

# Frequently Asked Questions in Relation to Inspection with Action Short of Strike

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ETI: Promoting Improvement in the Interest of all Learners



Providing inspection services for:

Department of Education  
Department for the Economy  
and other commissioning Departments



## Introduction

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The trade unions which make up the Northern Ireland Teachers' Council (NITC) have declared industrial action primarily in relation to a pay dispute and also workload and other management issues. The industrial action includes non-co-operation with the Education and Training Inspectorate (ETI).

The current situation is not where any of us want to be. The ETI is committed to carrying out its inspections in a professional, courteous and respectful manner and in the knowledge that these circumstances are difficult for both the schools involved and the Inspectorate.

There have been a number of inaccuracies reported with regard to ETI's inspection practice where action short of strike is notified. The purpose of this document is to provide factual information on the inspection process in these circumstances.

## Section 1

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### Action Short of Strike

#### 1. Why is the ETI continuing to carry out inspections when action short of strike is notified?

The Minister for Education, Permanent Secretary and Chief Inspector have agreed that the inspections should go ahead in the best interests of the children and young people. While the Education and Training Inspectorate (ETI) respects the rights of individuals to take industrial action when mandated by their unions, equally, the ETI has a statutory duty to monitor, inspect and report on the standard of education and professional practice among teachers as stated in the Education and Libraries (Northern Ireland) Order 1986. This matter is mandatory for ETI and schools.

At the heart of the work of the ETI is the education and welfare of children, young people and learners. They are entitled to a good education and their needs will always be the inspectors' priority. To not inspect would be neglecting our statutory duty but more importantly without inspection low standards and poor learning experiences may be undetected, which matters to learners' life chances. In addition, the excellent work of many of our schools and providers would go unrecognised.

#### 2. How is ETI carrying out the inspection process where there is non-cooperation or minimal cooperation from principals/teachers?

In these circumstances, which are beyond the control of the ETI, the reported overall conclusion will be based on the evidence as made available at the time of the inspection. Where in the professional view of ETI it is not possible, based on the evidence made available, to reach one of the four overall effectiveness outcomes, the overall conclusion will be:

*Owing to the impact of the action short of strike being taken by the principal/staff/teachers, the ETI is unable to assure parents/carers, the wider school community and stakeholders of the quality of education (and safeguarding)<sup>1</sup> being provided for the children/pupils. The school is a high priority for future inspection with no further notice.*

<sup>1</sup>The reference to safeguarding will be included or omitted as appropriate.

Where there is partial participation in the inspection, it may be possible to make some evaluations which will be outlined in the inspection report. The report will outline the final conclusion above and state any evaluations that could be made and those that could not. The inspection will be considered as completed and the report published on the ETI website.

### **3. What if senior leader(s) and governors participate in an inspection in a school where there is action short of strike?**

For those inspections where both senior leader(s) and governors are engaging with the inspection process, including for safeguarding, sufficiently<sup>2</sup> to enable:

- On full inspections:
  - an evaluation of aspects of leadership and management;
  - an evaluation of aspects of governance;
  - safeguarding; and
  - if possible, an evaluation of aspects of outcomes for learners (subject to available evidence, i.e. assessment/performance data, books, etc).
- On SII/Min:
  - an evaluation of [aspects of] the lines of inquiry/foci; and
  - safeguarding.
- On follow-up inspections:
  - an evaluation of [aspects of] the AFIs.

The final sentence of the concluding paragraph of the published report will be amended to “this will be reflected in future inspection activity”, replacing the statement “the school is a high priority for future inspection with no further notice”.

This statement will also be amended retrospectively in published reports for those schools where both the senior leader(s) and governors engaged with the inspection process, including for safeguarding as articulated above.

<sup>2</sup>Simply making documentation available would not be sufficient.

#### 4. How is the ETI evaluating safeguarding on action short of strike inspections?

It is of paramount importance that children are safe. Where the school provides sufficient evidence to demonstrate that its arrangements for safeguarding reflect or reflect broadly the guidance issued by the relevant Departments, this will be reported. Under these circumstances the ETI will report:

*During the inspection, the school provided evidence that the arrangements for safeguarding children/pupils/young people reflect the guidance from the Department of Education.*

Or

*During the inspection, the school provided evidence that the arrangements for safeguarding children/pupils/young people reflect broadly the guidance from the Department of Education.*

Without the normal access to lesson observations across the school along with a meeting with the children/pupils/young people, it is highly unlikely that the ETI will report that the arrangements for safeguarding children/pupils/young people reflect the guidance from the Department of Education.

