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Assembly

## Research and Information Service Briefing Paper

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# Education Inspections Bill

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This Bill Paper provides an overview of the Education Inspections Bill as introduced to the Assembly on 19 May 2026. The paper commences with a brief overview of the literature on education inspection. It then provides background information on the ETI, detail of the legislative proposals, considers the Bill clause-by-clause, compares approaches to the obstruction of school inspection elsewhere, and concludes with a discussion of the potential financial implications of the legislation as introduced. Areas which may merit further consideration are highlighted throughout.

This information is provided to Members of the Legislative Assembly (MLAs) in support of their duties, and is not intended to address the specific circumstances of any particular individual. It should not be relied upon as professional legal advice, or as a substitute for it.

## Key Points

- The Education Inspection Bill was introduced to the Assembly on 19 May 2026 and the second reading was held on 1 June 2026. It seeks to amend the [Education and Libraries \(Northern Ireland\) Order 1986](#) ('the 1986 Order') with respect to the inspection of education and training providers. This paper is based on the Bill as introduced.

### **Extending the legislative framework to further type of provider**

- Currently, inspection services for education and training in Northern Ireland are provided by the Education and Training Inspectorate (ETI) in accordance with Articles 102 and 102A of the 1986 Order. This requires that 'relevant establishments' including grant-aided and independent schools, further education institutions, colleges of education, and other institutions under the auspices of the Education Authority are to be open at all reasonable times to inspection.
- ETI is currently commissioned by departments other than the Department of Education (DE) to undertake inspection services of institutions outside the education orders, for example, the Department for the Economy (DfE) in the case of work-based learning placements and apprenticeship, and the Department of Agriculture, Environment and Rural Affairs (DAERA) to evaluate education provision at the College of Agriculture, Food and Rural Enterprise (CAFRE).
- Clause 1 of the Bill seeks to extend the definition of a 'relevant establishment' that must be open at all reasonable times to inspection at Article 102(2) to include additional education providing institutions that are established, maintained or managed by Northern Ireland departments. Inspection will be progressed only with the consent of the responsible department.

### **Inspection of Religious Education**

- Under Article 102(7) religious education (RE) is excluded from inspection unless by agreement with a school's Board of Governors. In November

2025, the Supreme Court delivered its judgement on Judicial Review (JR87) concerning the legality of teaching of religious education (RE) and the practice of collective worship in the child's controlled primary school, and reinstated a High Court declaration that the teaching of religious education under the core syllabus and arrangements for collective worship breached certain rights protected by the European Convention on Human Rights (ECHR). In its assessment, the Court highlighted the absence of structured inspection of RE by the Department, noting that the Department therefore had no information on how religious education was being delivered in schools.

- Clause 2 of the Bill seeks to remove the existing statutory exemption preventing ETI from inspecting the provision of RE at Article 102(7). It does not seek to repeal provision at Article 21(3) which provides that RE in controlled integrated, grant maintained integrated or voluntary schools be subject to such arrangements for inspection and examination as the Board of Governors thinks fit, nor does it repeal Article 21(7) which enables Ministers of religion and other suitable persons to whom parents do not object to inspect and examine RE. Section 6.2 of this Paper provides potential scrutiny points related to the scope of this clause, and the proposed scope, format, and reporting of the RE inspection that will be undertaken by ETI.

### **Powers of officials and disciplinary measures**

- Currently, whilst every relevant establishment is required to be open at all reasonable times to inspection, the legislation does not confer any statutory powers on officials carrying out inspections, nor does it impose any statutory duty on schools or teachers to cooperate with inspections.
- For much of the last decade, industrial action by teaching unions in Northern Ireland, which has largely taken the form of Action Short of Strike (ASoS), has included non-cooperation with ETI inspections alongside other measures including restrictions on the implementation of policies, initiatives and working practices not agreed with unions.

- Clause 3 seeks to establish explicit statutory powers for inspectors and associated personnel when conducting inspections, and to define the intentional obstruction of inspections, or failure to cooperate with inspectors, as unacceptable professional conduct thereby creating a liability for disciplinary measures.
- Unacceptable professional conduct is subject to the disciplinary framework established by Schedule 1A to the Education (Northern Ireland) Order 1998 ('the 1998 Order'). This is a new Schedule to be established by the [General Teaching Council Bill](#) which is currently undergoing Assembly scrutiny. It gives the Department power to make regulations authorising the General Teaching Council for Northern Ireland (GTCNI) to impose disciplinary orders where a teacher is found guilty of unacceptable professional conduct, serious professional incompetence, or a relevant criminal offence. Disciplinary orders include a reprimand, a conditional registration order, a suspension order and a prohibition order.
- Until the first regulations under Schedule 1A come into operation, a reference to "unacceptable professional conduct" in Article 102C(1) to (4), as inserted by clause 3 of the Education Inspections Bill, is to be read as a reference to "misconduct" within the meaning of [Article 36\(3\)\(f\)\(iii\) of the 1998 Order](#). This Article refers to the regulations related to teacher registration and provides for the removal of a teacher's entry from the Register of Teachers where the person concerned has been found guilty of misconduct. GTCNI's statutory power is currently limited to removal from the teacher register in line with present [regulations](#) (SR 2015/151).
- Clause 3 of the Bill is broadly consistent with approaches adopted elsewhere in the UK and Ireland, but differs in using the teacher disciplinary framework rather than creating a standalone criminal offence. It also expressly addresses the encouragement of others to hinder or prevent an inspection, a provision not identified in the comparator jurisdictions reviewed.

- Section 6.3 of this Paper provides potential scrutiny points related to terms used, the processes to be undertaken, and the potential sanctions to be employed in the case of unacceptable professional conduct as defined by the Bill as introduced. Section 7 compares the legislative approaches adopted in selected jurisdictions, primarily England, Wales, Scotland and Ireland, as well as a number of international examples.
- The Paper concludes with potential public purse implications that could arise from the Bill as introduced, including potential costs related to training, resource, liability of teachers to disciplinary measures, and administration.

## Contents

|                                                                                  |    |
|----------------------------------------------------------------------------------|----|
| Key Points .....                                                                 | 2  |
| Introduction.....                                                                | 7  |
| 1      What does the broader literature say about education inspection? .....    | 7  |
| 2      The Education and Training Inspectorate Northern Ireland .....            | 9  |
| 2.1    A new framework for inspection.....                                       | 10 |
| 2.2    Impact of industrial relations on inspection activity .....               | 14 |
| 3      Policy context.....                                                       | 15 |
| 4      Impact of ASoS on inspection activity.....                                | 18 |
| 4.1    Implications for the assessment of safeguarding .....                     | 23 |
| 5      Legislative proposals consulted on and considered.....                    | 25 |
| 5.1    Consultation on proposals to strengthen legislation on inspection.....    | 25 |
| 5.2    Equality screening .....                                                  | 28 |
| 5.3    Options considered.....                                                   | 28 |
| 5.4    Evidence to the Committee for Education.....                              | 29 |
| 6      The Education Inspections Bill.....                                       | 31 |
| 6.1    Clause 1: Extension of system to further type of provider.....            | 31 |
| 6.2    Clause 2: Removal of exemption for religious education .....              | 33 |
| 6.3    Clause 3: Power of officials and disciplinary measures .....              | 40 |
| 7      What happens elsewhere? .....                                             | 49 |
| 7.1    Obstruction of inspections.....                                           | 50 |
| 7.2    Inspectors' powers of entry and right to access information .....         | 56 |
| 8      Key potential public purse implications .....                             | 58 |
| 8.1    Background.....                                                           | 58 |
| 8.2    Draft Budget 2026-2029/30: DE allocations.....                            | 64 |
| 8.3    Explanatory and Financial Memorandum: financial effects of the Bill ..... | 66 |
| 8.4    Key potential public purse implications .....                             | 66 |
| 8.5    Key takeaways.....                                                        | 78 |

## Introduction

The Education Inspections Bill seeks to amend the [Education and Libraries \(Northern Ireland\) Order 1986](#) with respect to the inspection of education and training providers. It aims to:

- Extend the categories of establishments that may be inspected by the Education and Training Inspectorate (ETI) to include any establishment providing education under a Northern Ireland department.
- Repeal the exemption on the inspection of religious education by ETI.
- Establish explicit statutory powers for inspectors and associated personnel when conducting inspections.
- Define the intentional obstruction of inspections, or failure to cooperate with inspectors, as unacceptable professional conduct that may result in disciplinary measures.

The Bill was introduced to the Assembly on 19 May 2026 and the second reading was held on 1 June 2026.

This paper is based on the Bill as introduced. It commences with a brief overview of the literature on education inspection. It then provides background information on the ETI, detail of the legislative proposals, considers the Bill clause-by-clause, compares approaches to the obstruction of school inspection elsewhere, and concludes with a discussion of the potential financial implications of the Bill as introduced. Areas which may merit further consideration are highlighted throughout.

## 1 What does the broader literature say about education inspection?

The OECD states that effective school monitoring and evaluation is “central to the continuous improvement of student learning”, and for providing schools with “essential feedback” for improvement.<sup>1</sup> It, and other sources, identify school

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<sup>1</sup> OECD, [Education GPS: School evaluation](#) (2023)

inspection as a main feature of external quality monitoring and the broader school accountability system.<sup>2,3</sup>

Sources suggest that inspection differs from educational monitoring based on teacher evaluation or student performance data as it considers further outcomes and wider contextual factors, such as school climate.<sup>4</sup> The role of inspection in assessing the quality of teaching and learning, assessing compliance with legislation and facilitating enforcement of policy is also noted in the literature.<sup>5,6</sup>

The Northern Ireland Audit Office (NIAO) and Independent Review of Education in Northern Ireland have both highlighted the school inspection process as a central mechanism for accountability and quality assurance of Northern Ireland's education system.<sup>7 8</sup> The report of the Independent Review of Teacher Workload in Northern Ireland acknowledges “a high level of consensus, across all phases, about the purpose of inspection in supporting improvement”.<sup>9</sup>

The research evidence base on the impact of school inspection is varied.<sup>10,11</sup> Whilst the literature suggests that inspection can promote reflection on quality and improvement; influence teacher, leadership and organisational practice; support development of school self-evaluation and, in some cases, contribute to

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<sup>2</sup> OECD, [Education GPS: School evaluation](#) (2023)

<sup>3</sup> S Hofer et al., '[Evaluating school inspection effectiveness: A systematic research synthesis on 30 years of international research](#)', *Studies in Educational Evaluation* (2020) Vol. 65

<sup>4</sup> S Hofer et al., '[Evaluating school inspection effectiveness: A systematic research synthesis on 30 years of international research](#)', *Studies in Educational Evaluation* (2020) Vol. 65

<sup>5</sup> Various sources cited in S Gardezi et al., '[School inspections: a rhetoric of quality or reality?](#)', *Frontiers in Education* (2023) Vol. 8

<sup>6</sup> S Hofer et al., '[Evaluating school inspection effectiveness: A systematic research synthesis on 30 years of international research](#)', *Studies in Educational Evaluation* (2020) Vol. 65

<sup>7</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026)

<sup>8</sup> K Bloomer et al., [Investing in a Better Future: The Independent Review of Education in Northern Ireland - Volume 2](#) (2023) p273

<sup>9</sup> P Sweeney et al., [The Independent Review of Teacher Workload in Northern Ireland](#) (2025) p48

<sup>10</sup> Various sources cited in S Hofer et al., '[Evaluating school inspection effectiveness: A systematic research synthesis on 30 years of international research](#)', *Studies in Educational Evaluation* (2020) Vol. 65

<sup>11</sup> M.C.M Ehren, '[School Inspections and School Improvement; the Current Evidence Base](#)'. In: M. C.M. Ehren (ed) [Methods and Modalities of Effective School Inspections. Accountability and Educational Improvement](#) (2016) p69-85

improved student outcomes, evidence of these effects is variable.<sup>12,13</sup> A recent synthesis of 30 years of international research on school inspection found that evidence for improvement effects was mixed.<sup>14</sup> In a global education monitoring report on accountability in education, Unicef considers that the success of school inspections depends on capacity, objectives and resources.<sup>15</sup> Other studies suggest that inspection effectiveness is dependent on contextual factors and inspection characteristics, including inspection design, follow-up support, inspector credibility, and school capacity for improvement.<sup>16,17,18</sup>

## 2 The Education and Training Inspectorate Northern Ireland

The Education and Training Inspectorate (ETI) is a unitary inspectorate which provides independent inspection services for education and training in Northern Ireland. It has a statutory duty under Article 102 of The Education and Libraries (Northern Ireland) Order 1986 ('the 1986 Order'), to monitor, inspect and report on the standard of education and professional practice of teachers.<sup>19</sup> The scope of its inspection activity is broad, including primary, post-primary, special schools and pre-school settings; education other than at school (EOTAS); further education (FE); work-based learning; youth services; and initial teacher education. While ETI is part of the Department of Education (DE), its inspection functions extend to work commissioned by other departments including the

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<sup>12</sup> M.C.M Ehren, '[School Inspections and School Improvement; the Current Evidence Base](#)'. In: M. C.M. Ehren (ed) [Methods and Modalities of Effective School Inspections. Accountability and Educational Improvement](#) (2016) p69-85

<sup>13</sup> S Gardezi et al., '[School inspections: a rhetoric of quality or reality?](#)', *Frontiers in Education* (2023) Vol. 8

<sup>14</sup> S Hofer et al., '[Evaluating school inspection effectiveness: A systematic research synthesis on 30 years of international research](#)', *Studies in Educational Evaluation* (2020) Vol. 65

<sup>15</sup> Unicef, [Accountability in education: meeting our commitments: Global education monitoring report. 2017/8](#) (2017) p45

<sup>16</sup> OECD, [Education GPS: School evaluation](#) (2023)

<sup>17</sup> M.C.M Ehren, '[School Inspections and School Improvement; the Current Evidence Base](#)'. In: M. C.M. Ehren (ed) [Methods and Modalities of Effective School Inspections. Accountability and Educational Improvement](#) (2016) p69-85

<sup>18</sup> S Gardezi et al., '[School inspections: a rhetoric of quality or reality?](#)', *Frontiers in Education* (2023) Vol. 8

<sup>19</sup> [The Education and Libraries \(Northern Ireland\) Order 1986](#), Article 102(5(a)(b))

Department for the Economy (DfE) and the Department of Agriculture, Environment and Rural Affairs (DAERA). ETI also works jointly with the Criminal Justice Inspection Northern Ireland (CJI) and the Regulation and Quality Improvement Authority (RQIA) through agreed frameworks.<sup>20</sup>

In addition to individual organisation inspections, ETI undertakes broader inspection work and thematic evaluations on a variety of topics. Examples of previous reports include evaluation of careers provision in post-primary schools, specialist provisions in mainstream schools, and digital skills in the curriculum. Findings from thematic evaluation are used by the commissioning Department to assess policy implementation and inform future policy development.

## 2.1 A new framework for inspection

In 2024, ETI published a new framework for inspection, [Empowering Improvement](#), following co-design and engagement with teaching unions, school leaders, teachers, pupils, parents/carers and other stakeholders.

The framework is intended to “lower the stakes and raise the impact” of inspection, placing greater emphasis on professional dialogue, school context, and shared practice. Inspectors draw on a school's existing documentation and evidence rather than requiring new reports or formats. In a further change to the previous framework, performance level gradings have been removed from inspection reports.<sup>21</sup> Each school or organisation receives a bespoke conclusion following the inspection which includes ‘next steps’.

