

# INDEPENDENT REVIEW OF EDUCATION

## TERMS OF REFERENCE

### Purpose of paper

1. The purpose of this paper is to provide a Terms of Reference (“**ToR**”) for the Independent Review of Education (“**the Review**”), as prescribed by the New Decade New Approach (“**NDNA**”) agreement and as announced by the Minister of Education on 15 December 2020. The paper defines key elements of the Review including the strategic context; the deliverables, scope and outputs; and the structures to support the work. Nothing in the review process should act as a barrier to any necessary change or reform that is required to be brought about in the meantime.

### Background

2. This ToR relates to one of the priorities identified within NDNA, agreed by the main NI political parties of 10 January 2020. Part 1 of the document<sup>1</sup> sets out the priorities of the Executive, including measures to transform public services. It included the following commitment as an immediate priority for the restored Executive:

*The Executive will establish an **external, independent review of education provision**, with a focus on securing greater efficiency in delivery costs, raising standards, access to the curriculum for all pupils, and the prospects of moving towards a single education system.*

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<sup>1</sup>[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/856998/2020-01-08\\_a\\_new\\_decade\\_a\\_new\\_approach.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf)

3. This was further developed in Appendix 2 of that document, which set out longer term strategic priorities. In relation to education the document stated that.

*The education system has a diversity of school types, each with its own distinctive ethos and values. However it is not sustainable. The parties acknowledge the progress made in developing new models of sharing, cooperation and integration. There is a desire to build on this as a basis for delivering long term improvements in the quality, equity and sustainability of the system. The parties agree that the Executive will commission and oversee an independent fundamental review with a focus on quality and sustainability. The educational experience and outcomes for children and young people are the most important factors.*

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4. NDNA makes a number of other references to education which will be relevant to this Review. Namely it discusses the “*resourcing pressures in schools*”<sup>2</sup>, the Executive’s desire to “*support educating children and young people from different backgrounds together*”<sup>3</sup>, the need to “*deliver a new special educational needs framework*”<sup>4</sup> and the importance of “*an enhanced approach to careers advice, curriculum training and apprenticeships*”<sup>5</sup>.

## **Strategic Context**

5. The Department of Education (**the Department**) recognises that whilst there are many areas of excellence within the Northern Ireland education system there are also significant challenges. It is accepted that the education system requires transformation to ensure it is sustainable, effective and efficient and, critically,

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<sup>2</sup> New Decade, New Approach; January 2020; Pg 7, paragraph 5

<sup>3</sup> New Decade, New Approach; January 2020; Pg 7, paragraph 7

<sup>4</sup> New Decade, New Approach; January 2020; Pg 7, paragraph 9

<sup>5</sup> New Decade, New Approach; January 2020; Pg 9, paragraph 1

helps to provide positive outcomes for children and young people. For this transformation to occur there needs to be an evidence based review of provision; an agreed vision for the future education system; political and stakeholder consensus on the necessary actions for change; and supply of adequate funding, where required.

6. In this context the Department established a small scale, focussed Transformation Programme in April 2018 which sought to explore a series of issues within education to bring forward proposals to the Minister. The Programme was established in the absence of Ministers and therefore was limited in scope.
7. The Programme was suspended in March 2020 on the outset of the COVID-19 pandemic, with Projects within the Programme at different stages of delivery. The future of the Transformation Programme, in light of the Review, the ongoing pandemic and a very constrained funding position (with no funding available to underpin the programme in 2020 or beyond), is to be determined – although the work carried out to date will be valuable to the work of the Review team.
8. Some of the challenges within the local education system that were identified when establishing the Transformation Programme included:
  - a. Ensuring the Department (and its Partners) is able to deliver on the **strategic direction** outlined in the Programme for Government and the Children and Young People’s Strategy.
  - b. **Significant budgetary pressures** within schools and settings often being asked to deliver more but with less funding.
  - c. The need to **modernise education design and delivery** so it is more effective in its use of staffing, resources and technology.
  - d. A network of primary and post-primary schools which is fragmented and multi-sectoral with **too many small and unsustainable schools** for the current and projected pupil population and the communities they serve.
  - e. Significant **differences in levels of educational achievement** between children from different socio-economic backgrounds.