In the circumstances where a school does not provide sufficient evidence to demonstrate the arrangements for safeguarding reflect or reflect broadly the guidance, the ETI will report:

*During the inspection, the school did not provide evidence that the arrangements for safeguarding children/pupils/young people reflect or reflect broadly the guidance from the Department of Education.*

Or

*Based on the evidence available at the time of the inspection, the arrangements for safeguarding are unsatisfactory.*

*The ETI will return to the school within six weeks to evaluate and report on arrangements for safeguarding.*

If a six-week follow-up visit is necessary, it offers the school a further opportunity to provide evidence in relation to its arrangements for safeguarding. If, owing to continued action short of strike, this evidence is not forthcoming, the ETI will report:

*Owing to ongoing action short of strike, the school did not provide evidence that the arrangements for safeguarding children/pupils/young people reflect or reflect broadly the guidance from the Department of Education.*

*Further action will be considered by the Department of Education.*

**5. Why are schools or their chairs or representatives of boards of governors being asked to provide information particularly in relation to safeguarding?**

The board of governors has a statutory duty to safeguard and promote the welfare of registered pupils at the school at all times when the pupils are on school premises or in the lawful control or charge of a member of school staff. In many cases of co-operation, it is the chair of the board of governors that provides the information.

**6. Why are schools or chairs or representatives of boards of governors being asked to supply documentation to the ETI?**

Documentation (including policies, performance data, books, and so on) belongs to the Employing Authority/Board of Governors; individual teachers do not have the right to withhold this information from inspectors or prevent it being made available to inspectors.

The Education Authority (EA) and the Council for Catholic Maintained Schools (CCMS) have written to the chair of governors of schools not co-operating with the inspection. They strongly advise that, in the best interests of the children/pupils, schools and governors should make available the documentation including the school development plan and co-operate as necessary for the evaluation of safeguarding to take place.

The Department of Education has written a similar letter to all schools. The Department's letter states that it is of the view that industrial action on the part of teachers under the direction of their trade union does not, prevent boards of governors from participating proactively in the inspection process.

The ETI appreciates the work of governors and empathises with them in relation to the position that they find themselves in, with regard to action short of strike. However, governors are not taking part in strike action and have been providing important evidence that has allowed aspects of the inspection to proceed in the best interests of the children.

The regulations in relation to the School Development Plan are outlined in Appendix 1.

**7. Why are inspection reports continuing to be published where there is action short of strike?**

Inspection is a key accountability mechanism for the Department of Education's assurance that learners are receiving a good quality education and that public funds are being spent appropriately. It is important that we all reflect on our duties and responsibilities at this time: the Department, as the funding authority, is ultimately accountable for the use of public money in the delivery of education; the ETI, under its public audit function, have an important role in this regard by evaluating and reporting on the quality of education provided through public funds; and governors have a central role in overseeing and being accountable for the quality of education provided within their school.

Importantly inspection reassures parents/carers of the quality of education that their children are receiving and that they are safe. Inspectors will report what they find in the interests of the learner. Where evaluations can be made, these will be outlined in the report.

**8. Observing teaching and learning is central to the ETI inspection process. How will this be approached where teachers are taking action short of strike?**

To carry out its statutory function, ETI observes learning and teaching. The principal is not required to disclose which members are in a union or taking action and ETI does not ask them for this information.

The 1986 Order states that schools, which must include classrooms, should be 'open at all reasonable times' for inspection. This is mandatory for ETI and schools. Under this Order inspectors could insist on coming into the classroom to observe pupils working and to speak with them.

However, in the interests of the pupils ETI does not pursue this course of action. Teachers who are co-operating with ETI (through engagement in lesson observation and/or discussions) will be asked by the principal/chair of governors to make contact with the inspector(s) in the base room (or another area of the school available to the team) on the morning of day 1 of the inspection to confirm their willingness to be included in lesson observations and/or discussions as appropriate. To date these engagements with teaching staff have been carried out in a courteous and respectful manner by both teachers and inspectors and good relations have been maintained.