Schools and organisations are normally informed shortly before an inspection takes place; the notification period is generally 10 working days. According to DE, this approach is intended to minimise preparation burdens, while permitting the distribution of questionnaires and receipt of responses. A school or organisation’s notice period may vary depending on the nature of the inspection and any specific operational requirements. In particular instances, they may receive no notice: “*Certain inspection activity, such as follow-up inspections,*

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<sup>20</sup> Education and Training Inspectorate, [A Charter for Inspection](#) (2025)

<sup>21</sup> Education and Training Inspectorate, [Transforming Inspection: What can teachers expect?](#) (2025)

*progress inspections or inspections arising from concerns, may be organised differently, including with no notice, where circumstances require.”<sup>22</sup>*

### **2.1.1 What does inspection ‘look like’ under the new framework?**

The new inspection framework is structured around five core questions which broadly relate to a school’s or organisation’s vision, how it is working towards achieving its vision, how it monitors and reviews progress to define, celebrate and embed success, how well it addresses challenges, and grows and develops an inclusive learning community.<sup>23</sup> Schools and organisations may draw on evidence from nine contributory areas when reflecting on and responding to the questions, with evidence drawn from four central contributory areas in all inspections: Curriculum for All; Planning, Teaching and Assessment for Successful Learning; Health, Wellbeing and Keeping Safe; and Equity, Diversity and Inclusion.<sup>24</sup> An excerpt from the Empowering Improvement Framework is appended to this Paper and sets out how the nine contributory areas link to the five core questions.

ETI does not operate a fixed inspection cycle whereby schools and organisations are inspected at set intervals. In correspondence with the Assembly Research and Information Service (RaISe) the Department outlined a range of factors which inform ETI’s planning for inspection activity, including:

- District inspectors’ knowledge of schools and organisations, obtained through district visits, specialist visits, professional engagement, and thematic evaluation activity, alongside their broader understanding of local educational contexts.
- Previous inspection findings.
- Available performance and contextual information.

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<sup>22</sup> RaISe correspondence with the Department of Education - received 4 August 2026

<sup>23</sup> Education and Training Inspectorate, [Empowering Improvement Project 2 - Booklet for participants](#) (2024-25)

<sup>24</sup> Education and Training Inspectorate, [Empowering Improvement Project 2 - Booklet for participants](#) (2024-25)

- Considerations by ETI to ensure consistency, proportionately and coverage across the education system.<sup>25</sup>

All inspections have some form of follow-up activity. This may include sharing of effective practice, district inspector monitoring, or progress inspection work to formally monitor the extent to which a school has addressed actions identified in earlier inspections.<sup>26</sup> External support is provided where an initial inspection identifies areas for action and the need for a progress inspection.<sup>27</sup>

In line with the DE's school improvement policy [Every School a Good School](#) (ESaGS),<sup>28</sup> the Formal Intervention Process (FIP) is initiated where a school is identified as requiring sustained external support and/or schools have not demonstrated sufficient progress in identified areas of action across two subsequent progress inspections. In such cases, schools are required to submit an action plan to DE in conjunction with the EA, and the CCMS in the case of Catholic Maintained schools, and tailored support is provided. Progress is monitored by the ETI through interim progress visits and follow up inspections. DE decides when a school enters and exits the Process, taking account of ETI inspection evidence.<sup>29,30,31</sup>

### 2.1.2 Inspection of safeguarding and child protection arrangements

ETI evaluates the effectiveness of safeguarding and child protection arrangements during inspection, including the extent to which arrangements align with DE's [statutory guidance](#).

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<sup>25</sup> RalSe correspondence with the Department of Education - received 4 August 2026

<sup>26</sup> Education and Training Inspectorate, [Empowering Improvement: New Framework for Inspection](#) (updated September 2024) p17

<sup>27</sup> Department of Education, [Every School A Good School, School Improvement Policy - Annex C - The Formal Intervention Process](#) (revised January 2025)

<sup>28</sup> Department of Education, [Every School A Good School - A Policy for School Improvement](#) (2009)

<sup>29</sup> Department of Education, [Every School A Good School, School Improvement Policy - Annex C - The Formal Intervention Process](#) (revised January 2025)

<sup>30</sup> Department of Education, [Revised Formal Intervention Process - Initial Inspection Outcome - Progress Inspection on Areas for Action](#)

<sup>31</sup> RalSe correspondence with the Department of Education - received 4 August 2026

The process for inspecting and reporting on child protection, adult protection and safeguarding is set out in ETI's [self-evaluation guidance](#) which was updated in September 2025 to align with the new Empowering Improvement Framework. Phase-specific self-evaluation materials are available to support [schools, non-statutory early years settings and EOTAS centres](#), and [FE, work-based learning and youth organisations](#) to evaluate their safeguarding arrangements, however, completion of these documents is not a requisite of any inspection activity. Rather, inspectors review existing documentation, and use other mechanisms to evaluate child or child and adult protection procedures including discussions with staff; discussions with learners; lesson/session observations; and parental, learner and staff questionnaires.

There are three levels for reporting the evaluation of the arrangements for child or child and adult protection. Where a child protection issue is identified, ETI will formally set out the actions required and review progress within six weeks. If the school demonstrates satisfactory improvement, child protection arrangements will then form part of ongoing monitoring and progress inspection arrangements. Where progress is inadequate, ETI will raise this immediately with the EA and DE to ensure prompt action is taken to safeguard pupils.<sup>32</sup>

### 2.1.3 Response to the new inspection framework

There has been a positive response to the new Inspection Framework from school leaders, teachers and the teaching unions.<sup>33</sup> In September 2025, the Teachers' Negotiating Council (TNC) Management Side<sup>34</sup> and the Northern Ireland Teachers' Council (NITC)<sup>35</sup> jointly issued a letter to all schools welcoming the changes to the inspection process and ETI's commitment to review and refine the process as required.<sup>36</sup> The report of the Independent

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<sup>32</sup> Department of Education, [Every School A Good School, School Improvement Policy - Annex C - The Formal Intervention Process](#) (revised January 2025)

<sup>33</sup> Education and Training Inspectorate, [Post-primary \(including EOTAS\) Insights Report - September 2024 to June 2025](#)

<sup>34</sup> Comprises DE and the employing authorities/employer representatives

<sup>35</sup> Represents the Irish National Teachers' Organisation, NASUWT, the National Association of Head Teachers, the National Education Union, and the Ulster Teachers' Union.

<sup>36</sup> P Sweeney et al., [The Independent Review of Teacher Workload in Northern Ireland](#) (2025) p49

Review of Teacher Workload strongly commended the collaborative process undertaken by ETI in the development of the new inspection framework. It noted how the old inspection regime “often resulted in additional work for leaders and teachers in preparing for inspection, including requests for reports, documentation and data” but that the “transformed inspection process” emphasises the use of a school’s existing documentation.<sup>37</sup>

Post inspection surveys have also revealed positive perceptions of the new framework amongst participating school staff; 97.0% of 169 respondents surveyed between April 2024 and March 2025 agreed or strongly agreed that the inspection process helped the school to plan for and empower improvement for all learners. The vast majority (97%, 96.5% and 96.4% respectively) also agreed or strongly agreed that they were treated fairly by ETI, that the inspection guidance provided was helpful, and that ETI’s service reflected its core values of integrity, honesty, objectivity and impartiality.<sup>38</sup>

## 2.2 Impact of industrial relations on inspection activity

For much of the last decade, industrial action by teaching unions in Northern Ireland, which has largely taken the form of Action Short of Strike (ASoS), has included non-cooperation with ETI inspections alongside other measures including restrictions on the implementation of policies, initiatives and working practices not agreed with unions.

According to DE, inspectors continued to conduct school visits during this time, as schools were legally required to be open at all reasonable times to inspection.<sup>39</sup> DE states that district engagements enabled ETI to maintain professional contact with schools and gather contextual and qualitative information about provision.<sup>40</sup> However, inspectors were not able to undertake duties such as classroom observations, meetings with staff, or distribution of

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<sup>37</sup> P Sweeney et al., [The Independent Review of Teacher Workload in Northern Ireland](#) (2025) p49

<sup>38</sup> Education and Training Inspectorate, [Delivery of ETI programme of work - Academic Year September 2024 – June 2025](#) (2026)

<sup>39</sup> [AQW27799/22-27](#)

<sup>40</sup> RaiSe correspondence with the Department of Education - received 4 August 2026

surveys to staff, pupils and parents.<sup>41</sup> In correspondence with RalSe, DE reiterated that district inspectors had limited access to first hand evidence, particularly via classroom observations, which would normally contribute to inspectors' district knowledge of a school and the quality of education provision. Section 4 explores how ASoS has impacted the delivery and frequency of inspection activity over the last decade.

### 3 Policy context

This section provides an overview of independent review, policy and strategic commitments relevant to the Bill.

#### 3.1 The Independent Review of Education

The report of the Independent Review of Education in Northern Ireland was published in December 2023 amidst ongoing ASoS which included non-cooperation with inspection. Whilst the report acknowledged workload concerns and recommended that workload management be a key priority for DE, it also reflected serious concern about the impact of ASoS, including non-cooperation of inspection, on school accountability and learners' educational experiences:

“We consider the present position where school inspections are not taking place because of a limited form of industrial action to be unsatisfactory and incompatible with necessary standards of accountability and the promotion of public confidence.”<sup>42</sup>

The report recommended strengthening ETI's statutory powers by introducing provisions similar to those elsewhere in the UK, where obstruction of a school inspection constitutes an offence.<sup>43</sup>

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<sup>41</sup> [AQW 27799/22-27](#)

<sup>42</sup> K Bloomer et al., [Investing in a Better Future: The Independent Review of Education in Northern Ireland - Volume 2](#) (2023) p273

<sup>43</sup> As cited immediately above

### 3.2 TransformEd

In March 2025, the Department published its strategy for educational excellence, TransformED NI, which highlights the role of inspection in providing independent assurance on the quality of teaching and learning, curriculum delivery, and safeguarding arrangements. It notes that all such actions have been impeded by ASoS, with particular implications for vulnerable and disadvantaged children:

“Without inspection we have no external assurance that appropriate child protection arrangements are in place in schools or that basic statutory requirements around hours of instruction and delivering the curriculum are being met.

...we have no external assurance that our children and young people are receiving a satisfactory standard of teaching and learning. This impacts on all learners but inevitably impacts most on vulnerable and disadvantaged children.”<sup>44</sup>

The Strategy commits to introducing legislation “to ensure that the statutory arrangements for inspection are robust and operate effectively in all circumstances.”<sup>45</sup>

### 3.3 The Independent Review of Teacher Workload

The Independent Review of Teacher Workload in Northern Ireland was announced as part of the teachers' pay settlement for 2024/25. The Review Panel was formally established on 1 May 2025 and tasked with examining all aspects of teachers' workload, making recommendations for the way forward, and monitoring the implementation of a series of workload commitments issued alongside the pay offer.<sup>46</sup>

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<sup>44</sup> Department of Education, [TransformED NI: Transforming Teaching and Learning: A Strategy for Educational Excellence in Northern Ireland](#) (2025) p50

<sup>45</sup> As cited immediately above, p51

<sup>46</sup> Department of Education, [Givan welcomes Independent Review of Teacher Workload](#) (2025)

The review, submitted in November 2025, found that workload pressures were widespread and unsustainable. The report made 27 key recommendations which spanned a range of areas including: the Jordanstown Agreement and Directed Time Budgeting;<sup>47</sup> school leader workload; curricular workload impacts; assessment requirements; pupil behaviour; workload associated with SEN provision; flexible employment for teachers and school leaders; the additional workload in Irish Medium Education; generative artificial intelligence (AI); the General Teaching Council; and the new inspection framework.<sup>48</sup>

The Department's action plan to address the report recommendations was published on 28 April 2026. It sets out the Department's response, proposed next steps and timescales for addressing the respective actions. The action plan is set alongside commitments related to teacher workload, administration, investment in generative AI, and professional learning. Implementation is to be overseen through a new Workload Implementation Group comprising Departmental officials and representatives of the Teachers' Negotiating Committee. The Department intends to publish its first annual progress report in May 2027.<sup>49</sup>

The teaching unions have outlined significant concern that the Department's Action Plan does not "go far enough" in reducing teachers' and school leaders' workload. On 2 June 2026, the NASUWT, INTO, UTU, NAHT and NEU unions issued a joint statement in which they said they had been left with "no alternative" but seek a mandate for industrial action.<sup>50</sup> The ballot opened on 10 June and closed on 1 September 2026. It was announced thereafter that all five teaching unions had voted to strike. At the time of writing, a possible strike date has not yet been scheduled and the unions said industrial action could still be

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<sup>47</sup> The Jordanstown Agreement commonly refers to the [Teachers' \(Terms and Conditions of Employment\) Regulations \(Northern Ireland\) 1987](#), which set out the terms and conditions of employment for teachers in grant-aided schools in Northern Ireland. Each teacher is entitled to a Directed Time budget and it is the professional duty of principals in all schools to ensure a Directed Time budget is prepared for, and gives due regard to, the individual responsibilities of each teacher in their school.

<sup>48</sup> P Sweeney et al., [The Independent Review of Teacher Workload in Northern Ireland](#) (2025)

<sup>49</sup> Department of Education, [The Independent Review of Teacher Workload in Northern Ireland - Action Plan](#) (2026)

<sup>50</sup> ["Teachers may strike over 'unsustainable' workload"](#). BBC News Northern Ireland, 3 June 2026

avoided if workload issues are tackled decisively.<sup>51</sup> The Minister for Education released a statement on 1 September 2026 noting that the ballot was initiated before recent negotiations commenced, and that he hoped that progress made through negotiations over the summer could conclude positively to avoid industrial action.<sup>52</sup>

## 4 Impact of ASoS on inspection activity

This section considers inspection activity over the last decade. It should be considered in the wider context of industrial action, the COVID-19 pandemic and the development of ETI's new inspection framework.

As illustrated in Figure 1.1, inspection activity between 2013/14 and 2015/16 operated largely as intended, with all 645 scheduled full inspections completed across primary, post-primary, special and early years schools. A marked change is evident from 2016/17 onwards. This coincided with the escalation of ASoS, which began with one teaching union in 2011 and broadened from 2017 when four of the five unions represented on NITC were engaged in industrial action. The impact is particularly evident in the primary and post-primary sectors where the number of full inspections completed fell sharply while the number affected by ASoS increased.

Although a Pay and Workload Agreement reached in April 2020 brought an end to industrial action, this coincided with the onset of the COVID-19 pandemic, during which full inspection activity was paused. A further period of industrial action began in October 2022 when all five teaching unions entered a renewed period of ASoS and strike action. Consequently, although inspection activity began to return, full inspection volumes remained limited. This period ended following the agreement reached on 10 April 2024 on teachers' pay and conditions. Inspection numbers increased substantially in 2024/25, although some disruption remained, with seven primary and eight post-primary

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<sup>51</sup> [‘Teachers’ unions vote in favour of strike action over workload’](#). BBC News Northern Ireland, 1 September 2026

<sup>52</sup> Department of Education, [Education Minister expresses hope that industrial action can be avoided following Teaching Unions’ Industrial Action Ballot results](#) (1 September 2026)

inspections affected by ASoS. This reflects the temporary return of industrial action between February and April 2025 while negotiations continued on the 2024/25 pay settlement.

