis that ETI should have, and be seen to exercise, operational autonomy and have the capacity to work for and with the three Departments in the ways described in the following sections of this document.

INTRODUCTION

1. The memorandum sets out a framework for co-operation between the ETI, and the Department of Education (DE), the Department of Culture, Arts and Leisure (DCAL), and the Department for Employment and Learning (DEL). It is intended to clarify and formalise the respective roles of ETI and DE, DCAL and DEL. It is not a statutory or contractually enforceable document, and is not intended to constrain ETI to operate only within those areas for which it is currently responsible, nor does it limit the power of the relevant Ministers and Departments. Nonetheless, ETI, DE, DCAL and DEL agree to abide by its terms.
2. It is agreed that ETI, DE, DCAL and DEL should work together in the best interests of all learners, sharing an open and transparent

relationship which recognises and respects one another's discrete roles and responsibilities. This necessarily implies regular and frequent dialogue involving the Chief Inspector at Ministerial, Permanent Secretary and senior management levels. ETI also maintains working relationships with other government departments and public bodies which are not the subject of this memorandum. On matters of mutual interest, ETI and DE, DCAL and DEL officials will keep one another informed of planned correspondence and similar communication with other government departments and public bodies, as the situation demands, to help ensure mutual understanding and, where relevant, effective joint working.

STATUS AND ACCOUNTABILITY

3. To maintain the effectiveness and integrity of its service, ETI's status and accountability framework must reflect the need for inspectors' professional evaluations about quality and standards¹ to be made and published independently of DE, DCAL and DEL and of the relevant Ministers.
4. ETI provides inspection services and information about the quality of education, youth and training provision to DE, DCAL and DEL. The inspection and monitoring of education, youth and training establishments and services will be the direct responsibility of ETI. ETI will evaluate the impact of these services for the key purpose of promoting improvement in learning and teaching and of informing policy discussions and decisions. Evidence from inspections may also be used to assure Government and the public of the quality and standard of services.
5. The organisation is led by the Chief Inspector who, as head of ETI, is responsible directly to the Permanent Secretary at DE for the management of ETI and is accountable to the Minister for Education, through the Chief Inspector's published, bi-ennial report, for the activities undertaken in that period. The Chief Inspector or nominee will attend each of the three Departmental Boards.

1 For example in relation to teaching and learning and leadership and management.

6. On education, youth and training policy initiatives, the Inspectorate will provide an independent professional assessment of the effectiveness of the existing or proposed new policy and advise the relevant Department(s) accordingly. ETI will plan and implement its annual programme of work, operating through a Service Level Agreement, agreed with each Permanent Secretary. The Minister or Permanent Secretary may, from time-to-time, invite ETI to carry out special assignments, as appropriate. The Chief Inspector will meet with the Minister for Education as appropriate to give regular reports across the range of professional, educational issues, and on return to devolved Government will meet the Ministers of DEL and DCAL.
7. Inspection provides a key source of up-to-date information on the condition of existing provision and services, and the Departments may draw on this source in support of evidence-informed policy making, by seeking appropriate advice from ETI when new policies are being developed or consideration is being given to major changes in existing policies. When the Departments are evaluating policy, consideration will be given to baseline inspection visits and the monitoring of progress of initiatives. The Departments will agree with the Chief Inspector, the nature and extent of ETI involvement, and consequent financial and human resource implications, as part of the costing of planned implementation and the annual agreed work programme of ETI.

FINANCE AND VALUE FOR MONEY

8. ETI is subject to the normal financial disciplines which apply to all who work within the public service in Northern Ireland, including the need to ensure financial regularity, propriety and value for money, and to operate within running cost controls as determined by the Department of Finance and Personnel (DFP). ETI is subject to audit by the Northern Ireland Audit Office.
9. ETI is funded from the Departmental Running Costs of DE, with contributions from DCAL and DEL. The annual cost of ETI is accounted for as part of the DE Resource Accounts. In addition, the Chief Inspector will arrange for an analysis of costs related to ETI to be provided annually to the three Permanent Secretaries as soon as the necessary accounts data are available.