- f. The **school governance model**, which while serving the system well for many years, needs to be examined with a view to being reshaped and re-designed to ensure it is fit for purpose for 21<sup>st</sup> century.
  - g. **Increasing proportion of pupils with special education needs** which require additional support and targeted interventions.
  - h. The **mental health and wellbeing of pupils** is an area of increasing concern for schools who are finding themselves under significant pressure with the variety and complexity of issues presented by pupils.
  - i. Pressures for the local education system to become more flexible in responding positively in **preparing young people to meet the needs of a modern and rapidly changing economy**. One key challenge is to ensure that young people not only have the appropriate level of technical skills to live in a digital world, but also have the personal skills and attributes to prosper in a modern economy.
9. Whilst there are significant challenges within the Northern Ireland education system there are also many strengths. Northern Ireland has, in many respects, the features of a high performing education system, but these need to be built upon to ensure these permeate the entire system.
10. International research in recent years has ranked Northern Ireland as amongst one of the best performing systems in standards of mathematics out of over 50 developed countries for children aged 9-10<sup>6</sup>. In standards of literacy<sup>7</sup>, only two countries significantly outperformed Northern Ireland, whilst in numeracy the system was ranked in the top seven performing countries, and in science it outperformed the average international standard.<sup>8</sup>
11. Of course, we cannot and should not measure performance in education solely on exam results – we need to look at different vocational and non-academic routes and ensure that education contributes to the development of children’s

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<sup>6</sup> TIMMS (2015) <https://www.education-ni.gov.uk/sites/default/files/publications/education/TIMMS%20Executive%20Summary%20Final%20v4.pdf>

<sup>7</sup> <https://www.nfer.ac.uk/publications/PIRR01/PIRR01.pdf>

<sup>8</sup> TIMMS (2015) <https://www.education-ni.gov.uk/sites/default/publications/education/TIMMS%20Executive%20Summary%20Final%20v4.pdf>

personalities, talents and mental and physical abilities to their fullest<sup>9</sup>. The recent pandemic has asked some fundamental questions about the purpose of education. It is increasingly important that our education system supports our young people to develop skills for an unpredictable world such as communication, collaboration, informed decision making, creative problem solving, adaptability, empathy and emotional intelligence.

12. The Children and Young People's Strategy<sup>10</sup> sets out a strategic framework for improving the well-being of children and young people in Northern Ireland. It outlines how all government departments, agencies and those who provide children's services will work together to deliver better outcomes for all children and young people and links directly to the draft Programme for Government outcomes, primarily 'we give our children and young people the best start in life'. Education has the ability to significantly contribute to each of these outcomes, not just those focussed on learning and achieving.

13. The Review should build upon current work, previous reviews and existing research to ensure work is not unnecessarily replicated or duplicated. The education system has been subject to a series of reviews in the past – these have either been subject specific (i.e. funding, selection, careers etc.) or have been more strategic (e.g. Bain 2006, Educational Underachievement 2020). A first action for the Review Panel will be familiarise itself with previous research, studies or reviews which are relevant to this assignment and understand what recommendations were made and for what reason at the time; what was delivered and to what benefit; and reasons why other recommendations were not taken forward.

## **Aim**

14. As set out in NDNA, the Review will be a fundamental review of the Northern Ireland education system with a focus on quality, equity and sustainability of the system. This has the potential to radically re-shape education design, delivery and provision – albeit decisions following the Review will be subject to Executive

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<sup>9</sup> Article 29 of the United Nations Convention on the Rights of the Child.

<sup>10</sup> <https://www.education-ni.gov.uk/articles/children-and-young-people>

agreement, wider stakeholder consensus and the availability of appropriate funding.