**Figure 1.1: Full inspections carried out from 2013/14 to 2025/26 across Primary, Post-Primary, Special and Early Years schools combined**

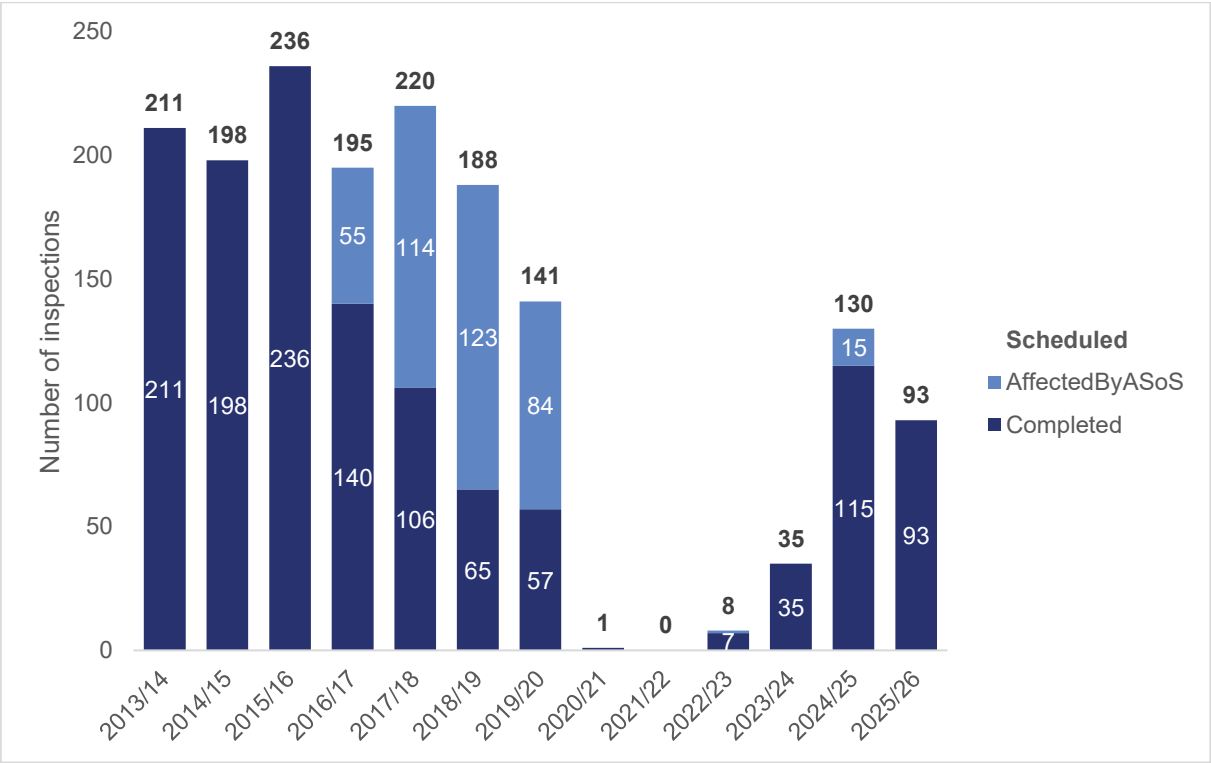
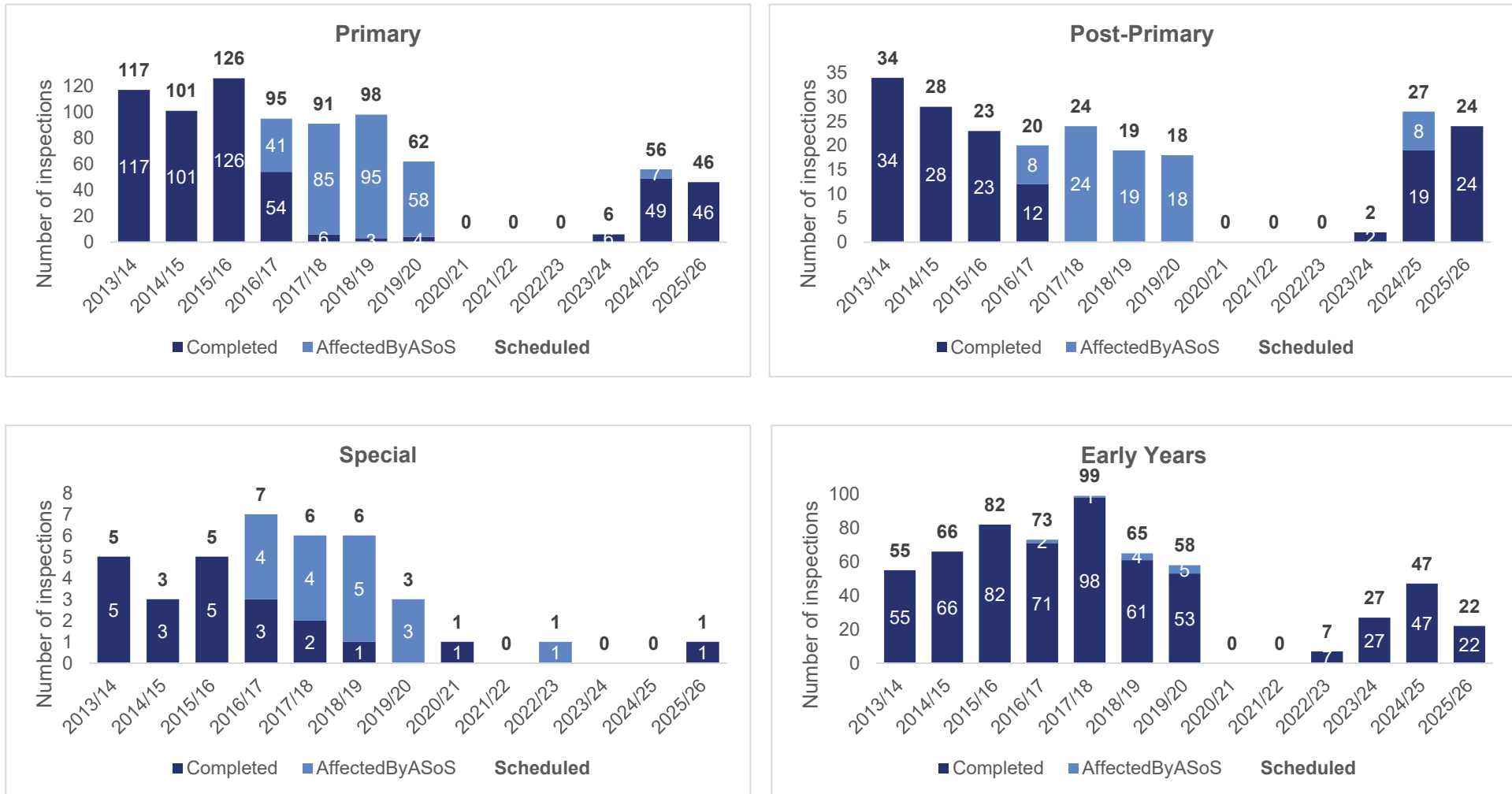


Figure 1.2 provides a breakdown of full inspection activity by school type. It reflects that 85 full primary school inspections were affected by ASoS in 2017/18 and 95 in 2018/19, with only six and three full inspections respectively completed. In post-primary schools, all 61 scheduled full inspections in 2017/18, 2018/19 and 2019/20 were affected by ASoS. Unlike primary, post-primary and special schools, the early years figures include private and voluntary settings (specifically those participating in the Pre-School Education Programme). It is not a requirement that these settings are teacher-led, and as a result they may be less affected by industrial action involving teaching unions. Similarly, participation in the funded pre-school programme is subject to inspection and quality assurance arrangements, meaning inspection activity in the non-statutory sector was less affected by teacher industrial action than inspection activity in statutory school settings. This is reflected in Figure 1.2 below,

showing that between 2016/17 and 2019/20, only 12 early years full inspections were affected by ASoS, compared with 279 in primary schools and 69 post-primary schools. Whilst a smaller number of inspections were scheduled in special schools, these were also affected by ASoS.

**Figure 1.2: Full inspections carried out from 2013/14 to 2025/26 across Primary, Post-Primary, Special and Early Years settings**



Information from DE also highlights that ASoS and the COVID-19 pandemic “significantly and adversely” impacted the number of schools being identified for support through the Formal Intervention Process between January 2017 and April 2024:

“ASoS significantly constrained ETI’s ability to gather the first-hand evidence necessary to assess progress and quality of education, resulting in schools remaining in the follow-up process for longer than might otherwise have been the case.”<sup>53</sup>

Ultimately the data illustrates three overlapping influences on ETI full inspection activity: prolonged periods of teacher industrial action, the suspension of full inspection activity during the COVID-19 pandemic and the transition to a new inspection framework. While ASoS was the principal factor affecting full inspection delivery between 2016/17 and 2019/20 and again during parts of 2022/23 to 2024/25, the low levels of activity recorded after 2020 also reflect wider operational changes rather than industrial action alone. By 2025/26 full inspection had resumed without any recorded disruption from ASoS, marking the first full academic year since 2015/16 in which this was the case.

Reporting by the NIAO reflects the same trends as above. In its [assessment of the quality of education in Northern Ireland](#), NIAO highlighted that only 13 primary and no post-primary schools received a full inspection between 2018 and 2023, and that more than 80% of inspections conducted between 2016/17 and 2019/20 were impacted by ASoS in some way. According to the NIAO, the Department was therefore not able to obtain “assurance on the quality of education being provided in schools over this period.”<sup>54</sup>

The NIAO report identified other implications of ASoS on inspection including for schools that needed additional support through the Formal Intervention Process.<sup>55</sup> It suggested that lack of inspection is likely to have had a greater impact on vulnerable and disadvantaged children, including children with

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<sup>53</sup> RalSe correspondence with the Department of Education - received 4 August 2026

<sup>54</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p26

<sup>55</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p28

special educational needs (SEN), as ETI was unable to observe learning in the classroom and evaluate the quality of the SEN support.<sup>56</sup> The NIAO noted that, despite the EA spending more than £620 million on SEN in 2024-25, there is “little assurance that this public money is being spent effectively or delivering a high-quality education to those who need it.”<sup>57</sup>

A previous Impact Review of SEN by NIAO also outlined how ASoS impacted on ETI’s role in evaluating SEN provision. It stated that, without ETI monitoring, there was no evidence of clear and consistent approaches by schools in the identification and provision of support for children with SEN.<sup>58</sup>

#### 4.1 Implications for the assessment of safeguarding

Information from DE states that the range of inspection mechanisms required to effectively evaluate child protection and safeguarding, such as discussions with pupils and staff including school safeguarding teams, lessons observations, and the collection of pupil and parental feedback via pre-inspection questionnaires, was frequently restricted or unavailable during periods of ASoS.<sup>59,60</sup> It indicates that inspectors were therefore often unable to fully assess:

- The effectiveness of safeguarding procedures in practice.
- The safeguarding culture and ethos within the school.
- Staff implementation of safeguarding policies.
- The extent to which children and young people were empowered to keep themselves safe.
- The quality of safeguarding-related learning experiences provided to the children and young people.<sup>61</sup>

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<sup>56</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p29 - 30

<sup>57</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p11

<sup>58</sup> Northern Ireland Audit Office, [Impact Review of Special Educational Needs](#) (2020) p19 and p40

<sup>59</sup> [AQW48773/22-27](#)

<sup>60</sup> RalSe correspondence with the Department of Education - received 4 August 2026

<sup>61</sup> RalSe correspondence with the Department of Education - received 4 August 2026

ETI inspection reports reflected if schools provided documentation to evidence that the arrangements for safeguarding and child protection complied with the Department's statutory guidance. However, ETI has consistently emphasised that reviewing documentation alone was not sufficient to fully evaluate the effectiveness of safeguarding arrangements.<sup>62</sup>

The NIAO report notes that, between 2017 and 2020 when ASoS impacted inspections, that ETI requested that DE directly liaise with schools to seek assurances on the arrangements for child protection/ safeguarding from boards of governors:

“The Department advised us it followed a process that involved notifying Boards of Governors, seeking assurances of engagement, and alerting EA Child Protection Support Services. Over time the process was adjusted in line with Trade Union directives, and while records of compliance are limited, schools that engaged with follow up inspection received amended ETI reports.”<sup>63</sup>

During the 2022/23 academic year, teaching unions agreed limited exemptions to ASoS which permitted cooperation in "legitimate matters of safeguarding". However, DE states that this related primarily to reactive, unannounced safeguarding inspections, initiated after a safeguarding concern or allegation had been raised:

“While it is correct that, during the 2022/23 academic year, trade unions agreed limited exemptions permitting cooperation in “legitimate matters of safeguarding”, this does not mean that safeguarding inspection activity was unaffected”.<sup>64</sup>

DE states that, without routine inspections, safeguarding risks may have been undetected:

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<sup>62</sup> RalSe correspondence with the Department of Education - received 4 August 2026

<sup>63</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p29

<sup>64</sup> [AQW48773/22-27](#)

“Crucially, routine inspection activity - which plays a vital role in assessing whether child protection arrangements are robust and effective and identifying previously unnoticed safeguarding weaknesses or child protection concerns - continued to be obstructed.”<sup>65</sup>

NIAO’s 2026 report reflects the impact of ASoS on ETI’s evaluation of school safeguarding arrangements. Between 2020 and 2025, the ETI identified eight schools with unsatisfactory child protection arrangements. In contrast, in the three years prior to ASoS, 37 schools with unsatisfactory child protection arrangements were identified.<sup>66</sup> According to the NIAO, “there is an increased risk that schools in need of support to strengthen their child protection and safeguarding arrangements were not identified by ETI”.<sup>67</sup> The report also highlights that no other organisation assesses safeguarding when ETI inspections are impeded by ASoS.<sup>68</sup>

## 5 Legislative proposals consulted on and considered

This section provides detail on the legislative proposals considered and consulted on by DE in advance of the Bill’s introduction.

### 5.1 Consultation on proposals to strengthen legislation on inspection

Between 15 May and 10 July 2025, DE consulted on proposals to amend the existing statutory framework for inspection by making it an offence for individuals to intentionally obstruct the inspection process, consistent with legislation in other parts of the UK and Ireland. It proposed that an individual found guilty of such an offence would be liable to a fine not exceeding Level 4 on the standard scale (currently £2,500) as per the sanctions imposed in England, Scotland and Wales.

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<sup>65</sup> [AQW48773/22-27](#)

<sup>66</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p29

<sup>67</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p29

<sup>68</sup> Northern Ireland Audit Office, [Assessing the Quality of Education in Northern Ireland](#) (2026) p29

The majority of the 2,723 respondents to the consultation, 52.1% of whom were teaching staff / tutors / lecturers and 35.3% parents/guardians, disagreed with the proposals to strengthen existing primary legislation to make it an offence to obstruct inspection in Northern Ireland:

- 63% of respondents strongly disagreed and 13.5% disagreed that inspection should operate as intended and to ensure this happens the current legislation needs strengthened;
- 73.3% of respondents strongly disagreed and 6.1% disagreed with the proposal to make it an offence to obstruct inspection;
- 71.1% of respondents strongly disagreed and 4.9% disagreed that the penalty for such an offence should be a fine not exceeding Level 4 on the standard scale.<sup>69</sup>

The Department's consultation report noted that a majority of teachers/tutors and lecturers disagreed or strongly disagreed with the respective statements, compared with a lower proportion of parents/guardians. The report also stated that 23.4% of parent/guardian responses shared an IP address with a response from a teacher/tutor/lecturer. According to the report, excluding those parent/guardian responses resulted in a lower proportion of parent/guardian respondents in disagreement with each of the above statements. For instance, the percentage of parents/guardians who disagreed or strongly disagreed that inspection should operate as intended, and the legislation accordingly strengthened, fell from 53.3% to 40.8%; parents/guardians in disagreement with the proposal to make intentional obstruction of inspection an offence reduced from 56.7% to 44.5%; and the percentage disagreeing with the proposed penalty for such an offence changed from 56.0% to 45.6%.

A common theme from qualitative responses was opposition to the removal of inspection from the remit of industrial action and the right to take industrial action. Several responses deemed the proposed sanctions disproportionate. DE's consultation report reflected two written submissions from teacher unions

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<sup>69</sup> Department of Education, [\*Outcome of public consultation on proposals to strengthen legislation on inspection of schools and other education and training establishments\*](#) (2025)

in firm opposition to the proposed legislation, and five written submissions from school managing authorities and sectoral support bodies in support of the inspection process and the need for inspection to be protected. Some of those respondents highlighted the need to ensure that progress to resolve industrial disputes was not hampered.<sup>70</sup>

DE did not publicly consult on the other provisions included in the Education Inspections Bill i.e. to extend ETI's remit to include other education training providers established, maintained or managed by Northern Ireland departments, or to repeal the exemption on the inspection of religious education. The Bill's Explanatory and Financial Memorandum (EFM) states that the latter provision has not been consulted on as it implements the findings of the Supreme Court (Judicial Review JR87) in 2025. See Section 6.2 for more detail.

#### **Potential scrutiny points**

- What, if any, engagement has DE had to date, and what response has it received, from other Northern Ireland Departments about the extension of ETI's inspection remit to education providing institutions managed by other departments?
- What, if any, engagement has DE had to date, and what response has it received, from school managing authorities, sectoral and representative bodies including the Transferors Representatives Council and Catholic Schools' Trustee Service, schools, and other stakeholders on the proposal to remove the exemption of religious education from ETI inspection?

