



Procedure for Review of Inspections on
Schools and Teachers
under Section 13 (9)
of the Education Act (1998)



AN BUREAU | DEPARTMENT OF
OIDEACHAIS | EDUCATION
AGUS EOLAÍOCHTA | AND SCIENCE

INSPECTORATE

Preamble

Section 13 (9) of the Education Act (1998) provides that a school or a teacher affected by an inspection may request a review of that inspection in accordance with a procedure determined by the Chief Inspector. This section provides as follows:

A teacher or the board of a school may request the Chief Inspector to review any inspection carried out by an Inspector which affects the teacher or the school and the Chief Inspector shall review the inspection in accordance with such procedures as the Chief Inspector shall determine.

The *Procedure for Review* was first published by the Chief Inspector in September 2002. In the autumn of 2005 the Chief Inspector decided to consider possible changes to the provisions of the procedure and wrote to the education partners to seek their views on the matter. Following consideration of the views submitted, and in the light of experience gained in using the original procedure, this revised *Procedure for Review* has been issued by the Chief Inspector in accordance with the provisions of the act. This revised *Procedure for Review* was issued in June 2006 and is operative for all reviews sought after 1 December 2006.

The *Procedure for Review* provides a way in which teachers and boards of management affected by an inspection can seek a review of the inspection. Reviews may be sought concerning the professional work of inspectors and the reports that they write. Inspection reports arising from inspections of teachers experiencing professional difficulties (at present conducted under rule 161 (6) and rule 162 of the *Rules for National Schools* in the case of primary teachers and under Circular 43/85 in the case of teachers employed by a vocational education committee) are excluded from the *Procedure for Review*, as separate appeals processes are provided for these inspections.

It should also be noted that a teacher or the board of a school that has a concern about the general behaviour or conduct of an inspector may use the Department's customer comments and complaints system (details of which are available in a separate booklet and leaflet).

The provisions of this *Procedure for Review* are kept under review by the Chief Inspector and may be updated from time to time, in discussion with the relevant stakeholders and in the light of changes that may occur to legislation and/or developing best practice in public services.

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1 Introduction

1.1 The work of the Inspectorate

The Inspectorate is committed to evaluating schools and the education system as a whole in a way that is fair, consistent and transparent. The standards to which we work are described in the *Professional Code of Practice on Evaluation and Reporting for the Inspectorate*. The code outlines general principles concerning our work and provides guidelines covering professional relationships, evaluation procedures, and reporting. As the code makes clear, its contents apply to the full range of inspectors' work, including their work when evaluating and reporting on the work of schools and centres for education, the work of individual teachers, and the implementation of curricular programmes and regulations. In addition, we publish separate guides that describe how we conduct general school inspections, such as whole-school evaluation (WSE) and subject inspections. Copies of the code and the various guides that we publish are available on the web site of the Department of Education and Science (www.education.ie).

1.2 Why we have a *Procedure for Review*

The great majority of school visits and inspections are carried out successfully. However, a school or a teacher may be dissatisfied with the professional work of inspectors or an Inspectorate report. This booklet describes a procedure for review that can be used by a teacher or the board of a school if this happens. The Chief Inspector has published this *Procedure for Review* in line with section 13 (9) of the Education Act (1998).

1.3 Who can use the review process?

The Education Act states that the review process may be used by a teacher or the board of management of a school affected by an inspection. Where a board of management seeks a review, the request is made by the chairperson of the board. Alternatively, the board of management may nominate another board member to act on its behalf for the purposes of the review.

1.4 Principles that guide the review process

- We recognise that the first priority in all inspection work is the well-being of the learner, the quality of the learning experience that is offered to him/her, and the quality of the learning outcomes that he/she achieves.
- Making professional judgements about the quality of educational provision is at the heart of our work. We strive for objectivity and consistency in making

judgements, for honesty and clarity in communicating findings, and for openness and courtesy. These principles are set out in more detail in our *Code of Practice*.

