community | Education & Early Years

Official Response to the Call for Evidence

Education Inspections Bill Northern Ireland



SEPTEMBER 2026

About Community Union

This is an official response on behalf of members of Community Union

Community is a general Trade Union affiliated to the TUC. We provide legal and casework support to our members and regularly engage with them in determining our response to policy proposals.

Community's Education and Early Years sector represent thousands of serving teachers and support staff, headteachers, lecturers, nursery and early years workers, nannies and other education professionals in schools and academies, nurseries and early years settings, colleges, and universities across the whole of the UK.

This evidence was submitted on behalf of our members working in Early Years and Education in Northern Ireland and as such represents the collective view of our membership.

The information shared within this response is our public response to the consultation and may be used and quoted as appropriate for the purposes it was gathered, with Community Union acknowledged as the contributor. We would be happy to discuss the comments in this response further, please contact us using the details supplied.

Community are happy for this response to be published as part of this consultation process. This Official Response will be published on our website following the close of the consultation period.

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Introductory Comments

Community members work hard to ensure the highest standards of education for the children they work with. High-quality teachers working within a supportive school to deliver engaging lessons about a broad curriculum is key to achieving these high standards, as are robust school policies that support and encourage the best from their pupils.

Community understand that the Department want to inspect schools to gauge the performance of each school and to be able to compare it. How this is done is critical to ensuring that schools, leaders, teachers, other staff and pupils are not negatively impacted by the burden of inspection as is so frequently the case in England.

The data that is produced by statutory tests and exams captures a moment in time, a snapshot of the performance within schools, and though it tells a story of the school's success, on its own it is meaningless. It is critical that schools are held to account for their role in pupils performance and are not expected to be responsible for all those things which happen outside of school.

With all this in mind, Community has the following general comments about the proposed changes to inspection.

As noted, we are not wholly convinced of the benefits of school inspection in its current form and question whether the GTCNI is adequately representative of teachers' interests (the Bill references Schedule 1A to the Education (Northern Ireland) Order 1998 for disciplinary provisions). This will particularly be an issue should anyone be accused of "intentionally impeding" since we feel that it is not yet clearly enough defined to prevent unfair disciplinary action.

As with the rest of the countries of the UK, workload remains the single biggest issue facing school staff and inspection is a contributor to that workload, closely followed by pay. The consultation noted that "a majority of teaching staff opposed the change" to making obstruction an offence. Teaching unions in NI have used non-cooperation with inspection as a form of industrial action during pay disputes. Should staff take action about pay and workload and this impedes an inspection, where are the provisions to resolve this for the benefit of the school and the staff.

Community is in favour of the removal of the RE inspection exemption as we feel this aligns with equality and safeguarding principles.

Some of the other provisions may also elicit some support from Community. For example, extending inspection to cover additional institutions could be a reasonable and appropriate approach if the inspection model is clearly defined and suitable for the purpose and not simply a school-based model deployed indiscriminately. Similarly, the explicit inspector powers could be reasonable provided they are clearly defined and there are proportionate safeguards to determine when they can be used to prevent abuse.

These comments were submitted to the Committee for Education via committee.education@niassembly.gov.uk

Policy objectives of the Bill

The purposes of the Bill are:

(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; and
(c) 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.

Specifically, the Bill seeks to:

(a) Extend the Education and Training Inspectorate's (ETI) remit to include additional education providing institutions that are established, maintained or managed by Northern Ireland departments with inspections of institutions falling outside of the education orders, progressed only with the consent of the responsible department;
(b) Remove the existing statutory exemption preventing ETI from inspecting the provision of religious education (RE) in grant aided schools; and
(c) Establish explicit statutory powers for inspectors and associated personnel when conducting inspections, including clarifying their rights of access and ability to obtain information.
(d) Specify that it is unacceptable professional conduct by a teacher to intentionally impede or obstruct inspections.

6. Do you agree with the policy objectives of the Bill?

YES	NO	**UNSURE**

Community broadly agrees with some of the proposals contained within the bill but not all of them.