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<sup>70</sup> Department of Education, [\*Outcome of public consultation on proposals to strengthen legislation on inspection of schools and other education and training establishments\*](#) (2025) p32-33

## 5.2 Equality screening

An [Equality and Human Rights Screening Exercise](#) was carried out on the legislative proposal to make it an offence to obstruct inspection. It found no likely impacts of the proposals on any of the section 75 categories and the decision was therefore taken not to undertake an equality impact assessment (EQIA). The screening was published alongside the consultation documentation and consultees asked their view on the outcome. Over half (56%) of respondents agreed that a full EQIA was not required. The majority of those who disagreed suggested that there would be a disproportionate impact on females due to the higher proportion of females working in the teaching population; the 2025/26 teacher workforce statistics show that 77.3% of all teachers are female and 22.7% are male.<sup>71</sup> In response, DE stated that an individual's gender category does not impact on how they would be treated under, or impacted by, the policy proposals.<sup>72</sup>

## 5.3 Options considered

The EFM accompanying the Bill outlines four options considered in bringing forward the legislation:

- Agreement reached by the Teachers' Negotiating Committee for inspection to be removed from Action Short of Strike: The EFM notes that whilst talks commenced around the potential for an agreement, no consensus has been reached. It frames this option in the context of responses to DE's consultation which reflected strong opposition to the removal of inspection by unions and teachers. The EFM also states that this approach would not create a legal requirement for individual teachers to cooperate with inspection. It was therefore considered impractical in the long-term and was discounted.

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<sup>71</sup> Department of Education, [Teacher workforce statistics in grant-aided schools in Northern Ireland, 2025/26](#) (2026)

<sup>72</sup> Department of Education, [Outcome of public consultation on proposals to strengthen legislation on inspection of schools and other education and training establishments](#) (2025) p29 - 30

- Changes to the Terms and Conditions of the education workforce to include full cooperation with inspection as a contractual duty: The EFM states that this option would provide insufficient protection for inspection activity during future periods of industrial action as ASoS in recent years has included directives not to undertake contractual or statutory duties. Responsibility for addressing non-compliance with contractual duties would also lie with individual employers. This option was considered impractical and was discounted.
- Changes to legislation making it an offence for a person to intentionally obstruct the inspection process consistent with legislation in the rest of the UK and Ireland: as noted at Section 5.1, this option was consulted on and the majority of respondents expressed disagreement with the proposals. The option did not achieve political consensus and was discounted.

The fourth option, progressed in the form of the Bill as introduced, involves amendment to the legislative framework to define intentional obstruction or failure to cooperate with an inspection as unacceptable professional conduct resulting in potential disciplinary action. The EFM further explains that this approach can “provide for proportionate sanctions that are practical and enforceable”.

## 5.4 Evidence to the Committee for Education

In evidence to the Committee for Education on 10 September 2025,<sup>73</sup> DE and ETI officials reiterated that previous negotiations to exclude inspection from ASoS have been unsuccessful, and suggested that this option is not an “effective long-term safeguard” for inspection.<sup>74</sup>

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<sup>73</sup> At this stage, the legislative proposal was to make it an offence for individuals to intentionally obstruct the inspection process. This was revised following discussion at Executive level.

<sup>74</sup> Northern Ireland Assembly Committee for Education, [Official Report - Minutes Of Evidence Report: School Inspections Bill: Department of Education; Education and Training Inspectorate](#) (10 September 2025)

They also emphasised potential issues with incorporating a requirement for full cooperation with inspection into teachers' contractual terms and conditions, concluding that without legislation, "refusal to participate in inspections will remain a feature of action short of strike."

"That would simply not work for two key reasons. First, the revised terms and conditions would have to be negotiated and agreed with the relevant trade unions and teachers, who, based on their response to the issue, would robustly resist the introduction of such a clause. Secondly, even if such a clause were introduced into revised terms and conditions and into teachers' contracts, the right of trade union members to take industrial action is protected in law and, when the union has secured a valid mandate through the balloting process, there would still be nothing to preclude teachers from specifying refusal to cooperate with inspection as one of their actions short of strike."

NITC officials also gave evidence to the Committee for Education on 10 September 2025. During this session, the NITC made clear its opposition to the original legislative proposals and highlighted the importance of ongoing negotiation with unions as an alternative to sanction.<sup>75</sup>

In January 2026, the NITC gave evidence to the Committee on the General Teaching Council Bill, raising matters of relevance to the Education Inspections Bill. Specifically, officials highlighted a lack of clarity regarding the disciplinary powers to be conferred on the General Teaching Council. See section 6.3 for more detail on the proposed disciplinary powers, and how these relate to the provisions of the Education Inspections Bill.

NITC officials provided an oral briefing to the Committee on 16 September 2026 on the Education Inspections Bill as introduced. This evidence has not been included in this Paper due to publication time constraints.

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<sup>75</sup> Northern Ireland Assembly TV, [Committee for Education Meeting](#) (10 September 2025)

**Potential scrutiny points**

- Members may wish to revisit DE and NITC positions on the alternative options considered.
- The EFM states that, while talks commenced with the teaching unions around the potential for an agreement for non-cooperation with inspection to be removed from ASoS, no consensus has been reached. Can the Department elaborate on the nature of discussions on this matter so far including detail of when the most recent engagements took place?

## 6 The Education Inspections Bill

The Education Inspections Bill (as introduced) amends the Education and Libraries (Northern Ireland) Order 1986 with respect to inspections of schools, colleges and certain other providers of education. It has four clauses:

1. Extension of system to further type of provider
2. Removal of exemption for religious education
3. Power of officials and disciplinary measures
4. Commencement and short title

The sections that follow provide detail on each clause and, where relevant, broader contextual information.

### 6.1 Clause 1: Extension of system to further type of provider

As noted at Section 2, the ETI undertakes inspection and evaluation activity on behalf of DE and other departments. For example, this includes inspections of work-based learning and training provider organisations for DfE, and inspections of the College of Agriculture, Food and Rural Enterprise (CAFRE) for DAERA. Currently, a memorandum of understanding between ETI and each of the respective departments governs working arrangements and provides

clarity on roles and responsibilities. This sets out information on matters such as exchange of data, complaints, publication of reports, and that ETI will consult with DfE and DAERA about revisions to inspection frameworks. It does not define a schedule of inspections. According to DE, inspection activity on behalf of DfE and DAERA is not undertaken on a fixed cyclical basis.<sup>76</sup>

Current legislation requires ‘relevant establishments’ including grant-aided and independent schools, further education institutions, colleges of education, and other institutions under the auspices of the Education Authority to be open at all reasonable times to inspection.

Clause 1 of the Education Inspections Bill amends Article 102(2) of the 1986 Order to extend the categories of establishment that must be open to inspection by ETI to encompass additional education providing institutions that are established, maintained or managed by Northern Ireland departments. It inserts Article 102(7A) to ensure that the inspection of any such institution is only undertaken with the consent of the responsible department. Consent may be subject to conditions such as the date, nature and extent of the inspection. In correspondence with RalSe, DE clarified that Clause 1 does not have any implication on the regularity of inspection activity undertaken on behalf of DfE or DAERA:

“Decisions relating to the commissioning, prioritisation and delivery of inspection activity will continue to be determined through departmental commissioning arrangements and ETI business planning processes”.<sup>77</sup>

The EFM states that the proposed extension of Article 102(2) will provide assurances to relevant departments that education and training providers outside of the education orders would be required to be open to inspection. This includes, for example, providers of work-based learning placements and apprenticeships in the case of DfE.

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<sup>76</sup> RalSe correspondence with the Department of Education - received 14 September 2026

<sup>77</sup> RalSe correspondence with the Department of Education - received 14 September 2026

Section 8 considers the potential public purse implications that could arise from the extension of Article 102(2) to further types of provider.

## 6.2 Clause 2: Removal of exemption for religious education

Currently, under Article 102(7) of the 1986 Order, religious education is excluded from inspection unless by agreement with a school's Board of Governors.<sup>78</sup> This exemption has previously generated recommendations for change,<sup>79</sup> and drawn criticism from some commentators who have noted that few schools request an inspection of RE, and that it therefore “lacks proper quality control”<sup>80</sup> with potential implications for the quality and impartiality of the teaching provided:

“For many pupils RE is an examination subject but, unlike any other subject, there is no formal, statutory mechanism for ensuring quality teaching and learning in RE. Candidates deserve to have the quality of their education provision inspected. Under the current system candidates may be prepared very poorly or be subject to inadequate or partial teaching with impunity: there are no mechanisms to prevent teachers from delivering material which is biased or divisive.”<sup>81</sup>

### 6.2.1 Supreme Court ruling

In November 2025, the Supreme Court (the Court) upheld a challenge brought by a parent and child (JR87) concerning the legality of teaching of religious education and the practice of collective worship in the child's controlled primary school. The Court agreed with the original High Court judgement from July 2022 that the teaching of RE under the core syllabus and the arrangements for collective worship did not ensure that religious education and collective worship were delivered in “an objective, critical, and pluralistic manner.”<sup>82</sup> In reaching

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<sup>78</sup> [The Education and Libraries \(Northern Ireland\) Order 1986](#), Article 102(7)

<sup>79</sup> J Nelson and R Loader, [Religion and Worldviews Education for All. Possibilities for change to religious education in Northern Ireland](#) (2025)

<sup>80</sup> N Richardson, [Religious Education in Northern Ireland](#) (2024)

<sup>81</sup> M Milliken, [Religion and Education: Transforming Education: Briefing Paper 02](#). (2019)

<sup>82</sup> [2022] [NIQB 53](#), para. 74 and para. 83

that conclusion, both Courts noted the exclusive Christian focus of the primary RE core syllabus and its limited engagement with other religious and non-religious worldviews.<sup>83</sup> The Court's judgment reinstated the High Court's declaration that the teaching of religious education under the core syllabus and arrangements for collective worship breached both applicants' rights under Article 2 of the First Protocol (A2P1) read with Article 9 of the ECHR.<sup>84,85</sup>

The Court also highlighted the absence of the structured inspection of RE in schools as a significant shortcoming.<sup>86</sup> The Court's judgement noted an acknowledgement by the Department that it does not inspect religious education and that it has no knowledge of practice in individual schools. The Court observed that the Department therefore had no information on how religious education was being delivered in schools, whether additional material was being taught, and, if so "whether the additional teaching amounts to further indoctrination, evangelism, or proselytising."<sup>87</sup> The absence of inspection was considered in the Court's assessment of whether there had been a breach of the applicants' rights under A2P1.

"The Department, as the competent authority, has conspicuously failed to comply with its duties to inspect and to take action so there is considerable substance in this reason as one of the factors to be taken into account in determining whether there has been a breach of A2P1".<sup>88</sup>

In February 2026, the Minister of Education set out a series of actions to be taken in response to the Supreme Court ruling, including the commissioning of a review to revise the RE core syllabus, publication of guidance on the

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<sup>83</sup> [2025] [UKSC 40](#), para. 85 – 91; [2022] [NIQB 53](#), para. 67 - 83

<sup>84</sup> Article 9 of the ECHR confers a right to freedom of thought, conscience and religion which includes freedom to manifest a religion or belief, in worship, teaching, practice and observance. Article 2 of Protocol 1 of the ECHR requires States to respect the right of parents to ensure that education and teaching is in conformity with their own religious and philosophical convictions

<sup>85</sup> [2022] [NIQB 53](#), para. 123

<sup>86</sup> [2025] [UKSC 40](#), para. 28 – 30 and 108

<sup>87</sup> [2025] [UKSC 40](#), para. 30

<sup>88</sup> [2025] [UKSC 40](#), para. 108

arrangements for withdrawal from RE and collective worship, and legislation to ensure the inspection of RE.<sup>89</sup>

### 6.2.2 Relevant legislative provisions

Clause 2 of the Education Inspections Bill repeals Article 102(7) which currently exempts religious education from inspection by ETI unless with the agreement of Boards of Governors. The EFM states that this “will ensure transparent, accountable inspection processes for RE, consistent with other subjects within the statutory curriculum”.

As noted at section 2, ETI’s new inspection framework is built around five core questions and a number of contributory areas, with inspectors evaluating learning and teaching “in the round across a series of lessons”.<sup>90</sup> Reports are structured in relation to the five core questions, providing a broader whole-school evaluation approach. Whilst inspections consider curriculum provision across the school, and particular curricular areas may be referenced where relevant to inspection findings, reports do not normally provide separate evaluations of individual curriculum subjects. It is not clear within the Bill what the scope and reporting of the ETI inspection of RE will be, and where this will ‘sit’ relative to the new inspection framework.

Article 21 of the 1986 Order outlines statutory requirements of grant-aided schools, except nursery schools, to provide RE and daily acts of collective worship, with provision relevant to the inspection of RE, as summarised below. However, Article 21 and the provisions below are not within the scope of the Education Inspections Bill:

- Article 21(3) provides that, subject to paragraph 3A which requires that RE in grant-aided schools be in accordance with any core syllabus specified under Article 11 of the Education (Northern Ireland) Order 2006, that the RE in controlled integrated, grant maintained integrated or voluntary schools shall be subject to such

<sup>89</sup> Department of Education, [Givan responds to Judgment on Religious Education and Collective Worship in schools](#) (3 February 2026)

<sup>90</sup> Education and Training Inspectorate, [Transforming Inspection: What can teachers expect?](#) (2025)

arrangements for inspection and examination as the Board of Governors thinks fit. The Supreme Court observed that that enables Board of Governors in voluntary schools, including Catholic maintained schools by virtue of Article 2(2) of the 1986 Order<sup>91</sup> but not controlled schools, to determine what, if any, arrangements should be made for inspection of RE.<sup>92</sup>

- Article 21(7) of the 1986 Order provides that inspection and examination of religious education in all grant-aided schools, apart from nursery schools, may be conducted by Ministers of religion and other suitable persons, to whom parents do not object. Article 21(7) does not apply to voluntary schools that existed prior to 1 October 1973 and were not then under an obligation to provide such access, unless their managers agree otherwise.<sup>93</sup> The Supreme Court made a series of observations about this provision including its purpose in enabling inspection of RE. It noted that there is no statutory definition of a Minister of religion or of “suitable persons”, and that it is unclear whether parental objection refers to all parents or a proportion of parents.<sup>94</sup>

#### **Potential scrutiny points**

- Can the Department provide clarity on how the proposed inspection of RE by ETI is intended to interact with the [existing statutory provision](#) which enables Board of Governors of voluntary, controlled integrated and grant maintained integrated schools to determine inspection arrangements for RE.<sup>95</sup>

<sup>91</sup> [2025] [UKSC 40](#), para. 51

<sup>92</sup> [2025] [UKSC 40](#), para. 55

<sup>93</sup> [The Education and Libraries \(Northern Ireland\) Order 1986](#), Article 21(8)

<sup>94</sup> [2025] [UKSC 40](#), para. 63 - 70

<sup>95</sup> [The Education and Libraries \(Northern Ireland\) Order 1986](#), Article 21(3)

- Can the Department provide clarity on how the proposed inspection of RE by ETI is intended to interact with the [existing statutory provision](#) which grants ministers of religion and other suitable persons the right of access to inspect RE, provided that parents do not object.<sup>96</sup>
- Can the Department provide detail on the proposed scope, format, and reporting of the RE inspection by ETI. How will this be undertaken relative to the new inspection framework?

### 6.2.3 Arrangements for the inspection of religious education in the rest of the UK and Ireland

This section considers the arrangements for the inspection of RE in other parts of the UK and Ireland.