- We are committed to fostering a positive, professional relationship between the Inspectorate and the school community. We take all complaints about our work seriously, and we investigate all complaints thoroughly.

The Inspectorate's Code of Practice lays a duty on inspectors to foster mutual respect and trust between the Inspectorate and the school community, just as the Education Act lays a duty on schools and teachers to co-operate fully with the Inspectorate. We believe that concerns are best resolved in a mutually respectful and professional manner.

- We believe that the concerns of teachers or schools are best resolved informally and at an early stage. We recognise the need to have a formal review process to consider issues that cannot be resolved informally.
- We are committed to ensuring that all concerns are dealt with in an objective, courteous manner, using open, fair and transparent procedures.

For example, this means that a person who raises a concern and an inspector about whose actions the concern is raised have full access to all relevant documents and information, that they have balanced opportunities to present their case fully, and that the outcome of the process is communicated clearly to all involved.

- We believe that it is important that concerns are resolved quickly and that the person raising a concern, any inspector involved and the Inspectorate generally should be committed to completing a review without unnecessary delays.

For this reason, the Procedure for Review sets out time limits for various stages. However, we believe that minor unavoidable infringements of time limits should not invalidate the process.

- We believe that each person involved in a review must respect the privacy of all others involved.

For example, documents exchanged during the review process must remain confidential to the people involved and should not be made available to others.

- We try to ensure that the review process should not be overly bureaucratic or legalistic.

For example, while a person raising a concern and an inspector about whose work a concern is raised may be accompanied by a friend when interviewed, it would not be in keeping with the spirit of the review process for legal representatives to be present.

- We are concerned to ensure the accuracy and fairness of our inspection work, and we will acknowledge that we are mistaken where the facts clearly prove this to be so or where we agree that there are serious errors or shortcomings.

We will not, however, change our judgements because they are unpopular, because improvements are promised at some time in the future, or because of developments after the inspection has been completed.

- We believe that if an error or failing occurs in the work of the Inspectorate, the actions taken should be proportionate to the seriousness of the error or failing.

In some instances a serious failing or error in an inspection may result in an inspection being rescinded. In other instances, where a minor failing or weakness occurs, this may not undermine the validity of the inspection or the resulting report, and an apology to those affected will be sufficient remedy.

- If a teacher or the board of management of a school is dissatisfied with the inspection and asks for a formal review, the publication of any associated report will not take place until the review and any matters arising from it are concluded.¹

1.5 On what grounds can a review be sought?

The *Procedure for Review* may be used when a concern occurs regarding the work of the Inspectorate. A teacher or board of management affected by an inspection may seek a review where he/she or the board believes that one or more of the following circumstances can be shown to apply:

- that an inspector did not make reasonable efforts to carry out his/her duties in accordance with the Inspectorate's *Professional Code of Practice on Evaluation and Reporting*
- that an inspector, when conducting an evaluation, did not make reasonable efforts to comply with the published procedures for conducting the type of evaluation involved
- that the written report arising from an inspection did not comply with the principles regarding reporting outlined in the Inspectorate's *Professional Code of Practice on Evaluation and Reporting*
- that the Inspectorate did not make reasonable efforts to comply with the published procedures concerning the publication of school inspection reports.

¹ The arrangements for the publication of school inspection reports may be found in *Publication of School Inspection Reports: Guidelines* (DES, 2006). A copy may be found on the web site of the Department.

2 Informal review

2.1 Resolving a concern informally

If a teacher or the board of management of a school have a concern about the work or actions of an inspector, the matter should be brought to the attention of the Inspectorate informally at first. The teacher or the chairperson (acting on behalf of the board) can do this as follows:

2.2 Resolving a concern at the school level

Raising and resolving concerns

Concerns, complaints and misunderstandings are best resolved by those directly involved, and as quickly as possible. Inspectors are committed to carrying out their work to the highest possible standards, but we accept that misunderstandings can occur and that at times a teacher or the board of a school may have a concern about the way in which an inspector or an inspection team carried out their work.