15. The Review is also an opportunity to agree a vision for what a high quality, innovative and inclusive education system looks like in Northern Ireland in the 21<sup>st</sup> century and how relevant partners might work together to realise that vision - making Northern Ireland a truly excellent system internationally. This vision should not be constrained by the existing structure of education.
16. The Independent Review of Education is expected to provide a strategic and evidence based assessment of the effectiveness of the current education system in Northern Ireland and the positive outcomes it delivers for children and young people.
17. The Review will be expected to identify constraints within the education system which inhibit positive outcomes for children and young people as well as identifying any structural issues which lead to inefficiencies or ineffectiveness. The Review will provide a set of strategic recommendations on how the Department and the Executive might improve outcomes for pupils, support to schools and the effectiveness of education administration.
18. The Review, whilst considering structural and system level issues, should be student centred with a primary focus on improving outcomes for children and young people. The Review will therefore be delivered in a collaborative manner with stakeholders, meaning the Review Panel will be expected to engage with relevant groups, organisations and individuals as appropriate to ensure there is adequate opportunity for specific issues to be raised, opinions heard and evidence presented.

## **Scope**

19. Within NDNA it was explained that 'education' means education for children and young people in early years, primary, post-primary or further education settings. The document also states that "*Education includes all aspects of education*

*including Sectoral Bodies, ETI, curriculum, area planning, 14-19 Strategy, Entitlement Framework, teacher training and the interface between Higher Education and Further Education”.*

20. Therefore, the Review will consider key aspects of education policy and delivery within the remit of the Department of Education as well as key aspects of post 16 education and training. This will require close engagement with the Department for the Economy in respect of their remit for further education, higher education and vocational education and training.
  
21. In addition to the NDNA definition it will be important that the Review includes within its scope the full range of education services including early years services, special education, education other than at school (EOTAS), youth services and employment pathways post-16, including e.g. apprenticeships. Furthermore, it is accepted that education policy links with other Departments, for example, in the early years with Department of Health, in terms of equality legislation with the Executive Office<sup>11</sup> and in delivering education in the youth justice system with the Department of Justice. As stated previously, there will also be close working with the Department of the Economy.
  
22. There is a significant amount of work ongoing within the Department on policy review, improvement and transformation – including areas specifically referenced in NDNA. This work will continue throughout the Review and the appointed Panel will be expected to be cognisant of this and reflect this in its final Report as appropriate.
  
23. Given the broad scope of the assignment, the Department has proposed the following core strands for the Review to consider.

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<sup>11</sup> Specifically the Fair Employment and Treatment (NI) Order 1998 (“FETO 1998”) regarding the employment and recruitment of teachers.

## Strand 1 – Education journey and outcomes.

A Strand to focus on the journey of children and young people throughout their education and on the outcomes they achieve – to ensure that the outcomes of all our children and young people and pathways for learners beyond formal education are improved.

### **This could include consideration of:**

- The preparation of children for schooling in the early years, including childcare, pre-school and transition into primary school (including flexibility of school starting age).
- The transition and transfer of children from primary to post-primary.
- The transition of young people into careers, further and higher education and training and the interaction between schools and these sectors.
- The experience of pupils with special educational needs and disabilities and pathways provided.
- The purpose, nature and delivery of the curriculum, assessment and qualifications.
- The provision of education other than at school (EOTAS) and non-formal education through youth services.
- The opportunities provided and outcomes improved via shared education.
- The role of education in supporting the mental health and well-being of our children and young people.
- The meaningful participation of children and young people in decision-making about matters that affect them.
- The educational outcomes attained by children and young people.
- How we currently measure outcomes and whether this approach is appropriate.
- Learning from the experiences of children and young people during the COVID-19 disruption especially in terms of remote learning and the role of technology in education delivery.

**The outputs of this strand could include;**

- An assessment of the current education journey experienced by children and young people, from pre-school to preparedness for further and higher education, training and employment;
- Identification of significant barriers to the provision of a personalised education experience and improved outcomes and
- Recommended actions to raise standards and improve outcomes for children and young people in terms of their education, their well-being, their mental health and their resilience.

**Strand 2 – Support for settings and schools<sup>12</sup>, funding and governance.**

A Strand to focus on support provided to education settings, funding levels and arrangements; and governance processes at a school, setting or college level – to ensure that all education settings are empowered, resourced and supported to best teach our children and young people.