WORK PROGRAMME AND STRATEGIC BUSINESS PLAN

10. ETI will develop its annual work programme - embodied in its Business Plan – as part of its Service Level Agreements (SLAs) with DE, DCAL and DEL.
11. The business planning process with each of the Departments will be initiated by ETI in September of each year. By the fifth working day in December, each Department will provide ETI with a prioritised list of bids for ETI time for surveys and support for policy development. In addition, the Departments, working together, will submit any bids linked to cross-cutting, inter-departmental themes. In mid-December, the members of the Inspectorate Management Group (IMG) will meet with the Permanent and Deputy Secretaries at DE, DCAL and DEL in order:
 - to consider the scope of the proposals from each of the Departments;
 - to consider any cross-cutting, Inter-Departmental Themes;
 - to note any additional themes not identified by the Departments but which ETI believes warrant attention; and
 - to consider the quantification of inspector days required versus those available, and to agree 'best fit' between needs and resources.

Finalisation of SLAs will take place on or before 31 March of the following calendar year.

SHARING VIEWS AND ATTENDANCE AT MEETINGS OF COMMITTEES, ETC

12. The Inspectorate Management Group (IMG)² will meet separately with the DE, DCAL and DEL Boards at least once a year, to share views and identify common priorities. Bilateral contact between the members of IMG and grade 5s in DE, DCAL and DEL will be encouraged in order to progress specific issues, supported by the circulation of relevant internal papers where possible.

2 The Chief Inspector and the four Assistant Chief Inspectors

13. Where appropriate, DE, DCAL and DEL and ETI will involve the other's officials in internal and external committees, working groups, project management boards, etc. The Chief Inspector will normally represent ETI in Ministerial and other top-level groups. Requests from DE, DCAL and DEL for ETI membership or assessors for other groups will be made to IMG, and form part of the considerations and finalisation of the annual business plan.
14. The normal role of an ETI representative on a DE, DCAL or DEL group, designed to contribute advice on evolving policy and proposals will be that of an 'ETI Assessor'. This designation should not restrict the capacity of the ETI representative to contribute freely on behalf of ETI but should enable ETI to remain sufficiently independent of the group for its subsequent evaluative role to be in no way compromised. In participating in discussions at a formative stage, ETI will respect fully all confidences, will seek to comment only in ways geared to improving policy and practice and will base its advice on the best evidence available to it through its inspection and survey programmes. ETI's participation in working groups does not take the place of formal consultation with ETI on draft proposals.

INSPECTION FRAMEWORKS

15. ETI will consult DE, DCAL and DEL about revisions to inspection models and frameworks (including 'A Common Framework for Inspection') and accompanying guidance. ETI will also consult other customers and key stakeholders about such revisions.

PUBLICATION OF REPORTS AND ADVICE

16. As stated in paragraph 6 above, the Chief Inspector will provide the Minister(s) with a written, bi-ennial report. ETI will provide DE, DCAL and DEL with a draft of the report and will note and respond to any comments received regarding matters of factual accuracy. The report will then be placed on the ETI website, along with an accompanying press release; and copies of the report sent to customers and key stakeholders across the education, youth and training sectors in Northern Ireland. The Chief Inspector will also provide an annual report to each Permanent Secretary, outlining the key issues in education, youth and training in Northern Ireland. These reports will be

timed to contribute to the business planning process in each of the three Departments.

17. ETI has the responsibility to publish inspection reports and other reports, including making them available on its website. ETI will send a near-final draft of all reports/documents of any significant policy interest to the appropriate person(s) at DE, DCAL and/or DEL. This will normally be at least four weeks before finalisation of the text (ie typically at least six weeks before the intended publication date, whether electronic or paper-based). The draft will principally be for information and for briefing of Ministers, but also permits the identification of factual error. Drafts will be supplied in electronic format whenever possible. ETI will request any comments within two weeks; if no comments are returned it will be assumed that there are no issues. All information shared is on a confidential basis and should not be made available to the press or public sector prior to publication/announcement by ETI. In some circumstances, ETI may simultaneously seek comment from other public bodies. ETI retains the independent right to publish on the basis of its inspection evidence and findings. Copies of the final version of reports discussed in this paragraph, accompanied by an appropriate submission, will be sent electronically to relevant Ministers on the day before publication, with hard copy on the day of publication.
18. DE, DCAL and DEL will provide ETI with copies of reports/publications concerning ETI for comment at least four weeks ahead of scheduled publication, and a copy of the final version before publication.
19. DE, DCAL and DEL will consider formal advice submitted to Ministers by ETI as speedily as possible. ETI is free to publish formal advice at or after the time it reaches Ministers and will notify DE, DCAL and DEL in advance where it intends to do so. In this context “formal advice” refers to considered submissions to Ministers. It does not refer to the exchanges between ETI and DE, DCAL and DEL officials which are conducted in the normal course of business.