Extending inspection to institutions like pre-school providers, CAFRE, and training bodies is likely to ensure consistency across education-providing institutions which makes logical sense. However, we do have concerns around the phrase "only with the consent of the responsible department," as it is not clear what this means in practice nor how it might be deployed. Use of such a vague statement could lead to the creation of a loophole where departments could block inconvenient inspections, undermining the integrity of the inspection system

Community broadly supports the removal of the RE exemption as this is in line with the 2025 Supreme Court ruling, which made clear that the absence of RE inspection was a breach of children's rights. However, we believe that there are likely to be implementation issues to be worked through and the regulations must be clear what inspection of RE means and what remains out-of-scope for inspection. For example, if RE inspection were to be used as a pretext for inspecting ethos or school management in a way that disproportionately affects Catholic or other faith-based schools, it could be considered as targeting, which

must be avoided. Community want clear guidance on how RE is to be evaluated "objectively, critically and pluralistically" and for clear boundaries to be set out.

Similarly, it will be essential for legislation to establish concrete statutory powers for inspectors rather than relying on ambiguous concepts which may be misinterpreted. It is just as important that the school understands the rights and expectations as much as the inspector.

As drafted, there are too many questions, for example, what does "access to rooms and facilities" mean? Can inspectors enter staff rooms or private offices? Community feel that this could feel intrusive and would leave staff without any sanctuary during the inspection process.

Similarly, the ability to “obtain documents and information" seems excessive. Whilst there are documents and policies to which the inspector should have access – including details on pupil achievement and safeguarding records, how far does this extend? Community would not expect the inspector to need to access personnel records or confidential union correspondence, and feel this clause needs to be much tighter than currently drafted.

Finally, Community have serious concerns around the Criminal threshold. In England we have seen a huge increase in the power and influence of Ofsted and the negative impact that it has on the lives of teachers and leaders. The devastating death of Head teacher, Ruth Perry, following an Ofsted inspection must be acknowledged when looking at awarding the inspectorate additional powers over schools.

The overwhelming majority of teachers in England reject the idea that Ofsted inspections are good and though we acknowledge that there must be accountability, this must be proportionate to the work.

“Intentionally obstruct" has been clarified through CPS guidance to mean conduct making the inspector's work "more difficult" and done "deliberately" but what does this mean if an inspector is causing harassment and significant anxiety? If a school leader intentionally protects their staff from bullying and harassment by an inspector, would that make them liable to prosecution?

Obstruction of inspection has previously been used as an appropriate non-compliance strategy in response to government pay discussions. This has significant support from parents as it does not cause any detriment to the continued education of the children whilst providing note-worthy disruption to the government. Community would not be in support of changing the current phraseology and criminalising peaceful protest. This is why we cannot agree to a ban on non-co-operation.

7. Do you think the provisions of the Bill will be effective in achieving the policy objectives?

YES	NO	UNSURE

As already noted, Community have concerns around some of the policy objectives, especially those which could criminalise teachers and staff for obstructive behaviour. We think this is an excessive use of executive power and damages the professionalism of the sector. Although we would agree that in most circumstances Teachers should expect to cooperate with legitimate inspection as part of professional responsibility, we must be clear that they should not be criminalised or formally disciplined if failure to do so is part of an organised response to inspection, workload, pay, or other industrial dispute.

We do agree that the provisions seeking inspection of RE and extending the scope of inspection, to pre-schools and CAFRE for example, do seem to be proportionate and achievable.

8. Please note which (if any) of these objectives you consider to be ineffective. List the objectives you feel are ineffective and why.

There are several reasons why objectives may not be met, some of which lie within the scope of the document and others which sit without.

The Bill assumes the problem is teachers refusing to cooperate when inspections happen, but members are aware that the ETI has capacity constraints and does not inspect many schools frequently. Data shows that inspections have been running at around 30-40 per year across Northern Ireland's schools. Which means each school is likely to be visited once every 25 years.

We note that where teachers are in dispute, their non-cooperation influences which inspections proceed, but we must be clear that it does not impact on children's education. Should non-co-operation become a criminal matter it is likely that industrial action would have a greater impact on the daily running of schools and the education of children.

The experience in England is that Ofsted obstruction prosecutions are extremely rare with fewer than five recorded in the last decade, suggesting that the risk of criminalisation is not a deterrent. Neither is reputational risk through GTCNI disciplinary panels. Indeed, if the GTCNI start ordering dismissals or serious sanctions for teachers who, during industrial disputes, refused cooperation with inspection, this would be likely to undermine public trust and confidence in both the GTCNI and the ETI, disrupt pupil education and lead to legal challenges through unfair dismissal claims or equalities issues relating to freedom of association and human rights.