**This could include consideration of:**

- The range of pupil support services, including SEN, provided for pupils and the current level, quality and consistency of service provision across each of these services.
- An assessment of the range of support services provided for education settings, teachers and school leaders.
- The delivery of initial teacher education (ITE) and In Service Tutor Education in the School and Further Education sectors respectively and consideration of how education leaders and practitioners are empowered to fulfil their potential and share excellent practice.

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<sup>12</sup> References to schools and education settings relate to those under the responsibility of the Department of Education i.e. pre-school, primary, post-primary and the youth service and the Department for the Economy i.e. Further Education and Higher Education

- The roles and responsibilities of school leaders and teachers, at all levels, in the 21<sup>st</sup> century.
- The role of education inspection and school improvement services.
- The distribution of funding to education settings and quantification of any potential funding gap.
- The resourcing requirements of education settings, with modelling and quantum of funding of individual schools and settings (including further and higher education).
- The existing model of education governance in schools and options for new models.
- The physical infrastructure of the education estate.
- The digital infrastructure of the education estate and the role of technology in education to support learning, pedagogy and qualifications.
- How innovative practice in teaching, governance and leadership can be harnessed and shared across the wider system.
- Learning from support provided to education settings during the COVID-19 disruption and how they were able to provide continuity of learning during this time.

**The outputs of this strand could include;**

- An assessment of the support services provided to education settings and teachers / leaders in terms of education delivery, pupil support, professional development, funding, infrastructure and governance;
- Identification of challenges, inadequacies or gaps in current support provision; including identification of factors which may create disparity in funding or service levels comparative to rest of the UK and,
- Recommended actions to improve support to education settings and teachers / leaders to ensure an optimal learning environment for children and young people, including consideration of appropriate funding models for education settings to meet the needs of children and young people and education providers. .

### **Strand 3 – System level design, delivery and administration.**

A Strand to focus on how the education system is currently designed, delivered and administered – to ensure the education system is efficient, sustainable and more stream lined with barriers to effectiveness identified and challenged.

#### **This could include consideration of:**

- The roles and responsibilities of those who deliver and administer education, including the Department of Education and Department for the Economy, their relevant Arm's Length Bodies and sectoral bodies. To include consideration of the number of these bodies and areas of duplication.
- How the Department of Education and the Department for the Economy (and its Partners) works collaboratively with other Government Departments, Arm's Length Bodies, Initial Teacher Education and In Service Tutor Education providers to support education outcomes, and specifically the interaction between providers of secondary and further education.
- The better alignment of education provision and funding, at all levels, with NI Executive priorities.
- The review of school management type and assessment of the consequences of the current model.
- An analysis of areas of duplication, segregation or fragmentation in the current system and an assessment of the impact of such issues on delivery, costs and outcomes.
- How outstanding recommendations, where appropriate, from the Independent Review of Integrated Education (2017), and any other relevant previous reports, might be advanced in the context of this wider Review.

- An analysis of areas of best practice, innovation, sharing and collaboration in the current system and an assessment of their potential for broader application.
- An assessment of resource intensive services within education delivery and identification of priority areas for further investment.
- An analysis of the current network of education settings and its long term viability and sustainability.
- Consideration of appropriate measures and indicators to determine performance of the education system.
- Defining what a “single education system” means and would entail in practical terms, assessing the costs / benefits of such an approach.

**The outputs of this strand could include;**

- An assessment of the effectiveness and efficiency of the current design and delivery of education services at a strategic level;
- Identification of structural issues which lead to inefficiency and ineffectiveness in education delivery and a quantification of the cost / non-cost impact of such issues; and,
- Recommended actions to challenge or overcome the structural issues in order to improve the design of education and the efficiency of delivery, including a pathway to a more effective, sustainable and streamlined delivery model – with a particular focus on a “single” education system.

24. The above is provided to ensure a structure and focus for the Review Panel, albeit it is acknowledged that, given the nature of education, there will be significant overlap and interlinkages across the Strands and issues not listed above may well emerge during the work of the Panel. The Chairperson will have responsibility for ensuring the key issues outlined above are covered in the final Report, as they deem appropriate.

25. Furthermore, work on the proposed Strands should also inform a clear vision for what education in Northern Ireland should aspire to be the 21<sup>st</sup> century, the outcomes it will deliver and how it supports the wider economy. This vision piece is also listed as a key deliverable.

