

Paper 2

THE RELATIONSHIP BETWEEN THE EDUCATION AND SKILLS AUTHORITY AND SCHOOLS

Purpose

1. This paper, along with papers 3 and 4 sets out in broad terms the key relationships within the post-RPA education system. The nature of these relationships must reflect the primary objective of the new administrative arrangements, which is to bring about improvement in education outcomes.

Overview of relationship between the ESA and Schools

2. This key relationship is at the core of the RPA reforms in education. The ESA will not be an enlarged Education and Library Board. It will not control or manage schools directly. Instead, its role will be to support schools, and to hold them to account for their performance.
3. The ESA, within policy guidelines, procedures and targets set by DE, will be responsible for:
 - funding and providing (or procuring) support services for all grant-aided schools;
 - ensuring the raising of standards in schools (with a statutory duty to do so);
 - developing a scheme or schemes of management setting out the functions and duties of Boards of Governors and the accountability arrangements¹;
 - holding schools to account for the discharge of their functions, and challenging them where necessary;
 - providing advice to DE on curriculum and assessment, development and delivery of qualifications;

¹ The content of management schemes will be governed by subordinate legislation, and they will be subject to approval by DE.

- acting as the employing authority for teaching and other staff in grant-aided schools; and
 - strategic planning and procurement of the schools' estate.
4. For schools, the relationship with the ESA should be characterised by maximised supported autonomy. This concept recognises that effective leadership within schools by boards of governors and principals is the key to raising standards. This will be reflected in:
- clear governance and accountability arrangements (see paper 5);
 - a clearly defined, autonomous employer role (see paper 7); and
 - arrangements to ensure that the support services provided or procured by the ESA are responsive to schools' needs.
5. Schools vary, not only in terms of their ethos and identity, but also in terms of the degree of autonomy that they wish to have, their capacity to manage it, and the level of support sought. New arrangements must have sufficient flexibility to accommodate this. The aim is for every school to be on the correct point on the continuum of autonomy; having the right balance of operational flexibility and support appropriate to its capacity and needs.
6. Schools that have built up their capacity and operate with a high degree of operational flexibility should be able to retain this under the new arrangements. Other schools that wish to build up their capacity and have greater operational flexibility and less support should be able to do so.
7. Schools will be responsible for:
- school improvement/raising standards;
 - the discharge of employer functions;

- the management of all budgets allocated or delegated to them by the ESA, and for the outcomes delivered with those resources; and
- other duties/responsibilities set out in a scheme or schemes of management produced by the ESA.

Simplified administrative arrangements

8. The four main existing types of administrative arrangements (controlled, maintained, voluntary grammar, and grant-maintained integrated) will be replaced with a single set of arrangements to support schools. All schools will receive funding from the ESA, under a common formula determined by DE. Under these arrangements, the ownership of schools (other than current controlled schools) would not change.
9. Schools would be able to maintain their identity and ethos, and could continue to use descriptors such as 'catholic', 'integrated', 'Irish-medium', 'voluntary' or 'grammar'. These would continue to be recognised officially, but would no longer be associated with separate administrative arrangements. The formal status of integrated and Irish-medium schools would continue to be reflected in legislation, along with procedures for establishing new integrated and Irish-medium schools or transforming existing schools to achieve integrated status. These procedures would take account of the strategic planning role of the ESA (see below). Distinctions such as 'controlled' or 'maintained' would no longer be relevant.
10. Stakeholders have raised as a key issue the maintenance of 'ethos'. This has been defined in a variety of ways, many of which appear to be linked to ownership. The Department's view is that ethos is determined, not by ownership, but by Boards of Governors and Principals in individual schools, and can be defined as set out in the Education and Training Inspectorate's *Evaluating Schools* document

(definition attached at Annex A). Under the new arrangements schools will be able to determine and maintain their own distinctive ethos.

11. Some stakeholders have expressed concern that the ownership of the current controlled estate by the ESA could give rise to a perceived or actual conflict of interest. This will be addressed by safeguards which may include:

- Legislative provisions requiring the ESA, in discharging its functions, to treat all schools equitably, regardless of ownership; and
- Structural and governance arrangements for the ESA that will separate, as far as possible, the school ownership function of the ESA from its other functions, particularly from the allocation of funding, provision of support services, and strategic planning. The ownership arrangements for publicly owned schools are the subject of paper 20.