#### England

Inspection arrangements for RE and collective worship vary according to a school's type and religious designation. Approximately a third of state-funded schools in England have a designated religious character (faith designation), across the maintained and academy sectors, including voluntary controlled, voluntary aided, foundation and free schools. The large majority are Christian schools (predominantly Church of England and Roman Catholic), although there are also schools with other faith designations including Muslim, Jewish and Sikh schools.<sup>97</sup>

Whilst religious education in schools without a religious character falls within the scope of Ofsted's inspection framework, section 48 of the [Education Act 2005](#) requires the governors of a school with a designated religious character to secure separate inspection of any denominational education provided by the

<sup>96</sup> [The Education and Libraries \(Northern Ireland\) Order 1986](#), Articles 21(7) (8)

<sup>97</sup> R Long, N Roberts and A Maisuria, [Faith Schools: FAQs](#) (2024)

school and the content of collective worship.<sup>98</sup> In a voluntary controlled faith school, Ofsted may inspect RE, but not collective worship.<sup>99</sup>

Church of England and Methodist schools use the National Society's framework for the Statutory Inspection of Anglican and Methodist Schools (SIAMS) for inspections.<sup>100</sup> Catholic schools in England and Wales are inspected under the Catholic Schools Inspectorate framework.<sup>101</sup>

Although Ofsted inspectors do not inspect denominational RE or collective worship in schools where this falls within the scope of Section 48 inspection, they may gather evidence from any aspect of the school's work, including RE lessons and assemblies, to evaluate personal development and wellbeing and/or attendance and behaviour.<sup>102</sup>

## Wales

Inspection in Wales is also governed by the Education Act 2005. Accordingly, the Welsh inspectorate body, Estyn, does not inspect denominational education and collective worship in schools with a religious character.<sup>103</sup> Consistent with England, schools governors must arrange for denominational religious education and collective worship to be inspected separately.<sup>104</sup>

## Scotland

The Scottish curriculum provides for two distinct forms of RE: Religious and moral education (RME) which is taught in non-denominational schools, and religious education in Roman Catholic schools (RERC). According to the available statistics, the majority (over 80%) of publicly funded schools in 2022 were non-denominational, 14.6% were Roman Catholic, and the remaining (less

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<sup>98</sup> [Education Act 2005](#), Section 48

<sup>99</sup> Ofsted, [School inspection operating guide for inspectors](#) (updated 28 August 2026)

<sup>100</sup> National Society for Education Church of England and Church in Wales, [Statutory Inspection of Anglican and Methodist Schools](#).

<sup>101</sup> Catholic Education Service, [Catholic Schools Inspectorate Inspection Handbook](#) (2025)

<sup>102</sup> Ofsted, [School inspection operating guide for inspectors](#) (updated 28 August 2026)

<sup>103</sup> [Education Act 2005](#), Section 28

<sup>104</sup> [Education Act 2005](#), Section 50

than 0.5%) of other faith.<sup>105</sup> In Catholic schools, the Scottish Catholic Education Service has responsibility for the faith content of the curriculum on behalf of the Bishops' Conference of Scotland.<sup>106</sup> It has produced guidelines and a syllabus for Catholic religious education in Scotland.<sup>107</sup>

Prior to 1983, the law prohibited the inspection of RME, however, it is now inspected in both denominational and non-denominational schools.<sup>108</sup> The Education (Scotland) Act 1980 requires education authorities (ie local authorities) to appoint a supervisor of religious instruction in denominational schools as follows: *"a person approved as regards religious belief and character as aforesaid, and the supervisor so appointed shall report to the education authority as to the efficiency of the religious instruction given in such school, and shall be entitled to enter the school at all times set apart for religious instruction or observance."*<sup>109</sup> It is not clear from publicly available information if and how this supervisory role operates in practice.

## Ireland

The Department of Education and Youth Inspectorate in Ireland may inspect RE at post-primary level, including through a formal, standalone subject inspection. At primary level, the content of the religious curriculum is not set by the Department of Education and Youth but is the responsibility of the patron delegated to a school's Board of Management (BoM) as per the Education Act 1998.<sup>110</sup> The vast majority of primary schools (94.5%) have a denominational patron.<sup>111</sup> The Department of Education and Youth Inspectorate does not have a role in the inspection of Religious Instruction or the patron's programme in

<sup>105</sup> Scottish Government, [The number of schools of different faiths in Scotland: FOI release](#) (2022)

<sup>106</sup> [Curriculum for Excellence: Religious Education in Roman Catholic Schools, Principles and Practices](#)

<sup>107</sup> Scottish Catholic Education Service, [This is Our Faith](#)

<sup>108</sup> SC Scholes, [The inspectorate, inspection, and Religious and Moral Education in Scottish non-denominational secondary schools, 1962-2020](#) (2025)

<sup>109</sup> [Education \(Scotland\) Act 1980](#), Section 21

<sup>110</sup> A Meehan et al., [Report 5 GRACE \(Ireland\) National Research Project 2021-2024 Findings - Religious Education as an Expression of Identity and Ethos in Catholic Schools in Ireland](#) (2024)

<sup>111</sup> Department of Education and Youth, [Information for Parents on Schools Reconfiguration for Diversity](#) (2025)

primary schools. Responsibility for inspecting the teaching of religious education in primary schools with a denominational patron rests with the school patron.<sup>112</sup>

## Summary

Across the other jurisdictions of the UK and Ireland, responsibility for the inspection of RE varies according to school type and governance arrangements. In England and Wales, legislation provides that denominational religious education and collective worship in schools with a religious character are inspected through separate statutory faith-based inspection arrangements, rather than through the main inspection frameworks operated by Ofsted and Estyn. In Scotland, religious education is inspected in both denominational and non-denominational schools, and legislation provides for additional statutory oversight mechanisms in denominational schools. In Ireland, religious education may be inspected by the Department's Inspectorate at post-primary level, while responsibility for oversight of religious instruction in denominational primary schools rests with school patrons.

### 6.3 Clause 3: Power of officials and disciplinary measures

Currently, whilst every relevant establishment is required to be open at all reasonable times to inspection, the legislation does not confer any statutory powers on officials carrying out inspections, nor does it impose any statutory duty on schools or teachers to cooperate with inspections.

The purpose of clause 3 is two-fold:

- To establish explicit statutory powers for inspectors and associated personnel when conducting inspections.
- To define the intentional obstruction of inspections, or failure to cooperate with inspectors, as unacceptable professional conduct thereby creating a liability for disciplinary measures.

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<sup>112</sup> [Dáil Éireann Written Question 44942/24](#)

### 6.3.1 Power of officials in conducting inspections

Clause 3 inserts Article 102B to the 1986 Order, therefore granting powers to designated officials to take “all reasonable steps in conducting, or in connection with, an inspection of a relevant establishment under Article 102.”

Clause 3 enables authority for inspectors and associated personnel to take such steps for the purpose of enabling access to premises; obtaining related information / documentation; and observing teaching and / or other activities or facilities. It makes clear that the powers conferred by Article 102B do not permit the use of force or affect when establishments are to be open for inspection.

#### Potential scrutiny points

- Clause 3 grants a designated official the power to take "all reasonable steps" in conducting or in connection with an inspection. Can the Department clarify (1) the intended meaning of this phrase and (2) whether guidance or criteria will be provided to designated officials to ensure consistent interpretation?
- It is understood that education providers which fall under the responsibility of other Northern Ireland Departments are within the scope of this clause. What engagement, if any, has DE had with other Departments about the powers of officials in conducting inspections of relevant establishments?

### 6.3.2 The disciplinary powers in relation to unacceptable professional conduct

Clause 3 also inserts a new Article 102C defining certain deliberate acts by teachers as unacceptable professional conduct. This includes:

- The intentional impediment of a designated official in the exercise of their powers conferred by Article 102B or the intentional obstruction of an official while they are conducting, or acting in connection with, an inspection.

- Failing to cooperate with a designated official when conducting, or acting in connection with, an inspection, with the intention that this will hinder or prevent the inspection.
- Encouraging another person to take, or not take, action during the course of an inspection, with the intention that this will hinder or prevent the inspection.

This clause does not limit what may constitute unacceptable professional conduct. The proposed Article 102C(4) states:

*4) Nothing in this Article specifying what is unacceptable conduct by a teacher— (a) limits anything else in this Article specifying what is unacceptable professional conduct by a teacher, or (b) affects anything outside this Article specifying (or for specifying) whatever else is unacceptable professional conduct by a teacher.*

Unacceptable professional conduct is subject to the disciplinary framework established by Schedule 1A to the Education (Northern Ireland) Order 1998 ('the 1998 Order'). This is a new Schedule to be established by the [General Teaching Council Bill](#) which is currently undergoing Assembly scrutiny, and completed Committee stage on 20 May 2026. At the time of writing (September 2026), the Minister has not moved the Bill to Consideration Stage. See Section 6.3.3 below for further detail.

A 'teacher' is defined as any person who, at the relevant time, is employed to teach at a grant-aided school and is listed on the General Teaching Council's register of teachers as per Article 35 of the 1998 Order. A 'designated official' is defined at Article 102D as an inspector appointed by the Department or other officer of the Department, and extends to any lay person assisting in the inspection in accordance with Article 102A of the 1986 Order. A reference to inspection in Articles 102B and 102C includes all aspects of the inspection in question. The EFM highlights that this includes preparatory and ancillary inspection activity.

### Potential scrutiny points

- Can the Department provide specific detail on the conduct that would constitute each of the following: (1) intentional impediment of a designated official, (2) intentional obstruction of an official, (3) failure to cooperate, and (4) encouragement of another person with the intention of hindering or preventing the inspection.
- Will the Department provide guidance or criteria to ensure consistent interpretation of the specific actions that may constitute unacceptable professional conduct?
- Article 102(C)(4) states that the conduct identified in the Article is not exhaustive. Can the Department provide examples of the other types of behaviour that may also be treated as unacceptable professional conduct?

### 6.3.3 The proposed disciplinary framework for unacceptable professional conduct

As noted above, the disciplinary powers in relation to unacceptable professional conduct by a teacher are proposed to be in accordance with Schedule 1A to the 1998 Order. As such, the disciplinary framework is contingent on the General Teaching Council Bill completing its passage through the Assembly and on Schedule 1A coming into effect through the commencement of the relevant part of that Bill.

The following paragraph provides more detail on Schedule 1A as introduced. No amendments to that part of the General Teaching Council Bill were proposed by the Committee for Education during its consideration stage.

Schedule 1A of the General Teaching Council Bill enables certain disciplinary powers to be conferred on the General Teaching Council Northern Ireland (GTCNI) in relation to teachers and those applying for registration. Through regulations made by the Department, Schedule 1A will enable GTCNI to

investigate allegations of unacceptable professional conduct or serious professional incompetence, to take action where those allegations are upheld, and take action where a teacher is found guilty of a criminal relevant offence.<sup>113</sup> It grants the GTCNI power to impose a broader range of sanctions than enabled under the existing regulatory framework. At present, GTCNI's statutory power is limited to removal from the teacher register.

Schedule 1a has eight sections:

1. Investigation, hearing and determination of disciplinary cases
2. Disciplinary orders: general
3. Conditional Registration Orders
4. Suspension Orders
5. Prohibition Orders
6. Interim Suspension Orders
7. Appeals against interim suspension orders and disciplinary orders
8. Supplementary provision about regulations under this Schedule

Paragraph 2 of Schedule 1A gives the Department power to make regulations authorising the GTCNI to impose disciplinary orders where a teacher is found guilty of unacceptable professional conduct, serious professional incompetence, or a relevant criminal offence. Regulations may make provision for GTCNI to inform the teacher of their right of appeal, publish relevant information, and notify the employing authority who may be required to take appropriate steps which may include dismissal. Disciplinary orders include a reprimand, a conditional registration order, a suspension order and a prohibition order. The latter three potential sanctions are considered further below:

- **Conditional registration order:** allows GTCNI to specify the steps that a person must take to become competent, which can be at their own cost (i.e. the cost of training). The teacher can request a review

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<sup>113</sup> Relevant offence is defined at paragraph 9(1) of Schedule 1A as (a) a criminal offence other than one having no material relevance to the person's fitness to be a registered teacher in the case of a conviction in the United Kingdom; (b) in the case of a conviction elsewhere, an offence which, if committed in Northern Ireland, would constitute such an offence as is mentioned in paragraph (a).

of the Order. Non-compliance may lead to a suspension order or a prohibition order. A conditional registration order appears to primarily relate to competence, therefore, it is not clear whether it will apply in the context of the Education Inspections Bill as introduced.

- **Suspension order:** where a suspension order is made, the individual ceases to be eligible for registration on the Register of Teachers held by GTCNI. If the teacher is currently on the register, they must be removed. Suspension may last for up to two years, during which the individual cannot work in a grant-aided school in Northern Ireland. Conditions for re-entry to the register may also be specified.
- **Prohibition order:** under this order, a teacher ceases to be eligible for registration under Article 35 and if they are already on the register they will be removed from it for a minimum of two years. Following the two year period (or longer, if specified in the order), a teacher can apply to have their registration restored.

Paragraph 6 of Schedule 1A also provides that, through regulations made by the Department, GTCNI may impose an interim suspension order where the evidence suggests a teacher is likely to be found guilty of unacceptable professional conduct, serious professional incompetence, or a relevant offence. Each order will last for a maximum of 18 months and is to be reviewed every six months. Interim orders will only be made if GTCNI is satisfied that it is necessary for the protection of children, in the public interest, or in the interest of the teacher concerned.

Paragraph 7 of Schedule 1A requires that regulations provide the right to appeal to the High Court against any interim suspension order or disciplinary order. The High Court judgement will be final.

Paragraph 8 of Schedule 1A affects how the regulation-making powers under the Schedule may be exercised. It provides that regulations may authorise the delegation of functions and may require or authorise the Council to make rules on any matter for which regulations may be made under the Schedule.

During Committee scrutiny of the General Teaching Council Bill, the Department advised that the proposed subordinate regulations will provide the disciplinary framework which GTCNI “must work within when developing its own detailed, internal processes.”<sup>114</sup> It also noted that the regulations will provide a statutory basis for GTCNI to convene Interim Suspension, Investigating and Fitness to Practise Committees. Committees will be required to operate independently of the GTCNI Board and to include teacher representation to support informed and balanced decision-making.<sup>115</sup> Information from DE indicates that individuals facing allegations will be entitled to provide statements, give evidence under oath, make written submissions and have representation at disciplinary hearings. The regulations also allow GTCNI to authorise officers to gather evidence on its behalf, supporting timely and cost-effective investigations.<sup>116</sup>

The regulation-making powers are subject to negative resolution, while Council rules are not subject to Assembly procedure. In March 2026, DE informed the Committee that it was working on the regulations with the Departmental Solicitor’s Office (DSO).<sup>117</sup> The regulations were not shared with the Committee during its considerations.

#### **Potential scrutiny points**

- Can the Department provide an update on the status of the regulations to be made under Schedule 1A including the proposed scope, intent, and content of the disciplinary framework.

<sup>114</sup> Written submission from the Department of Education to the Committee for Education, 09 March 2026

<sup>115</sup> NIA 171/22-27 Committee for Education, [Report on the Committee Stage of the General Teaching Council Bill](#) (20 May 2026) para.198

<sup>116</sup> NIA 171/22-27 Committee for Education, [Report on the Committee Stage of the General Teaching Council Bill](#) (20 May 2026) para. 199

<sup>117</sup> Northern Ireland Assembly Committee for Education, [Official Report - Minutes Of Evidence Report: General Teaching Council Bill: Department of Education](#) (11 March 2026)

- When will the regulations be laid before the NI Assembly?
- The regulations under Schedule 1A will provide the disciplinary framework which GTCNI must work within when developing its own processes. Can DE / GTCNI provide detail on the various stages of the anticipated process including (1) who will be responsible for reporting an allegation of unacceptable professional conduct, (2) what notice will be served on a teacher, by whom and by when, (3) what will the investigatory process entail, (4) what evidence will be considered when determining an outcome, (5) what notice will individuals facing allegations receive in relation to their entitlement to provide statements, give evidence under oath, make written submissions and have representation at disciplinary hearings, (6) what are the associated timescales?
- Which of the range of potential disciplinary orders is intended to be used where a teacher is found guilty of unacceptable professional conduct on the basis of non-cooperation and/or obstruction as defined by the Bill?
- Will there be a singular, consistent sanction applied for unacceptable professional conduct as defined by the Bill, or a graduated response dependent on the teacher's conduct?