26. The Review Panel should be aware of some other areas of work that will have a linkage to its work.

- a. The Minister has previously established an independent **Expert Panel**<sup>13</sup> to **consider the issue of persistent educational underachievement**. This work commenced on 1 September 2020 and will result in the production of a costed action plan to address educational disadvantage by 31 May 2021.
- b. The Department also has plans to conduct a **review of the Education Authority** in 2020-21, though this timeframe has been impacted by the COVID-19 pandemic. The review will consider the overall operations and governance of the Education Authority and the extent to which the organisation is effectively able to deliver against government/its priorities. In line with the Cabinet Office guidance it will examine the extent to which the organisation is well governed, and observes high standards of transparency and efficiency.
- c. The **Independent Review of Integrated Education**<sup>14</sup>, published in 2017, contained 39 recommendations. Of these the Minister of Education has agreed that 15 recommendations<sup>15</sup> – mainly relating to statutory requirements or wider Departmental policy should be considered in this wider Review of Education.
- d. The 2017-2019 **Teachers’ pay agreement included a commitment to deliver nine reviews**, which are seen as key to the modernisation of the school working environment and achieving a more settled industrial relations climate. The successful completion of these reviews and the implementation of change has the potential to deliver financial savings;

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<sup>13</sup> <https://www.education-ni.gov.uk/publications/terms-reference-for-expert-panel-persistent-educational-underachievement>

<sup>14</sup> <https://www.education-ni.gov.uk/publications/report-independent-review-integrated-education>

<sup>15</sup> These are recommendations 1, 3, 4, 6, 7, 8, 9, 10, 11, 13, 14, 16, 33, 37 and 38 of the 2017 Report.

modernise the teacher work environment; transform accountability and assessment approaches and systems; and improve outcomes for pupils.

e. Also within NDNA is a commitment to carrying out a **review of Arm's Length Bodies (ALB) in Northern Ireland**. This has been undertaken by the Department of Finance and is expected to report shortly. The review involves an assessment as to whether an ALB meets one of six tests:

- Do its functions need to be delivered independently and at arm's length from Ministers?
- Do its activities require political impartiality?
- Does it perform a technical function which would be inappropriate to be carried out by a Government department?
- Is there overlap with any other ALB and could its functions be amalgamated with another ALB. Are there efficiencies which could be made?
- Has it outlived its purpose and should it be abolished? and
- Does it have sufficient transparency to the public about its activities and could this be improved?

27. The Review Panel will wish to engage with officials / Review Teams, as appropriate, **to avoid duplication**, understand relevant findings and consider how these may support the work of this wider Review.

## **Deliverables**

28. In line with sections on Aim and Scope, the Review Panel will deliver a Report which will:

- a. Consider appropriate research / data (including previous reviews of education) and work with stakeholders to provide an evidenced based assessment of the:
  - i. Current education journey experienced by all children and young people, from pre-school through to further and higher education, and preparedness for training and employment.

- ii. Support services provided to education settings and teachers / leaders in terms of education delivery, pupil support, SEN services, professional development, funding, infrastructure and governance.
  - iii. Effectiveness and efficiency of the current design and delivery of education services at a strategic level.
- b. Consider appropriate research / data (including previous reviews of education) and work with stakeholders to provide an evidenced based assessment of the barriers, inadequacies, gaps and structural issues relating to:
  - i. Improved outcomes for all children and young people.
  - ii. Current support provision to schools and other education settings.
  - iii. Inefficiency and ineffectiveness in education delivery and a quantification of the cost / non-cost impact of such issues.
- c. Provide a set of strategic recommendations to:
  - i. Raise standards and improve outcomes for all children and young people in terms of their education, their well-being, their mental health and their resilience.
  - ii. Improve support to education settings and teachers / leaders to improve both the learning environment and outcomes for children and young people.
  - iii. Improve the design of education and the efficiency of delivery, including a pathway to a more effective, sustainable and streamlined delivery model, one which delivers the best outcomes for pupils – with a particular focus on a “single” education system.
- d. Set out a clear vision of what high quality and innovative education in Northern Ireland should look like in the 21<sup>st</sup> century, the outcomes it should deliver and the appropriate indicators of success - detailing the key actions required to make this vision a reality.