REPORTING TO MINISTERS

20. ETI’s functions have the potential to have an impact on aspects of the work of DE, DCAL and DEL, so ETI needs to relate from time to time to the associated Ministers.

21. To ensure that ETI is fully aware of the policy context in which it operates and the Ministers understand the ETI perspective in carrying out their responsibilities, the relevant Ministers may hold regular meetings with the Chief Inspector. These meetings will provide an opportunity to address any issues arising in the DE/DCAL/DEL/ETI relationships. The relevant Ministers and the Chief Inspector are free to seek meetings when an issue arises.

PARLIAMENTARY, PRESS AND PUBLIC BUSINESS

22. DE, DCAL and DEL and ETI officials will co-operate to ensure that they provide appropriate and timely support for Ministers and others conducting Parliamentary business, including legislation, and respond in a coherent and accurate way to enquiries from Parliament and the public. DE, DCAL and DEL and ETI will keep one another informed of their plans for media announcements. ETI and DE, DCAL and DEL will share details of news events in advance and exchange media planning diaries on a weekly basis.

COMPLAINTS

23. Complaints about the work of ETI are a matter for the Chief Inspector to deal with in line with ETI's published complaints procedure 'Procedure for Responding to Comments, Enquiries, Compliments or Complaints'. Any complaints about DE/DCAL/DEL or their staff, received by ETI staff in the course of their duties, will be referred to DE/DCAL/DEL, making it clear to the complainant that these are a matter for DE/DCAL/DEL. Likewise, any complaints about ETI staff, received by DE/DCAL/DEL staff, will be referred to ETI, making it clear they are a matter for ETI. Any difficulties in the operation and interpretation of this memorandum will be dealt with initially at Grade 5 level within each of the relevant Departments, with Permanent Secretaries providing final arbitration and resolution as required.

REDUCING BUREAUCRACY

24. DE, DCAL and DEL and ETI will continue, with other key stakeholders, to seek to minimise bureaucratic burdens placed on organisations across the education, youth and training sectors. ETI will seek to reduce the business associated with inspection where it is possible to

do so without jeopardising the quality and effectiveness of the inspection process.

EXCHANGE OF DATA

25. ETI and DE, DCAL and DEL will work together to agree common data requirements and to share relevant data so that DE, DCAL and DEL receive regular and timely advice about inspection findings and that ETI has timely access to performance and other data to support its responsibilities, to minimise data collection burdens on those being inspected, and to remove duplication of requests for data.

OTHER DOCUMENTS

26. Within the framework of this Memorandum, DE, DCAL and DEL and ETI will agree separately arrangements for such matters as may be agreed, including protocols for ETI working with other Inspectorates and information access and exchange. Such agreements may include third parties.

REVIEW

27. DE, DCAL and DEL and ETI may agree at any time to make amendments to this Memorandum. In addition, DE, DCAL and DEL and ETI will review the Memorandum annually and update it in the light of experience of its operation in practice. If necessary, the Minister with lead responsibility for ETI (see paragraph 20 above) shall resolve any doubts about interpretation of this document with the Chief Inspector.

Signatures:



The image shows four handwritten signatures in blue ink, each with a horizontal line underneath. Below each signature is a printed name and title in blue capital letters. From left to right: 1. Signature of Marion J. Matchett, with printed text 'MARION J. MATCHETT' and 'CHIEF INSP' below. 2. Signature of [unclear], with printed text 'PERM SEC,' and 'DE' below. 3. Signature of A. McQuinn, with printed text 'PERM SEC,' and 'DEL' below. 4. Signature of Paul Sweeney, with printed text 'PERM SEC,' and 'DCAL' below.

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