Until the first regulations under Schedule 1A come into operation, a reference to "unacceptable professional conduct" in Article 102C(1) to (4), as inserted by clause 3 of the Education Inspections Bill, is to be read as a reference to "misconduct" within the meaning of [Article 36\(3\)\(f\)\(iii\) of 1998 Order](#). This Article refers to the regulations related to teacher registration and provides for the removal of a teacher's entry from the Register of Teachers where the person concerned has been found guilty of misconduct. As previously noted, GTCNI's statutory power is currently limited to removal from the teacher register.

The current regulations which confer powers on GTCNI to consider cases of misconduct are the [General Teaching Council for Northern Ireland \(Registration of Teachers\) \(Amendment\) Regulations \(Northern Ireland\) 2015](#) (SR 2015/151).

These allow:

- GTCNI to remove a teacher from the register if found guilty of misconduct
- Individuals to make representations to GTCNI
- GTCNI to issue a notice of its decisions
- The right of appeal to the High Court, within 28 days of a decision being made, if a teacher is removed from the register.<sup>118</sup>

GTCNI can only investigate if the employing authority or employer has already dealt with allegations of misconduct through an agreed disciplinary process.<sup>119</sup>

In evidence to the Committee on 21 January 2026, a GTCNI official highlighted limitations with the Council's existing powers:

“GTCNI currently has limited powers regarding the sanctioning of teachers. It can either do effectively nothing or remove a teacher from the register. The latter power exists only in extremely limited circumstances, relying mainly on a Disclosure and Barring Service (DBS) barring order or notification from another teaching regulator.”<sup>120</sup>

DE's 2022 consultation documentation and business case for the GTCNI further recognises the existing problems with the Council's regulatory powers:

“Since 2005, GTCNI has maintained a register of teachers and, following the transfer of the function from the Department to GTCNI in 2007, it has been responsible for approving qualifications for the purposes of registration. In 2015, GTCNI became responsible for regulating the

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<sup>118</sup> [The General Teaching Council for Northern Ireland \(Registration of Teachers\) \(Amendment\) Regulations \(Northern Ireland\) 2015](#); The General Teaching Council for Northern Ireland, [Rules and Policies](#)

<sup>119</sup> The General Teaching Council for Northern Ireland, [Regulation](#)

<sup>120</sup> Northern Ireland Assembly Committee for Education, [Official Report - Minutes Of Evidence Report: General Teaching Council Bill: General Teaching Council for Northern Ireland](#) (21 January 2026)

teaching profession. Legal advice and emerging case law subsequently identified that the legislative basis for regulation is not robust and has left GTCNI unable to exercise these powers as originally intended”.<sup>121</sup>

### Potential scrutiny points

- Can the Department confirm that, pending the commencement of regulations under Schedule 1A, the applicable sanction for intentional obstruction of, or non-cooperation with, an inspection is removal from the register under the [General Teaching Council for Northern Ireland \(Registration of Teachers\) \(Amendment\) Regulations \(Northern Ireland\) 2015](#)?
- Has the Department considered an alternative disciplinary framework to cover scenarios where the commencement of Schedule 1A is potentially delayed or otherwise impeded?
- Should there be a reliance on the existing regulatory framework, might the aforementioned stated issues with GTCNI’s current regulatory powers have an influence on the disciplinary processes/actions undertaken?

## 7 What happens elsewhere?

The Bill would introduce statutory provisions relating to inspection powers and conduct that may impede inspections. To provide context, this section compares the legislative approaches adopted in selected jurisdictions, primarily England, Wales, Scotland and Ireland, as well as a number of international examples. Particular consideration is given to the obstruction of inspections and the inspectors’ powers of entry and access to information

<sup>121</sup> Department of Education, [Consultation on Functions Delivered by the General Teaching Council for Northern Ireland](#) (2022)

## 7.1 Obstruction of inspections

As noted earlier in this paper, several jurisdictions have introduced specific statutory provisions relating to the obstruction of school inspections. The following table outlines the relevant offences and associated penalties in England, Wales, Scotland and Ireland. The section then examines a range of international examples, including Australia, Uganda, Samoa and Malaysia, where explicit sanctions for obstructing inspections have been identified. It also considers jurisdictions such as Sweden, Singapore and the Netherlands, where cooperation with inspectors is secured primarily through broader regulatory and administrative powers rather than specific obstruction offences. The section concludes by comparing these approaches with the provisions contained in the Bill.

| Country | Offence                                                                                                                                                                                                                                                                                                                                                                                        | Consequence                                                                                                                                                                                                                                                                                                                                      |
|---------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| England | <p>Under <a href="#">section 10(2) of the Education Act 2005</a>,</p> <p><i>“It is an offence intentionally to obstruct the Chief Inspector in relation to the inspection of a school for the purposes of section 5 or 8.”</i></p> <p>Section 5 places on the Chief Inspector the duty to inspect certain schools at prescribed intervals, while section 8 provides for other inspections.</p> | <p>Under <a href="#">section 10(3) of the Education Act 2005</a>,</p> <p><i>“A person guilty of an offence under subsection (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”</i></p> <p>A level 4 fine on the standard scale is £2,500 as per the <a href="#">Sentencing Act 2020</a></p>             |
| Wales   | <p>Under <a href="#">Schedule 4 of the Education Act 2005, para. 8(1)</a>,</p> <p><i>“It is an offence intentionally to obstruct – (a) the inspector conducting the inspection, or (b) a member of an inspection team, in the exercise of his functions in relation to an inspection of a school”</i></p>                                                                                      | <p>Under <a href="#">Schedule 4 of the Education Act 2005, para. 8(2)</a>,</p> <p><i>“A person guilty of an offence under sub-paragraph (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”</i></p> <p>A level 4 fine on the standard scale is £2,500 as per the <a href="#">Sentencing Act 2020</a></p> |

| Country  | Offence                                                                                                                                                                                                                                                                                                      | Consequence                                                                                                                                                                                                                                                                                                                                                                 |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Scotland | <p>Under <a href="#">section 54(2) of the Education (Scotland) Act 2025</a>,</p> <p><i>“A person commits an offence if the person intentionally obstructs an Inspector or other person in the carrying out of an inspection of a relevant educational establishment under this Part.”</i></p>                | <p>Under <a href="#">section 54(3) of the Education (Scotland) Act 2025</a>,</p> <p><i>“A person who commits an offence under subsection (1) or (2) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.”</i></p> <p>A level 4 fine on the standard scale is £2,500 as per the <a href="#">Criminal Procedure (Scotland) Act 1995</a></p> |
| Ireland  | <p>Under <a href="#">section 13(12A) of the Education Act 1998</a>,</p> <p><i>“A person who obstructs or interferes with an inspector in the course of exercising a power conferred on the inspector by this section or impedes the exercise by the inspector of such a power commits an offence”...</i></p> | <p>Continued under <a href="#">section 13(12A) of the Education Act 1998</a>,</p> <p>... <i>“and is liable—</i></p> <p><i>(a) on summary conviction to a Class A fine, or</i></p> <p><i>(b) on conviction on indictment, to a fine not exceeding €100,000.”</i></p> <p>A Class A fine is a fine not greater than €5,000 as per the <a href="#">Fines Act 2010</a></p>       |

The term 'obstruct' is not explicitly defined in the legislation reviewed. However, guidance on similar wording used elsewhere in education legislation can provide insight into how the term may be interpreted. [Section 97\(4\) of the Education and Skills Act 2008](#), relating to the inspections of unregistered educational institutions in England and Wales, provides that "*It is an offence intentionally to obstruct a person in the exercise of the person's functions in relation to the inspection*". Guidance issued by the Crown Prosecution Service on the interpretation of this provision identifies three key considerations:

1. Obstruction – the inspector's work must have been made more difficult
2. Wilful – the defendant must act (or refuse to act) deliberately, knowing and intending that the act will obstruct the inspector
3. In the execution of duty - requires the Inspector who is being obstructed to have been engaged in functions in relation to the inspection at the moment of his obstruction by the defendant.<sup>122</sup>

Outside the UK and Ireland, two states in Australia also make specific legislative provision for obstructing school inspection. In Western Australia, the [School Education Act 1999](#) states that for non-governmental schools, "*A person must not hinder or obstruct an authorised person who is carrying out or attempting to carry out an inspection under this Part. Penalty: a fine of \$2,000.*"<sup>123</sup> Similar language is used in New South Wales, where the [Education Standards Authority Act 2013](#) states, "*A person who hinders or obstructs an inspector in exercising any power conferred by this section is guilty of an offence. Maximum penalty – 5 penalty units*"<sup>124</sup> (five penalty units is AU\$550<sup>125</sup>).

Specific offences regarding obstructing or impeding school inspection also exist in Malaysia (imposing a fine up to 30,000 ringgit and/or up to two years imprisonment<sup>126</sup>), Samoa (a fine up to WS\$5,000<sup>127</sup>) and Uganda (a fine up to

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<sup>122</sup> [The Crown Prosecution Service, Department for Education Prosecutions](#)

<sup>123</sup> Part 4, Division 4 s.178 Education Act 2009

<sup>124</sup> Section 14(3) Education Standards Authority Act 2013

<sup>125</sup> [Crime \(Sentencing Procedure\) Act 1999](#)

<sup>126</sup> [Section 134 Education Act 1996](#)

<sup>127</sup> [Section 73\(3\) Education Act 2009](#)

100,000 shillings<sup>128</sup>). The Canadian province of Ontario creates a specific offence for obstructing an inspection, however this is limited to the inspection of lodgings in demonstration schools (highly specialised schools for students with specific needs, for example deaf and blind students).<sup>129</sup>

While the above jurisdictions provide for explicit sanctions where an inspector is obstructed, this does not appear to be the dominant international approach. In other education systems, legislation grants inspectors broad powers to enter schools, access information and conduct evaluations, but does not establish a specific offence or penalty for impeding an inspection.

For example, in Singapore, the [Education Act 1957](#) provides inspectors with powers to inspect schools and enables the Director-General to direct remedial action where concerns are identified. However, no specific offence for obstructing an inspection was identified. Instead, compliance appears to be supported through the Ministry's wider regulatory powers over the registration and operation of schools, managers and teachers.

Similarly, in Sweden, the Schools Inspectorate (Skolinspektionen) has extensive statutory powers under the [Education Act \(Skollag 2010:800\)](#) and can issue legally binding injunctions requiring action by school providers. These injunctions may be accompanied by penalty fines where requirements are not met. However, the legislation primarily focuses on securing compliance with the Inspectorate's directions rather than creating a specific offence of obstructing an inspection.

A similar position applies in the Netherlands, where the Inspectorate of Education has significant supervisory and information-gathering powers under the [Education Inspection Act 2002](#). Schools are expected to cooperate with inspections and wider regulatory or funding consequences may arise where legal obligations are not met. However, no standalone offence for obstructing a school inspection was identified.

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<sup>128</sup> [Section 26\(3\) Education \(Pre-Primary, Primary and Post-Primary Act\) 2008](#)

<sup>129</sup> [Education Act, R.S.O. 1990, c. E.2 | ontario.ca](#)

These examples suggest that there is a distinction between jurisdictions that emphasise duties of cooperation with inspection and confer extensive inspection and regulatory powers, but do not create a specific offence of obstruction; and jurisdictions that explicitly prohibit obstruction of inspections and attach specific penalties to such behaviour. Consequently, the existence of explicit penalties for obstructing inspections is present in some school inspection systems internationally but not in others.

A further distinction can be drawn between the Bill and other legislative approaches that specifically refer to obstructing inspections. As evidenced in the above table, the obstructive provisions in England, Wales, Scotland and Ireland are relatively concise, typically comprising a single provision<sup>130</sup> defining the prohibited conduct and a further provision specifying the associated penalty. By contrast, the Bill adopts a more detailed approach. Article 102C of the Bill sets out three separate forms of conduct: directly impeding or obstructing an inspection; failing to cooperate with the intention of hindering or preventing an inspection; and encouraging another person to act, or refrain from acting, in a manner intended to hinder or prevent an inspection. This third form, concerning encouragement or inducement to obstruct, does not appear in the comparator legislation reviewed.

There is also a difference in the nature of the sanction provided. In England, Wales, Scotland and Ireland the legislation specifies the consequence of obstruction directly, through a defined offence and associated financial penalty. In contrast, the Bill does not create an offence. Instead, it provides that the conduct described in Article 102C constitutes “*unacceptable professional conduct*” and refers to disciplinary powers that may be conferred on the General Teaching Council for Northern Ireland through regulations. As the precise disciplinary framework is to be established through separate legislation and regulations, the nature of the sanction is less explicitly defined on the face of the Bill than in the comparator jurisdictions.

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<sup>130</sup> The Education (Scotland) Act 2025 contains two provisions that create offences: one that relates to obstruction (described in this section) and one that relates to non-compliance with inspection-related duties (described in the section below).

Article 102D(4) of the Bill does somewhat address this, stating until the powers are conferred to the General Teaching Council under Schedule 1A to the Education (Northern Ireland) Order 1998, the reference to unacceptable professional conduct “*is to be read as a reference to misconduct as mentioned in Article 36(3)(f)(iii) of the Education (Northern Ireland) Order 1998*”. Article 36 of this Order refers to the regulations as to registration, with 3(f)(iii) stating that provision can be made to “*the removal of entries from the register in circumstances where the persons concerned...have in accordance with procedures specified in or determined under the regulations been found guilty of misconduct or serious professional incompetence*”.<sup>131</sup>

## 7.2 Inspectors’ powers of entry and right to access information

While the preceding subsection considered the consequences of obstructing inspections, those provisions sit alongside statutory powers that enable inspectors to access premises, information and documentation. The following section compares the extent of those powers across England, Wales, Scotland and Ireland.

In England and Wales, [section 10\(1\) of the Education Act 2005](#) provides a right of entry to school premises “*at all reasonable times*” for the purposes of inspections conducted under sections 5 and 8 of the Act. The same section also provides the right to inspect and take copies of documents considered relevant to the inspection.

In Scotland the powers of entry are provided by [section 52 of the Education \(Scotland\) Act 2025](#). Similar to England and Wales it states that entering an education establishment “*must be exercised at a reasonable hour*”, but goes further to explicitly state that this does not authorise entry by force, and that the inspector must produce evidence of their identity and authorisation to carry out the inspection if so requested. Section 53 of the Education (Scotland) Act 2025 places specific obligations on the managers of the educational establishment to facilitate the inspection including making documents available, permitting copies

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<sup>131</sup> [Education \(Northern Ireland\) Order 1998](#)

to be taken, securing access to locations where education is provided and providing inspectors with such assistance and cooperation as they reasonable require. Section 54(1) of the Education (Scotland) Act 2025 states “*A person commits an offence if the person fails, without reasonable excuse, to comply with the duty imposed by section 53*”.

In Ireland [section 13\(7\) of the Education Act 1998](#) provides inspectors with “*all such powers as are necessary or expedient for the purpose of performing his or her functions*” and that they “*shall be accorded every reasonable facility and co-operation by the board and the staff of a school*”. There is no specific mention of right of entry.

In broad terms, the Bill reflects the same underlying approach found in England, Wales, Scotland and Ireland in that inspectors are provided with statutory powers to carry out inspections. Through Article 102B of the Bill, designated officials may take “*all reasonable steps*” in conducting an inspection, including accessing premises, obtaining information and documents, and observing or assessing teaching and other activities. This degree of detail is arguably closest to the Education (Scotland) Act 2025, which similarly explicitly refutes entry by force and includes separate provisions for obstruction and failure to comply with inspection-related duties. However, unlike the Scottish legislation, the Bill does not contain an explicit defence of “*reasonable excuse*” for failure to comply with inspection-related duties.

#### **Potential scrutiny points**

- The Bill refers to several separate forms of conduct, including impeding an inspector, obstructing an inspection and failing to cooperate with the intention of hindering or preventing an inspection. How does the Department distinguish between obstruction, impeding and failing to cooperate?
- What disciplinary sanctions could ultimately be applied to a teacher found to have engaged in conduct described in

Article 102C of the Bill, and how would the seriousness of different forms of conduct be assessed?