**9. There are claims that ETI is issuing a letter to parents stating that their children's school is not participating in inspection?**

This is not true. The ETI does not issue letters to parents. Where, due to action short of strike, evidence is not provided to enable one of the four overall effectiveness conclusions to be reached on inspection, the reported inspection conclusion is that *'Owing to the impact of the action short of strike being taken by the principal/staff/teachers, the ETI is unable to assure parents/carers, the wider school community and stakeholders of the quality of education (and safeguarding)<sup>3</sup> being provided for the children/pupils. The school is a high priority for future inspection with no further notice'*.

The letter that issues to the school with the pre-publication inspection report asks the school to share the report with parents as is the case with all ETI inspections.

**10. There are claims that ETI is issuing letters to parents telling them that schools are unsafe because inspectors were unable to carry out a safeguarding inspection?**

In the circumstances where a school did not provide evidence that the arrangements for safeguarding reflect or reflect broadly the guidance issued by the Department of Education, the ETI will report: *'During the inspection, the school did not provide evidence that the arrangements for safeguarding reflect or reflect broadly the guidance from the Department of Education. The ETI will return to the school within six weeks to evaluate and report on arrangements for safeguarding'*. This is reflected in the conclusion in the inspection report.

At the point of publication of the inspection report the school is asked to make parents aware that the report is available to view on the ETI website.

**11. How are schools being prioritised for inspection if they do not co-operate during action short of strike?**

Inspections are scheduled using a proportionate risk based approach.

<sup>3</sup>The reference to safeguarding will be included or omitted as appropriate.

- 12. It has been claimed that teachers, now co-operating and participating in an inspection involving action short of strike, will be re-inspected in the subsequent inspection activity?**

Principals/teachers who participate in an action short of strike inspection will not be subject to further inspection during future inspection activity; noting caveats in relation to follow-up activity or whereby a principal/ teacher may wish to engage in discussion and provide evidence at the future inspection activity which ETI would not refuse.

- 13. All schools are participating in action short of strike and not co-operating with inspection?**

This is not true. A significant number of schools are engaging with inspection enabling ETI to make evaluative findings in the best interests of the children.

- 14. What is the position in relation to Boards of Governors and the inspection process where there is action short of strike?**

Boards of Governors, in most cases of inspection, are co-operating with ETI.

- 15. What is the position in relation to schools' co-operation in relation to safeguarding where there is action short of strike?**

Almost all schools and governors recognise their legal responsibilities in relation to safeguarding, and have co-operated with ETI – most at the time of the inspection or, in a small number of cases, at the six week safeguarding follow-up visit.

## Section 2

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### New models of inspection

#### **I. Why has the ETI introduced new models of inspection during very challenging times for schools?**

New models of inspection, for example, Sustaining Improvement Inspections and Monitoring Inspections have been introduced as a result of feedback from stakeholders around the length of time between inspections and a request from stakeholders for more regular and shorter engagement with the ETI.

These inspection models focus on the School Development Plan underpinned by effective self-evaluation. They require no additional documentation to be prepared by the school in advance for the inspection as the lines of inquiry, based on the School Development Plan, are decided on the first morning of the (mainly) two day inspection.

Both inspections have two days' notice in response to some unions' view that too much time was being spent on preparing for inspection. If there are exceptional circumstances related to the timing of the inspection, these can be explained in the notification telephone call. It is important to note that inspections are only deferred in exceptional circumstances.

#### **2. What are the benefits of the Sustaining Improvement Inspections and Monitoring Inspections?**

These models give greater autonomy to the best schools and introduce a lighter touch inspection with a small team (one or two inspectors over one or two days); with more frequent short inspections and a longer cycle between full inspections.

The new Sustaining Improvement Inspection and Monitoring Inspection introduced in January 2017 do not require any advance preparation as the lines of inquiry are decided on the first morning of the mainly two day inspections from the School Development Plan.

In the case where schools are found not to be sustaining improvement they are given professional advice and information on the reason for the findings. This gives schools an opportunity to take steps to address issues identified in advance of their next full inspection.

Similarly the Monitoring Inspection also provides an opportunity for schools to have professional dialogue about steps they could take on their school improvement journey in advance of a full inspection, if this is the outcome.

Both models provide more regular reporting to parents on the quality of education their children are receiving and on safeguarding.