29. The Review Panel will be expected to draw on the experience of education stakeholders in Northern Ireland but will also use national and international expertise and experience as appropriate.
30. Recommendations and actions must, as far is possible and practical, be Specific, Measurable, Attainable, Realistic and Time-bound (accompanied with a realistic timeframe for delivery).
31. Where a recommendation or action will require significant levels of funding to deliver or result in significant levels of savings efforts must be made to provide a quantification of cost / saving. Similarly, where a recommendation will provide a tangible non-cost benefit to the outcomes of children and young people, services to schools or the efficiency of education delivery, these should be quantified.
32. The Review Panel will provide a report to the Minister of Education based on this Terms of Reference.

### **Panel recruitment and membership**

33. The Review Panel will be led by an external independent Chair, appointed by the DE Minister following an open recruitment process. The Chair will be supported by a Vice Chair and three additional panel members, each of which will also be appointed by the DE Minister following an open recruitment process. To be deemed appointable candidates will have to demonstrate appropriate experience, skills and personal qualities – relevant to the post(s).
34. Applicants will be initially sifted by a panel and a list of suitable candidates presented to the Minister for consideration and selection.

### **Support structures**

35. The Chairperson of the Review will wish to consider how the Panel will engage with education stakeholders to inform the Review and what structures or reference groups are established to inform the Review.

36. Whilst independent, it would be expected that the Review will involve significant engagement with the Department, its ALBs and the various sectoral bodies.

37. Furthermore, education has a wide range of stakeholders and it is essential that they have the opportunity to support and inform the Review via engagement, provision of evidence and through membership of appropriate reference group(s). The design, management and membership of reference group(s) will be a matter for the Chairperson of the Review and the wider Review Panel. Although it could be expected that groups of the following stakeholders would be central to the Review process:

- a. Practitioners (meaning Principals, teachers, pre-school leaders and youth workers etc. across all stages, sectors and school types, including EOTAS.).
- b. Children and Young People.
- c. Parents and Carers.
- d. Teaching and non-teaching trade unions.
- e. Other education stakeholders (including the Education Committee, political representatives, representatives of the main churches, early years representatives, the youth sector, teacher training colleges, professional bodies, the community and voluntary sector, advocacy and children's rights groups, health and social care bodies, academia and business organisations etc.).

38. The Review Panel will be supported by a secretariat function provided by the Department of Education. The secretariat will support the delivery of the Review as well as consider the key next steps once the Review concludes – however it will not be responsible for delivering the recommendations of the Review.

39. The Chairperson will be responsible for assessing the need for additional research or support and will work with the Secretariat to secure.

## Accountability

40. The Review Panel will be independent and be directed by the appointed Chairperson. The Chairperson will set the work plan for the Review and have responsibility for delivering on these Terms of Reference.
41. Funding for the Review Panel will be managed by a Secretariat which will be provided by the Department.

## Timescales

42. The Review Panel will be expected to provide an interim report of key findings within 12 months of taking up post. This report will be submitted to DE and DfE Ministers and shared with the Executive, the Education and Economy Committees of the Assembly, in confidence.
43. The Review Panel will be expected to provide a final report within 18 months of taking up post. This report will be submitted to the DE and DfE Ministers and shared with the Executive, the Education and Economy Committees. The final Report will be published by DE Minister.
44. It is recognised that these timescale might be challenging. Therefore, the timescales outlined above may be extended by the DE Minister at the request of the Chairperson of the Review, providing there is sufficient justification. The extension, however, will not be greater than a period of 6 months.
45. The Review Panel should be aware that the next Northern Ireland Assembly Election is scheduled for Thursday 5 May 2022 and that this will be preceded by a period of *purdah*<sup>16</sup>. The Panel should be cognisant of this when submitting reports (interim or final) to the Department. The Department will be willing to take early receipt of Reports (interim or final) if the Panel is able to complete the work sooner than expected.

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<sup>16</sup> The period leading up to an election, during which government departments generally refrain from making any new announcements.