- The Education (Scotland) Act 2025 provides that a failure to comply with inspection-related duties would not constitute an offence where there is a “*reasonable excuse*”. Did the Department consider including a similar safeguard in the Bill?

## 8 Key potential public purse implications

This section addresses key potential “public purse” implications for Northern Ireland that could directly arise, **should the Bill, as introduced** be enacted. To recap, the Bill seeks to amend the [Education and Libraries \(Northern Ireland\) Order 1986](#) (the 1986 Order) to:

- a. to extend the system of inspection to a further category of establishment;
- b. to ensure inspection arrangements for religious education are in line with all other areas of the curriculum;
- c. and to enhance the inspection process by:
  - (i) conferring express powers on inspectors, and
  - (ii) providing for non-cooperation with inspection to be classed as unacceptable professional conduct in connection with potential disciplinary measures.

First, to provide wider framing for that subsequent discussion, key definitions and the challenging Northern Ireland public finance context are set out below.

### 8.1 Background

#### 8.1.1 Public purse defined

The “public purse” refers to taxpayers’ money raised through taxation and other sources of government revenue. Government departments - including their Ministers and individual officials - are custodians of the public purse – meaning they are required to use public funds “efficiently, effectively and economically”.

Moreover, departmental Accounting Officers are personally responsible for ensuring value for money in accordance with public finance management principles.

In Northern Ireland, the public purse comprises the Northern Ireland block grant allocated by His Majesty’s (HM) Treasury, locally generated revenues and any other public funding streams.

Any public purse costs that could arise from the Education Inspections Bill would be met by departmental spending – that is, either within the existing Department of Education budget, or through reprioritisation within the Executive’s overall spending envelope.

**8.1.2 Central and devolved public finance context**

When examining key public purse considerations that could arise from the Bill as introduced, it is important to have some understanding of the ongoing challenging period for public finances at both the central and devolved levels across the United Kingdom. Of note for purposes of this Review of Costs, key public finance developments across the period February 2024 up to the time of writing this Paper are outlined below in **Figure 1**.

**Figure 1: Challenging budgetary context - contributory factors dating from February 2024 to present**



### Budget Information Gathering Exercise (August-September 2024)

The Department of Finance (DoF) undertook a 2025-28 Budget Information Gathering Exercise, requesting returns from all Northern Ireland Departments, marking the start of the planning stage in the 2025/26 Northern Ireland Executive Budget cycle. The DoF found that “Departments identified a reported £767 million of unfunded pressures”, as [reported](#) to the Assembly on 23 September 2024.

### UK Autumn Budget 2024 (October 2024)

The [Chancellor's Autumn Budget 2024](#) set out some of the multi-year competing pressures facing the United Kingdom Government, potentially adversely impacting the Government's spending power in certain areas, along with other decisions relating to social security - see RaISe Briefing Paper 47/24 entitled “[Chancellor's Autumn Budget 2024: initial considerations for Northern Ireland](#)”.

### Departmental Bids Exceed Budget Allocation (December 2024)

Northern Ireland Departmental bids for 2025/26 [resource and capital](#) expenditure exceeded the [Northern Ireland Budget](#) allocated by the United Kingdom Government to the Executive.

Later that month, the [2025/26 Draft Executive Budget](#) and accompanying [Written Statement](#) by the Minister for Finance highlighted ongoing “pay and inflationary pressures” and “growing demands” on public services.

### UK Spring Statement 2025 (March 2025)

The [Chancellor's 2025 Spring Statement](#) updated the House of Commons on the United Kingdom economy and public finances. Her Statement was accompanied by an Economic and Fiscal Forecast from the [Office for Budget Responsibility](#) (OBR). It also announced a number of policy decisions, which included reforms to the welfare system, increased defence spending and a £3.25 billion (b) [“Transformation Fund”](#) to reform public services. (Important to note this central government development, as the Northern Ireland Executive Budget is a sub-cycle

within the United Kingdom Government's Budget cycle.) DoF officials thereafter explained during the Assembly Finance Committee [meeting](#) that:

*.... on the allocations out of that fund, it will depend on which Whitehall departments get allocations from it so we don't get it on the £3.25 billion we'll get it on the allocations*

#### **Executive Agrees 2025/26 Budget (3 April 2025)**

The Executive agreed the [2025/26 Executive Budget](#), which the Finance Minister [described](#) as “sets out a direction of travel” which “clearly prioritises its Programme for Government priorities”.

#### **US Trade Tariffs (4 April 2025)**

The American President announced substantial international trade tariffs, resulting in: plummeting stock markets across the globe; a collapsing American bond market; the subsequent 9 April 90-day pause on some new US tariffs; other countries' similar pauses; further consideration of retaliatory tariffs on the US; and an international trade war arising between the US and China.

#### **US-UK Trade Deal (8 May 2025)**

A non-binding trade deal was agreed by between the US and UK Governments. The general terms of the new trade deal were subsequently published in the [UK-US Economic Prosperity Deal](#) (EPD); the deal non-binding, meaning on-going further negotiations to work through the detail of the deal.

#### **Executive Spending Plans Published (24 June 2025)**

The DoF published its [2025-26 Budget Factsheet](#), setting out the Executive's spending plans for the one-year period from 1 April 2025 to 31 March 2026.

**Finance Minister Written Statement (3 October 2025)**

The Executive's Finance Minister provided a Written Ministerial Statement detailing [Treasury Funding Available 2026-2029/30](#).

**UK Autumn Budget 2025 (26 November 2025)**

The [Chancellor's Autumn Budget 2025](#) detailed the United Kingdom Government's resource spending plans up to 2028/29 and capital plans up to 2029/30.

**NI Draft Multi-Year Budget (6 January 2026)**

The Finance Minister published the [Draft Budget 2026-2029/30](#) (not Executive agreed) and announced an eight-week public consultation on the proposals.

**Treasury Agrees £400m Reserve Claim (11 February 2026)**

HM Treasury [agreed](#) a reserve claim for the Northern Ireland Executive, to provide £400 million for 2025/25, which is to be repaid over three years. The Finance Minister confirmed in a [written statement](#) that same day that the £400 million would be allocated as follows, as agreed by Executive:

- Department of Education - £214.6 million
- Department of Health - £185.4 million

**Treasury Agrees £400m Reserve Claim (11 February 2026)**

The [Chancellor delivered her Spring Forecast 2026](#)

Later that day, in an [Oral Statement](#) to the Assembly, the Finance Minister confirmed additional £390 million Barnett consequentials over the next three-year period, comprising: Resource DEL - £380 million; and, Capital DEL - £9 million

**UK Spring Forecast 2026 (3 March 2026)**

The Chancellor delivered her [2026 Spring Forecast](#). Later that day, in an Oral Statement to the Assembly, the Finance Minister confirmed additional £390 million

Barnett consequentials over the next three-year period, consisting of £380 million RDEL and £9 million CDEL.

#### **Update on Multi-Year Budget Discussions (16 April 2026)**

Speaking publicly following a meeting of Executive Ministers, the deputy First Minister stated that the Executive wanted a multi-year Budget agreed "as quickly as we can". She added

*...but the reality is that there is a very, very significant shortfall...the moment that Budget would be agreed, unless we secure additional resource from the Treasury, would simply lead to significant cuts and massive impacts in terms of our public services and on the people that we are here to serve.*

The Finance Minister echoed these sentiments, stating that "to achieve the ambition of the Budget is going to take an injection of investment from the British Government."

#### **Parties Meet SoSNI on Budget Progress (2 July 2026)**

Speaking after the meeting, Hilary Benn MP said they had 'agreed a programme of work' that will 'look, first of all, at the pressures that the Executive's finances are facing'.

He said the work would also look at the Executive's plan for "fiscal sustainability, efficiencies and public service transformation".

#### **Budget Act Deadline Passes (31 July 2026)**

As the Executive were unable to pass a Budget by this deadline, an automatic departmental expenditure limit of 95% of last year's funding was triggered under public finance laws.

### Executive Writes to PM on Financial Pressures (13 August 2026)

The Executive collectively [wrote](#) to PM Andy Burnham, calling for a 'fair funding envelope'. The letter said the current funding from Westminster 'does not provide a sufficient basis to fund public services' in NI.

### SoSNI Statement on Budget Impasse (24 August 2026)

SoSNI Chris Bryant MP [said](#) the Executive will have to engage in 'self-help' and look at revenue raising to resolve Northern Ireland's budget issues. He further added "I understand the financial pressures that there are in Northern Ireland, and I'm very happy to take them very seriously."

### PM confirms SoSNI talks on the Budget (2 September 2026)

In response to a question at PMQs the PM stated:

*Our first responsibility is to get Stormont government up and running and functioning properly with a budget. I have empowered the Northern Ireland Secretary to go into talks to resolve that issue, and we can continue the conversation on the broader issues about reform once we have got that in place.*

## 8.2 Draft Budget 2026-2029/30: DE allocations

On 6 January 2026, the Finance Minister published a Written Ministerial Statement to the Assembly on the Draft Budget 2026-29/30. The Statement outlined proposed funding allocations for Resource Departmental Expenditure Limits (RDEL) and Capital Departmental Expenditure Limits (CDEL) during the specified period, including DE, which would be the Department responsible for implementing this Bill if enacted, as reproduced below in **Table 2**.

**Table 2: Proposed DE Budget Outcome 2026-30, £ million<sup>132133</sup>**

| <b>Funding Category</b> | <b>2026-27</b> | <b>2027-28</b> | <b>2028-29</b> | <b>2029-30</b> |
|-------------------------|----------------|----------------|----------------|----------------|
| Resource DEL            | 3,244.6        | 3,313.0        | 3,393.1        | -              |
| Capital DEL             | 355.2          | 283.7          | 291.4          | 290.9          |
| <b>Total DEL</b>        | <b>3,599.8</b> | <b>3,596.7</b> | <b>3,684.5</b> | <b>290.9</b>   |

Source: [Draft Budget 2026-29/30](#)

At the time of writing, the Draft Budget 2026-2029/30 remains unagreed by the Executive, as noted by the Education Minister in a [Written Ministerial Statement](#) in response to the Draft Budget on 6 January 2026. The Minister stated:

“While I acknowledge the significant challenges involved in setting a budget, it is important to be clear: even if I was prepared to accept the devastating cuts implicit in this draft, as a practical matter, such a budget would be undeliverable. A budget must be more than figures on paper; it must be deliverable in reality.”<sup>134</sup>

The Minister concluded, stating:

<sup>132</sup> Draft Budget 2026-29/30, Department of Finance, available [here](#)

<sup>133</sup> At Spending Review 2025, Resource DEL plans were set for all departments for years up to 2028-29, and Capital DEL plans for years up to 2029-30 – therefore no Resource DEL total has been provided for the 2029-30 financial year.

<sup>134</sup> [Written Ministerial Statement - Department of Education: Response to publication of the Draft Multi-Year Budget for Consultation](#) (6 January 2026)

“Education has faced historic underfunding for many years, with an inadequate baseline that has only been sustained through in-year allocations. This structural weakness cannot be ignored.”<sup>135</sup>

This Review of Costs does not comment on the sufficiency or otherwise of the funding provided to individual Executive departments. Rather, the above context-setting is intended to frame the extent of financial pressures which currently are facing the Executive as a whole.

#### **Potential Scrutiny Point**

- Given the existing budgetary challenges and competing pressures in Northern Ireland, how would DE ensure that appropriate resourcing is provided to fully implement the Bill’s provisions, should it be enacted and implemented as currently introduced?

### **8.3 Explanatory and Financial Memorandum: financial effects of the Bill**

The accompanying [Explanatory and Financial Memorandum](#) (EFM), accompanying the introduced Bill, notes that the Department considers:

“There should not be any additional expense incurred as a result of this Bill.”<sup>136</sup>

While the Department notes no additional expense the following [Section 8.4](#) considers where additional cost could be incurred arising from the provisions of the Bill.

### **8.4 Key potential public purse implications**

The paragraphs below consider key potential public purse implications for Northern Ireland that could directly arise from the Bill, if enacted and

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<sup>135</sup> See footnote 134 immediately above

<sup>136</sup> [Education Inspections Bill – EFM](#)

implemented as introduced. It draws on relevant, publicly available information, namely:

- The [Education Inspections Bill](#), as introduced
- The accompanying [Explanatory and Financial Memorandum](#) (EFM), as introduced
- The [General Teaching Council \(GTC\) Bill](#) (GTC Bill) as introduced, currently awaiting Consideration Stage to be scheduled
- [Consultation Summary Report on Proposals to Strengthen Inspection Legislation](#) (August 2025)

It discusses:

- [8.4.1 Extension of inspection to further types of provider](#)
- [8.4.2 Costs associated with potential training needs for RE inspection](#)
- [8.4.3 Liability of teachers to disciplinary measures](#)
- [8.4.4 Administration costs](#)

When relying on the below, please note:

- Identified potential public purse implications are not intended to provide an exhaustive list
- Discussions around potential costs are informed by publicly available information at the time of writing
- Any discussion regarding the prevailing law, including existing legislation, is not intended to provide legal advice or opinion

#### **8.4.1 Extension of inspection to further types of provider**

As noted in Section 6.1, clause 1 will amend Article 102(2) of [The Education and Libraries \(Northern Ireland\) Order 1986](#) to extend the categories of establishments that may be inspected by the ETI. The ETI undertakes inspection and evaluation activity on behalf of DE and other departments. For example, this includes inspections of work-based learning and training provider organisations for DfE, and inspections of the College of Agriculture, Food and Rural Enterprise (CAFRE) for DAERA. Currently, a Memorandum of Understanding (MoU) between ETI and each of the respective departments

governs working arrangements and provides clarity on roles and responsibilities. The EFM further clarifies:

“An example of what Article 102(2)(e) thereby covers is the College of Agriculture, Food and Rural Enterprise (CAFRE). However, inspection of CAFRE or any other body covered by paragraph (e) is subject to new Article 102(7A). Article 102(7A) ensures that inspection of a body by virtue of Article 102(2)(e) cannot be conducted without the approval of the department responsible for it. In the case of CAFRE therefore, DAERA approval would be required prior to the ETI engaging in inspection activity at the College.”<sup>137</sup>

This would formalise the inspection of the outline departmental bodies without requiring the existing MoUs. RalSe contacted DE seeking information of the regularity at which inspections are undertaken on behalf of other Departments and whether clause 1 would impact the frequency of such inspections being carried out. The Department stated in response:

“The regularity of inspection activity undertaken by the Education and Training Inspectorate (ETI) on behalf of the Department for the Economy (DfE) and the Department of Agriculture, Environment and Rural Affairs (DAERA) is determined by departmental priorities, statutory requirements and ETI business planning processes, including available resources.

Inspection activity is not undertaken on a fixed cyclical basis by virtue of Memoranda of Understanding (MoUs).

Clause 1 does not have any implication on the regularity of inspection activity undertaken on behalf of DfE or DAERA. Decisions relating to the commissioning, prioritisation and delivery of inspection activity will continue to be determined through departmental

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<sup>137</sup> See footnote 136

commissioning arrangements and ETI business planning processes.”<sup>138</sup>

#### 8.4.1.1 Potential for additional resource

With extension of inspection for the ETI, RalSe also asked in correspondence with DE for further clarification on this extension. DE noted:

“Clause 1 extends the definition of "relevant establishment" to include certain education providing institutions established, maintained or managed by a Northern Ireland department which fall outside the education orders, thereby supporting the consistent application of the Article 102 inspection framework. The provision also helps ensure that other education-providing settings, including any future forms of pre-school or early years provision established, maintained or managed by a Northern Ireland department and falling outside the existing education orders, can be brought within the Article 102 inspection framework where the statutory criteria are met.”<sup>139</sup>

By implication, this may require the ETI to carry out additional inspections and therefore additional resource – for example Inspectors – may be required. For context RalSe asked DE to provide detail on the current workforce of the ETI.