Guidance for both models can be found at:

<http://tinyurl.com/Changes-to-Inspection>

**3. Why did the ETI announce to schools on 9 December 2016 that changes were being introduced in January 2017 when the consultations only closed on 3 December 2016?**

Responses to the consultations on the ETI Complaints Procedure, the Revised Inspection and Self-Evaluation Framework and the Monitoring Inspections were being analysed as they were returned. Responses were overwhelmingly in favour of the changes being introduced and therefore communication did issue to all schools and organisations on 9 December to inform stakeholders that changes would be made to inspection from January 2017. Modifications were made to the Inspection and Self-Evaluation Framework and the Monitoring Inspection before they were introduced in January 2017 to reflect consultation feedback from stakeholders.

<https://www.etini.gov.uk/news/outcomes-consultations>

**4. Why were changes made to the Sustaining Improvement model not consulted on?**

The Sustaining Improvement model was piloted for two years prior to its full implementation in January 2017, and was subject to regular review with participating schools and Associate Assessors throughout the pilot stage. The change to the notification period from two weeks to two days was as a result of feedback from stakeholders on their preference for a shorter notification period; this removes unnecessary additional work that teachers and schools may choose to undertake when they receive a longer notification of inspection. The notification period for full inspections remains at two weeks.

## Section 3

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### General

**1. There are claims that ETI is not engaging with teaching unions?**

The ETI remain willing to engage in, and have never withdrawn from, dialogue with the teaching unions. In common with teachers and their unions, the learner is centre stage. The ETI is fully committed to working collaboratively with teachers, their representatives and all stakeholders to ensure all learners get the best possible educational experience.

**2. Does the ETI have a role in pay negotiations?**

No. The ETI's functions do not extend into this area. Pay negotiations are a matter for Management Side in discussion with NITC.

**3. To what extent does ETI expect schools to prepare for inspection?**

The ETI does not expect schools to do any additional work in preparation for inspection. If schools choose to do so, that is not the expectation of ETI. Historically, full inspections have been approximately every seven years and require a small amount of documentation in advance which is clearly outlined in the inspection guidance. It is documentation that the school should have readily available and having it in advance reduces the need to request it during the inspection itself. Since January 2017, full inspections are shorter, the team size more proportionate to the school size and reflect the new slimmer, more focused Inspection and Self-Evaluation Framework.

The new Sustaining Improvement Inspection and Monitoring Inspection introduced in January 2017 do not require any advance preparation as the lines of inquiry are decided on the first morning of the mainly two day inspections from the School Development Plan. The School Development Plan is a legal requirement outlined in The Education (Northern Ireland) Order 1998.

#### **4. The perception is that inspections are datadriven?**

This is not true. Inspections are iterative and cover a wide range of areas. The school's use of data serves as a useful indicator of how children's progress and attainment are tracked and monitored and whether or not appropriate support, that has been effective, has been put in place. Comparisons with relevant averages and the school's internal value-added are examples of quantitative data; however, no data is used in isolation and it does not drive the inspection or determine the inspection outcome. Inspectors gather a holistic view of the whole school environment by drawing on a wide range of qualitative and quantitative evidence including observations of learning and teaching, work in pupils' books and meetings with staff, governors and pupils. On action short of strike inspections, an important reason that ETI cannot reach one of the four overall effectiveness conclusions is because we cannot observe learning and teaching, look at the work in children's books and carry out the range of meetings that make up the evidence base.

## Appendix 1

### The Regulations in Relation to the School Development Plan

#### ***The Education (Northern Ireland) Order 1998: School development plans***

13. (1) The scheme of management for each grant-aided school shall provide for it to be the duty of the Board of Governors of the school to prepare, and from time to time revise, a school development plan.
- (2) In preparing or revising a school development plan, the Board of Governors shall:
- (a) consult the principal of the school;
  - (b) consider:
    - (i) any guidance given by the Department, the board for the area in which the school is situated and (in the case of a Catholic maintained school) the Council for Catholic Maintained Schools; and
    - (ii) the findings of any inspection of the school under Article 102 of the principal Order.

#### *The Education (School Development Plans) Regulations (Northern Ireland) 2010*

#### **Publication of a school development plan**

6. A school development plan shall be published by:
- (a) a copy of the plan being provided to each member of the Board of Governors of the school, to the principal of the school and to each member of the teaching and nonteaching staff of the school;
  - (b) a copy of the plan being provided to the Board for the area in which the school is situated and, in the case of Catholic maintained schools, the Council for Catholic Maintained Schools; and
  - (c) a copy of the plan being made available on request at all reasonable times, free of charge, to any person.