Rather than pursuing the issue of non-compliance, Community recommend that the ETI focus instead on ensuring that schools are given proposer notice of the visit of inspectors which are mindful of the school's calendar and context so that they are fair reflection of what is happening in the school, rather than inspectors trying to judge the quality of a school in a hostile environment.

9. Do you foresee any unintended consequences of any of the policy objectives of the Bill?

YES	NO	UNSURE

See above comments.

Clause 1 - Extension of system to further type of provider

This clause amends Article 102(2) of The Education and Libraries (Northern Ireland) Order 1986 to extend the categories of establishments that may be inspected by the Education and Training Inspectorate (ETI). This is done by adding a new sub-paragraph (e) to Article 102(2). Sub-paragraph (e) refers to any establishment providing education that is established, maintained or managed by a Northern Ireland department. However, sub paragraph (e) does not catch bodies such as schools and colleges that were already falling within existing paragraphs (a) to (d).

10. Do you agree that the categories of establishments that may be inspected by the Education and Training Inspectorate (ETI) should be extended

YES	NO	**OTHER**

Again, Community expresses some support for extending the categories of establishments that may be inspected, but we believe there may be implementation risks if this is not careful considered.

Many modern education providers are hybrids with local management and control but centralised funding, wholly private provision, and university-based provision all operating within the same space. Community are concerned that whilst paragraph (e) might capture all of these there are other categories which are missing or would be inadequately captured such as grant-aided charities and contracted in provision which operate on a service model. And whilst there is argument to say that these should perhaps be excluded from inspection, we feel that this ambiguity needs to be resolved.

ETI are being given a new duty, but the clause doesn't define what they're inspecting, how it will be carried out, who pays for it, or next steps for improvement. This is particularly the case where ETI staff may be required to inspect all the way from nursery through to tertiary.

We understand that ETI currently has frameworks and expertise for inspecting schools. But that same approach would be unlikely to work in a pre-school or nursery setting which has a different curriculum and developmental focus and is managed in a radically different way.

Similarly, having one framework across all schools can be equally risky given the profound differences between small primary schools and larger post-primary schools in terms of staffing responsibilities and qualifications, curriculum, and pupil outcomes.

Community note that in England, Ofsted have found that it is challenging for school inspectors to meaningfully inspect settings outside of their area of expertise suggesting that ETI would need to recruit additional staff, at an increased cost, in order to properly inspect early years provision and work-based training.

Without increasing the number of inspectors and providing proper training and adequate experience it will be impossible to meet all of the new expectation and would place huge pressure on the inspectors.

The Bill's Explanatory and Financial Memorandum states there are no additional costs, but Community disagree. As noted above extending inspection to additional categories of institution requires ETI staff time to develop new inspection frameworks, to recruit new inspectors and to deploy new training all before inspection can begin.

If these costs are not met and provision is not properly resourced, Community believe that the quality of inspection will suffer and the process of inspection will become less about understanding the quality of education and instead be reduced to a tick-box exercise placing the burden for school improvement on already over-worked teachers and school support staff.

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11. Do you want to make any changes to this clause? If so, what change would you suggest?

YES	NO	OTHER

Clause 1 refers to "any establishment providing education that is established, maintained or managed by a Northern Ireland department" but it remains unclear what constitutes "providing education"? For example, it could include work-based training/apprenticeships or vocational learning off-site or contracted-out delivery where learning is provided by private providers. It could also be inferred to include staff training, both internally and externally provided.

Similarly, the explanatory text mentions pre-schools, CAFRE, and training organisations, but these are illustrative, not exhaustive.

If a department contracts a private IT training company to deliver digital skills training to unemployed adults, is the private company now "managed by" the department for inspection purposes, or only if the department directly employs the trainers?

Clarity is key here, and to achieve this Community suggests removing the vague "establishment providing education" phrase and adding a definition section or schedules listing the categories of establishment explicitly in scope:

- Establishment (a): Pre-school providers receiving grant-aid from Department of Education
- Establishment (b): Colleges maintained by Department (CAFRE, etc.)
- Establishment (c): Work-based training providers receiving departmental funding/contracts
- Establishment (d): Other department-funded education providers [to be specified by regulations]

Clause 2 - Removal of exemption for religious education

This clause 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.

12. Do you agree with the aims of this clause to enables inspectors to evaluate RE in the same manner as other curricular areas.