**Table 3** below details the number of staff of ETI by grade as of 30 August 2026.

**Table 3. ETI staff by grade – 30 August 2026**

| NICS Grade | ETI Role                   | FTE |
|------------|----------------------------|-----|
| Grade 3    | Chief Inspector            | 1.0 |
| Grade 5    | Assistant Chief Inspectors | 3.5 |
| Grade 5    | Director                   | 1.0 |

<sup>138</sup> RalSe correspondence with Department of Education – received 14/09/2026

<sup>139</sup> RalSe correspondence with Department of Education – received 14/09/2026

|              |                     |             |
|--------------|---------------------|-------------|
| Grade 6      | Managing Inspectors | 8.0         |
| Grade 6      | Inspectors          | 31.5        |
| <b>Total</b> |                     | <b>45.0</b> |

**Source:** RalSe correspondence with Department of Education – received 14/09/2026

**Notes:**

- All ETI inspectors, including Managing Inspectors (Mis), undertake the roles of Reporting Inspector (RI), Deputy Reporting Inspector (DRI) and District Inspector (DI) as part of their duties. There is no separate staffing complement or recruitment process for these roles.
- Inspectors are recruited to the Northern Ireland Civil Service (NICS) through externally advertised competitions for Grade 6 Inspector posts within ETI.

Table 3 should be considered in relation to the Northern Ireland Audit Office (NIAO) report - [Assessing the Quality of Education in Northern Ireland](#) (published 2 April 2026) in which the NIAO found:

“The costs of providing inspection have remained constant in cash terms across the last seven years. However, ETI have estimated that to build back to their identified professional inspector staffing numbers of 65 that would require approximately £8.2 million per annum. ETI had 65 FTE inspectors in 2010 to conduct a full programme of inspections, in 2025, there were 36 inspectors with recruitment exercises ongoing.”<sup>140</sup>

This report and Table 3 would suggest that the ETI has already increased its workforce since 2025 but remains under the 65 inspectors employed in 2010. However, it should be noted 65 inspectors have not been identified as a target or required figure, rather the number reported employed as inspectors in 2010. In that context, DE further informed RalSe that:

“In addition to the table above, ETI appointed 4 Interchange Inspectors from its Associate Assessor (AA) cohort in January 2026;

<sup>140</sup> [NIAO report - Assessing the Quality of Education in Northern Ireland \(2 April 2026\)](#)

the appointments are for a time limited period and additional to the ETI staffing complement.

AAs are not employed by the NICS, they are senior professionals from an educational organisation with expertise and experience in a particular educational subject, phase or area and are deployed to inspection teams for a specified number of days. Following appointment through a competitive selection process, AAs may be invited to join inspection teams and contribute to inspections in their area(s) of professional expertise. AAs are not employed by ETI; substitute cover, travel and subsistence costs are reimbursed to the employing organisation. A new programme to recruit around 120 AAs is due to launch in the coming months. ETI does not have Inspection Associates but is currently developing a scheme for Professional Associates. There are currently no Professional Associates in place.”<sup>141</sup>

This response could suggest that through the AA cohort and further schemes being developed, the ETI has alternative resource options beyond the employment of new Inspectors. However, the roles and responsibilities have not been identified in relation to these other roles and how these roles may be able to support the ETI if additional workload resulted from the provisions of this Bill.

#### **Potential scrutiny points**

- Members may wish to enquire about the impact of extending the categories of establishment that may be inspected by the ETI?
- If an increase in inspections was to occur as a result of the Bill, Members may wish to seek information regarding the

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<sup>141</sup> RalSe correspondence with Department of Education – received 14/09/2026

availability of resources within ETI in order to facilitate an increase in workload.

#### **8.4.2 Costs associated with potential training needs for RE inspection**

Under Clause 2, the Bill's proposed objective would see Religious Education (RE) evaluated in the same way as other subjects by removing the requirement to seek prior approval of a School's Board of Governors – in particular. As stated in the Bills accompanying EFM:

“Clause 2 removes Article 102(7) of the 1986 Order, which previously limited inspection of RE in grant-aided schools without the prior approval of the Board of Governors. Repeal of this provision enables inspectors to evaluate RE in the same manner as other curricular areas, supporting a more consistent and holistic evaluation of school provision.”<sup>142</sup>

As this is not standard practice of the ETI at present, all inspectors may not have the required knowledge to carry out such inspections. If this were the case, it is foreseeable that the ETI would be expected to provide additional training to ensure all inspectors are able to carry out RE evaluations, if not already part of existing training and guidance. In such a case, some administrative costs could be expected to implement such training.

##### **Potential scrutiny points**

- The Committee may wish to seek clarification if the evaluation of RE is included for all inspectors in existing training and guidance?
- If not, then the Committee should ask the Department and/or ETI whether such training will be provided and for an

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<sup>142</sup>See footnote 136

assessment of any potential costs that could arise from providing such training?

### **8.4.3 Liability of teachers to disciplinary measures**

As noted in section 6.3 of this paper, clause 3 of the Bill would:

*102C.—(1) It is unacceptable professional conduct by a teacher if the person intentionally—*

*(a) impedes a designated official in the exercise of the power conferred by Article 102B, or*

*(b) obstructs such an official while the official is conducting, or acting in connection with, an inspection under Article 102.*

*(2) It is unacceptable professional conduct by a teacher if the person—*

*(a) fails to co-operate with a designated official while the official is conducting, or acting in connection with, an inspection under Article 102, and*

*(b) intends by the failure to hinder or prevent the conducting of the inspection.*

*(3) It is unacceptable professional conduct by a teacher if the person—*

*(a) encourages someone else to do something, or refrain from doing something, during the course of an inspection under Article 102, and*

*(b) intends by the encouragement to cause the conducting of the inspection to be hindered or prevented.*

*(4) Nothing in this Article specifying what is unacceptable conduct by a teacher—*

*(a) limits anything else in this Article specifying what is unacceptable professional conduct by a teacher, or*

*(b) affects anything outside this Article specifying (or for specifying) whatever else is unacceptable professional conduct by a teacher.*

*(5) See Schedule 1A to the Education (Northern Ireland) Order 1998 for the disciplinary powers in relation to unacceptable professional conduct by a teacher, including such conduct as specified in this Article, which the Department may by regulations confer on the General Teaching Council for Northern Ireland.<sup>143</sup>*

The EFM provides further clarification:

“Consequences for such conduct by virtue of Article 102C fall under the disciplinary framework to be provided for in Schedule 1A to the Education (Northern Ireland) Order 1998 and may be exercised by the General Teaching Council for Northern Ireland (GTCNI). However, this is subject to transitional arrangements as shown pending the coming into effect of that Schedule by virtue of the commencement of the relevant part of the General Teaching Council Bill (and assuming that the Bill completes its passage through the Assembly).”<sup>144</sup>

Clause 3 could see the number of disciplinary cases increase and therefore impact the workload of the GTCNI. As noted above, this is also impacted by the General Teaching Council Bill currently passing through the Northern Ireland Assembly. RalSe previously provided a Bill Paper ([NIAR 257-25](#)), to the Education Committee in relation to the [General Teaching Council \(GTC\) Bill](#) in which the financial impact of the GTC Bill was considered. The following subsections consider the costs associated with investigations and appeals to the GTCNI. These associated costs should be considered in relation to the new

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<sup>143</sup> [Education Inspections Bill – as introduced](#)

<sup>144</sup> See footnote 136

Article 102C as proposed in the Bill, as introduced. The following relies on Business Case<sup>145</sup> for GTCNI replacement options dated February 2025, which was compiled by the DE GTCNI Interim Sponsorship Team (GIST) – hereinafter referred to as “Business Case”.

#### **8.4.3.1 Investigations and Appeals Costs**

The GTC Bill, within its specified regulatory powers would empower the GTCNI both to investigate allegations of unacceptable professional conduct or serious professional incompetence and to impose a range of sanctions, including disciplinary and suspension proceedings. Consequently, the GTCNI body would need to recruit staff to act on its behalf as panel members for any subsequent investigations, appeals and tribunals. However, the introduced Bill’s [EFM](#) states:

“Implementation of the provisions in this Bill will incur no costs.”<sup>146</sup>

Nonetheless, the Business Case provides the following estimation of such panel costs, using Department for Finance guidance for fees, at 2023 rates. It should be noted that, the following sections consider the potential annual cost for unacceptable professional conduct or serious professional incompetence and may include some offences beyond those detailed in the Bill. The associated costs are summarised as follows:<sup>147</sup>

#### **8.4.3.2 Investigation Panel Costs**

The Business Case estimates the cost of fees for an investigation panel per year to be £20,790. This estimation is based on the following assumptions:

- The average daily cost of investigatory panel member is £231
- A panel size of six members
- 15 investigation cases per year

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<sup>145</sup> On 16 January 2026, RalSe received the Business Case from the DE, following prior request for same and related correspondence with DE officials.

<sup>146</sup> [Explanatory and Financial memorandum - General Teaching Council Bill - as-introduced](#)

<sup>147</sup> Business Case correspondence from DE received by RalSe on 16 January 2026

- The duration of panel meeting for each case will be one day

#### **8.4.3.3 Appeal Panel Costs**

The cost of fees for an appeals panel per year is estimated at £14,543. This estimation is based on the following assumptions:

- Average daily cost of an appeals panel member is £346
- A panel of six members
- Half of the 15 cases will go to internal appeal
- Duration of appeal panel meetings for each case will be one day

#### **8.4.3.4 High Court Appeal Panel Costs**

The cost of fees for a High Court appeals panel is estimated to be £19,992 per year. There are additional costs of £11,080 per year for legal advisor fees on High Court appeal cases. This estimation is based on the following assumptions:

- Average daily cost of a high court appeals panel member is £417
- A panel of six members
- Four of the internally appealed cases will go to the High Court
- Duration of appeal panel meetings for each case will be two days

The GTCNI Business Case also provides estimates of annual training costs (£7,500) and annual IT costs (£9,450) for panel members.

In light of the above, the following potential scrutiny points arise in relation to investigations and appeal panel costs that could arise from the implementation of the additional regulatory functions, if the Bill is enacted as introduced.

#### **Potential scrutiny points**

- The figures above are based on a DE projection of 15 investigation cases per year. Given the provisions of the Bill has DE updated its assessment of potential costs in terms of investigation panels, in terms of potential increases in cases from that envisaged in the Business Case?

- Has DE carried out an assessment of the number of potential cases that could arise as a result of the provisions of clause 3 of the Bill?
- If cases do arise, has DE carried out an assessment of the number of those that are likely to be appealed and of those that could be escalated to the High Court?

#### **8.4.4 Administration costs**

It is likely that general administrative costs could arise from implementation of the Bill to DE and ETI arising from the provision of the Bill. The following provides a list of potential areas of cost:

- IT costs – arising from updating systems to reflect changes in reporting arising from the Bill
- Administration resource costs - arising from updating and reissuing guidance and documentation, including staff time cost to work on such activity
- Awareness-raising and engagement – organisations may choose to undertake such programmes to raise awareness changes arising from the Bill

However, it should be considered that such costs arise regularly with legislation and have been considered “normal line of business” expenses for Departments

#### **Potential scrutiny point**

- The Committee may wish to establish if such costs would arise from implementation of the Bill? If so, has DE and/or ETI carried out any assessment of the potential costs associated with such activities?

## 8.5 Key takeaways

- The Bill is intended to:
  - Extend ETI inspection powers to additional categories of educational establishments;
  - Allow Religious Education (RE) to be inspected in the same way as other curriculum subjects; and
  - Strengthen inspection powers by creating disciplinary consequences for teachers who deliberately obstruct inspections.
- The Department of Education's Explanatory and Financial Memorandum states that no additional expenditure is expected as a result of the Bill.
- Despite this, this paper highlights several areas where additional public costs could potentially arise, particularly through implementation, training and disciplinary processes. Any additional costs would need to be absorbed within existing Department of Education resources or through wider Executive budget decisions.
- The Bill would formally extend ETI inspection powers to additional establishments currently inspected through administrative arrangements and Memoranda of Understanding. It is unclear whether the Bill would increase the number or frequency of inspections. If inspections increase, ETI may require additional staff time and resources, potentially creating new costs.
- The Bill would remove the requirement for Boards of Governors to approve inspections of Religious Education (RE). RE would be evaluated in the same manner as all other curriculum subjects, supporting a more consistent inspection regime. Additional inspector training may be required if current ETI training does not adequately cover RE inspection. Any such training would create administrative and implementation costs, although these have not been quantified.
- The Bill would make it unacceptable professional conduct for teachers to intentionally obstruct, impede or fail to cooperate with inspectors. These provisions could increase the number of disciplinary investigations and regulatory cases involving teachers. The General Teaching Council for Northern Ireland (GTCNI) would ultimately be responsible for handling

disciplinary matters under the new framework. The paper identifies disciplinary investigation and appeal processes as the area most likely to generate costs.

- Existing Departmental estimates used in the GTCNI Bill suggest that 15 cases per year would mean that:
  - Investigation panels could cost approximately £20,790 annually.
  - Appeal panels could cost approximately £14,543 annually.
  - High Court appeals could cost approximately £19,992 annually, plus £11,080 in legal adviser costs.
  - Additional annual costs could include £7,500 for training and £9,450 for IT support

## Appendix 1: Core questions and contributory areas considered under the Empowering Improvement Framework

| Core questions                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                    | Contributory areas                                                                                                                                                                                                                                                                                                   |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ol style="list-style-type: none"> <li>1. What is the school's/organisation's vision and what informs it?</li> <li>2. How is the school/organisation setting about achieving the vision, within its own context?</li> <li>3. How does the school/organisation monitor how well it and its learners are doing and how responsive is it to overcoming challenges and barriers?</li> <li>4. How does the school/organisation define, celebrate and embed success for all learners?</li> <li>5. How is the school/organisation creating the right conditions for the growth and development of a community of learning?</li> </ol> |  | <b>Curriculum for all</b> <ul style="list-style-type: none"> <li>• Holistic development of learners</li> <li>• Learner-centred, inclusive, flexible, forward looking and equitable</li> <li>• Learner progress and achievement</li> <li>• Collaborative and shared learning experiences</li> </ul>                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Planning, teaching and assessment for successful learning</b> <ul style="list-style-type: none"> <li>• Learners' needs, abilities and interests are met</li> <li>• Successful learning</li> <li>• High quality outcomes for learners</li> </ul>                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Health, wellbeing and keeping safe</b> <ul style="list-style-type: none"> <li>• Emotional health and wellbeing</li> <li>• Healthy lifestyles</li> <li>• Safeguarding</li> </ul>                                                                                                                                   |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Equity, diversity and inclusion</b> <ul style="list-style-type: none"> <li>• Reducing educational and social disadvantage</li> <li>• Inclusion</li> <li>• Fairness</li> <li>• Shared education</li> </ul>                                                                                                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Environment, society and economy</b> <ul style="list-style-type: none"> <li>• Environmental and economic awareness</li> <li>• Active citizenship</li> <li>• Impactful CEIAG, including work-related learning</li> <li>• Development and application of transversal skills, knowledge and understanding</li> </ul> |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Digital skills</b> <ul style="list-style-type: none"> <li>• Digital skills for learning, living and working</li> <li>• Empowering communication, collaboration and knowledge transfer</li> <li>• Staying safe online and responsible use</li> </ul>                                                               |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Staff professional learning</b> <ul style="list-style-type: none"> <li>• Well-targeted, resourced and responsive professional learning, meeting the needs of all staff</li> <li>• Community of professional learning</li> <li>• Improved learning experiences and outcomes for learners</li> </ul>                |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Collaborative networks</b> <ul style="list-style-type: none"> <li>• Strategic development of collaborative networks informed by the context of the organisation</li> <li>• Development of learners' skills and confidence</li> <li>• Improved, broader learning experiences and outcomes for learners</li> </ul>  |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                    | <b>Learner participation</b> <ul style="list-style-type: none"> <li>• Meaningful consultation with learners</li> <li>• Learner-informed provision</li> <li>• Active participation in broader decision making</li> </ul>                                                                                              |

Diagram copied from the Education and Training Inspectorate [Empowering Improvement: New Framework for Inspection](#) (2024) p16