Professional and administrative support services

12. The ESA will provide a range of support services for schools, including: administrative support in areas such as human resource management and financial management; and professional services such as curriculum support, training and professional development. Such services must provide value for money, and be effective, efficient, high quality, and responsive to the changing needs of schools. This will be addressed by:

- giving the Education and Training Inspectorate the power to inspect all services provided or procured by the ESA that have a direct impact on the quality of teaching and learning, with DE having the power to direct the ESA to implement ETI recommendations;

- arrangements for schools and the ESA to enter into service level agreements (SLAs) specifying the support services to be provided.
13. The arrangements for SLAs would provide for regular review, a mechanism for a school to challenge the ESA if it is believed to be in breach of an agreement, and a mechanism for DE intervention if an SLA could not be agreed or if a challenge could not be resolved.
 14. It is recognised that the level of support needed will vary from school to school and that some (particularly larger) schools may choose to build up internal expertise (eg through the appointment of bursars), thus requiring rather less support than others. This flexibility should be maintained. Other schools that wish to have a similar level of operational flexibility, and which have the necessary capability, should be allowed to do so.
 15. There may also be value in introducing a degree of contestability to support services in order to raise standards and ensure responsiveness. This could involve empowering schools to require that the ESA procure certain services from alternative providers, rather than provide them directly. Such arrangements would be subject to the requirements of procurement law and policy. It is recommended that the potential for such arrangements be explored more fully.

School Improvement/raising standards

16. Under the new arrangements, DE, the ETI, the ESA and Boards of Governors will each have responsibilities in relation to school improvement. Their respective roles and lines of accountability must be clear and unambiguous. The fundamental responsibility for raising standards will rest with Boards of Governors, for which they would have a statutory duty, and be accountable through ESA to DE. In the case of a school which was not making satisfactory progress, it would be the responsibility of the Board of Governors to take any necessary action. This might include: action in relation to the management of

staff, such as ensuring that training and development needs were met, disciplinary measures, or dismissal; or seeking additional support services from the ESA.

17. The ESA should have a statutory duty to promote school improvement and this should be a core element of its work. Its role should include monitoring school performance, challenging where necessary (see below), and assisting schools to identify the action required for improvement. The ESA should also provide support to schools that are part of a formal school improvement process.
18. DE will monitor and benchmark the system as a whole, holding the ESA to account for its performance, and challenging/directing where necessary. DE will be accountable, through the Minister, to the Assembly/Parliament. DE will require powers to ensure that the system operates effectively, and that Boards of Governors and the ESA fulfil their respective responsibilities.

Accountability and challenge

19. Schools will be empowered and entrusted to discharge their roles, and will not be subject to day to day control or management by the ESA. This will be balanced by clear accountability arrangements. The ESA will monitor the performance of schools and hold them to account. Where necessary, the ESA will challenge a school that is underperforming. However, the guiding principle will be self-improvement by schools, and the ESA will be required to limit any intervention to the minimum necessary, and to provide support to Boards of Governors in seeking improvement.
20. Where possible, intervention should be limited to requiring a school to identify the actions that it will take to remedy the underperformance. Only if this proved ineffective would the ESA intervene further, eg by
 - directing the school to take specific action;

- suspending or removing the right to a delegated budget; or
 - requiring a school to accept additional support services.
21. If, in the most extreme and serious circumstances, such action also proved ineffective the ESA or DE might consider further action, such as:
- suspending the delegation of employer functions from the ESA to a school (see paper 7); or
 - requiring the membership of a Board of Governors to be changed, by replacing all or part of the existing membership, or supplementing the membership.

Strategic Planning

22. The Department of Education will set the overall policy framework for the strategic planning of schools and procurement, at the core of which will be the forthcoming sustainable schools policy and the new Education Infrastructure Procurement Service.
23. The ESA will be responsible for overall strategic planning and procurement. It will aim for a more coherent approach to schools planning, within and between sectors; maximising quality and sustainability across all types of schools on an equitable basis.
24. In assessing development proposals, the ESA will have particular regard to the contribution that such proposals will make to the objectives in *A Shared Future*, either through the development of integrated education, or through greater co-operation and sharing between schools of other types.
25. Further development of the role of the ESA in Strategic Planning will take account of the recommendations of the Bain Review.

RPA Division
28th November 2006

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Annex A

In **Evaluating Schools (1992)** the Education and Training Inspectorate set out its views of ethos as follows:

“The distinctive character and atmosphere of a school which reflect the extent to which the school, under the principal’s leadership, promotes the moral, intellectual, social and personal development of all its pupils.”

The dimensions/components of ethos include the following:

- sense of loyalty;
- valued relationships;
- sense of belonging to the school community;
- confidence of self-esteem;
- valuing oneself and others; and
- respecting the property of others.

Every school has an ethos which will influence its capacity to meet its own expectations and that the community it serves.