YES	NO	OTHER

Community Union supports the removal of Article 102(7) of the 1986 Order and the extension of inspection to religious education in grant-aided schools. This amendment aligns NI inspection practice with other UK jurisdictions and fulfils the Supreme Court's 2025 ruling that the exemption undermined children's rights to objective, critical and pluralist RE provision.

We acknowledge that RE in Northern Ireland carries historic and community sensitivities, however, this argues for inspection, not against it. Teachers of RE are professionals and it is reasonable that all teachers are held to the same expectations. For this to be effective there will need to be clear guidance for inspectors on how to evaluate RE objectively and without preconceived ideas against a robust set of standards. This is likely to require training and monitoring but is necessary to ensure inspection of RE meets the needs of ETI, schools and teachers.

13. Do you want to make any changes to this clause? If so, what change would you suggest?

YES	**NO**	OTHER

Clause 3 – Power of officials and disciplinary measures

This clause introduces a new Article 102B, setting out explicit statutory powers for officials conducting inspections. These include the ability to take reasonable steps to enter premises, access rooms or facilities, obtain documents and information, and observe teaching or other activities.

It also inserts a new Article 102C, defining certain deliberate acts by teachers, such as obstructing or failing to cooperate with inspectors, as unacceptable professional conduct with consequences for such conduct falling 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)

14. Do you agree with the aims of this clause setting out explicit statutory powers for officials and defining certain deliberate acts by teachers, such as obstructing or failing to cooperate with inspectors, as unacceptable professional conduct.

YES	NO	**OTHER**

Community partially agrees with the aims of this clause but as noted in earlier questions, have some serious concerns about some aspects.

In particular we are concerned about the potential for unchecked expansion of powers for inspectors. Whilst we note that article 102B does provide some constraint by enumerating specific powers (enter premises, access facilities, obtain documents, observe teaching) rather than leaving powers vague, it still lacks crucial safeguards.

"Access rooms or facilities" is undefined and does not make clear any distinction between classrooms, personal offices, staff rooms, medical rooms, or spaces where confidential conversations occur.

We are concerned that there is no explicit exemption for privileged information or specific controls around who might be permitted access and for what reason. Confidential personnel documents should never need to be shared with an inspector, but this leads into the next clause which suggests that inspectors can demand any and all documents and information. In order for this to be acceptable there must be limits placed otherwise the clause is in direct breach of data protections.

Throughout any inspection it is vital that teachers are able to continue to do their work unimpeded. This means trade unions need to be able to monitor inspection and take steps to protect members where necessary. Under these proposals the power of the inspectorate could be unchecked with teachers having no equivalent recourse if inspectors behave unprofessionally

Any changes to statutory powers must be clear and unambiguous and coupled with explicit limits and safeguards for the benefit of all parties.

15. Do you want to propose any changes to this clause? If so, what change would you suggest?

YES	NO	**OTHER**

Community is inclined to support the principle of explicit statutory powers for inspectors. However, the current wording of Clause 3 is unbalanced, creating duties for teachers without corresponding responsibilities or duties for inspectors. Clarity is what is really missing here. We feel that the current clause gives insufficient instruction and no specific guidance on or requirements around supervision.

In particular, Community is concerned about the scope of power, for example the proposals talk about inspectors having the right to "access rooms and facilities" and "obtain documents" but there are no specific or circumstances explained which means the proposal is too broad and lacks necessary safeguards for all those involved.

In order to resolve this, we propose tight, defined limits on inspector powers with explicit safeguards around notice periods, confidentiality, and the right to union representation. There needs to be a specific definition of what is meant by “obstruction” excluding lawful industrial action and reasonable professional challenge from teachers and leaders and there needs to be reciprocal accountability. Community would like to see conduct standards established for the inspectorate and an independent complaints and process established.

Clause 4 - Commencement and short title

The Act comes into operation on the day after Royal Assent.
The short title is given as the Education Inspections Act (Northern Ireland) 2026.

16. Do you agree that the Bill will come into operation on the day after Royal Assent?

YES	**NO**	OTHER

Although it may be appropriate for this to come into force on the day after Royal Assent, it is more sensible and appropriate to the sector if it becomes operational at the beginning of a school term. This will allow the inspectorate time to prepare and train officials in the updates and what this might mean for inspection, it also maintains consistency across settings that have been inspected within the same term and improves the reliability of the inspection outcome

17. Do you want to propose any changes to this clause? If so, what change would you suggest?

YES	**NO**	OTHER

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