If a teacher or a board of management of a school has a concern about the work of an inspector, the teacher or the chairperson (acting on behalf of the board) should bring the matter to the attention of the inspector during the time that the inspection work is in progress in the school. The inspector and the teacher or chairperson should seek to resolve the matter informally between them.

All inspectors are encouraged to do everything possible to ensure that a teacher or the chairperson of a board affected by an inspection are given opportunities to raise any concern that he/she may have while the inspection visits or the post-inspection feedback are under way in the school. This enables the inspector involved to resolve the matter in an informal way.

Time frame

A concern can be resolved most effectively if it is raised as soon as possible. For example, if an issue arises during the course of a classroom visit, the teacher who has a concern should raise the matter with the inspector involved immediately on the conclusion of the classroom visit. Similarly, a teacher or chairperson who has a concern about the oral feedback presented by an inspector should raise this concern with the inspector at the conclusion of the post-inspection meeting. If it is not possible to raise the concern on the day on which it occurs, it should be raised on the next school day, either in person or on the telephone.

All inspectors are encouraged to seek to resolve the concerns of a teacher or chairperson on the day on which the concern is brought to their attention. Normally the inspector will seek to resolve the issue within two school days of the concern being brought to his/her attention.

2.3 Resolving a concern with the regional assistant chief inspector

Raising and resolving concerns

If the concern of a teacher or board of management is not resolved informally at the school level, the teacher or chairperson of the board should contact the assistant chief inspector of the Inspectorate region in which the school is situated. (A list of the Inspectorate's regions and the names and contact details of the assistant chief inspectors who manage them may be found on the web site of the Department of Education and Science.) If the relevant assistant chief inspector is not available, arrangements will be made to have the telephone call returned as quickly as possible.

The teacher or chairperson who has a concern should explain the nature of his/her concern to the assistant chief inspector and why it has arisen. The assistant chief inspector will listen to the caller's concerns and will check what action has been taken to attempt to resolve the issues raised. The assistant chief inspector will question the caller to ensure a clear understanding of the issues involved. He/she may also speak to others suggested by the caller so as to gather additional information.

The assistant chief inspector will contact the inspector (or inspectors) concerned and will discuss with them the concerns raised by the caller so as to gather other views on the matter. The assistant chief inspector will attempt to resolve the concerns raised through contact with the teacher or chairperson involved and the inspector (or inspectors). If the person who raised the concern remains dissatisfied, the assistant chief inspector will inform him/her of the possibility of seeking a formal review.

Time frame

Concerns should be raised by the teacher or chairperson with the assistant chief inspector as soon as possible if they have not been resolved informally at the school level. If the concern arises during an inspection that is taking place over a number of days, it should be brought to the attention of the assistant chief inspector during the time that the inspection visits are taking place. If it is not possible to bring the concern to the attention of the assistant chief inspector immediately, it should be brought to his/her attention no later than five school days from the date on which the concern arose.

The assistant chief inspector will make every effort to resolve the matter as quickly as possible and normally no later than five school days from the time he/she is contacted by the teacher or chairperson concerned.

3 Formal review

3.1 Requesting a formal review

A teacher or a board of management may remain dissatisfied despite efforts to resolve concerns in an informal way. A teacher or chairperson who has a concern about an inspection may request the Chief Inspector to conduct a formal review of the inspection.

Making a request

The request for the review should be made in writing to the Chief Inspector by the teacher or the chairperson (acting on behalf of the board). The request should be submitted on an *Inspection Review Request Form* (see appendix).

The request for a review, and any available supporting documents, must be *received* by the Chief Inspector within twenty school days of the issue that gave rise to the concern *or* within twenty school days of the date of issue of the school inspection report that is the subject of the review.

Grounds on which a review may be sought

The request for a review should state clearly the grounds on which the review is sought. (Details of the grounds on which a review may be sought are given in section 1.5 above.)

Supporting documents

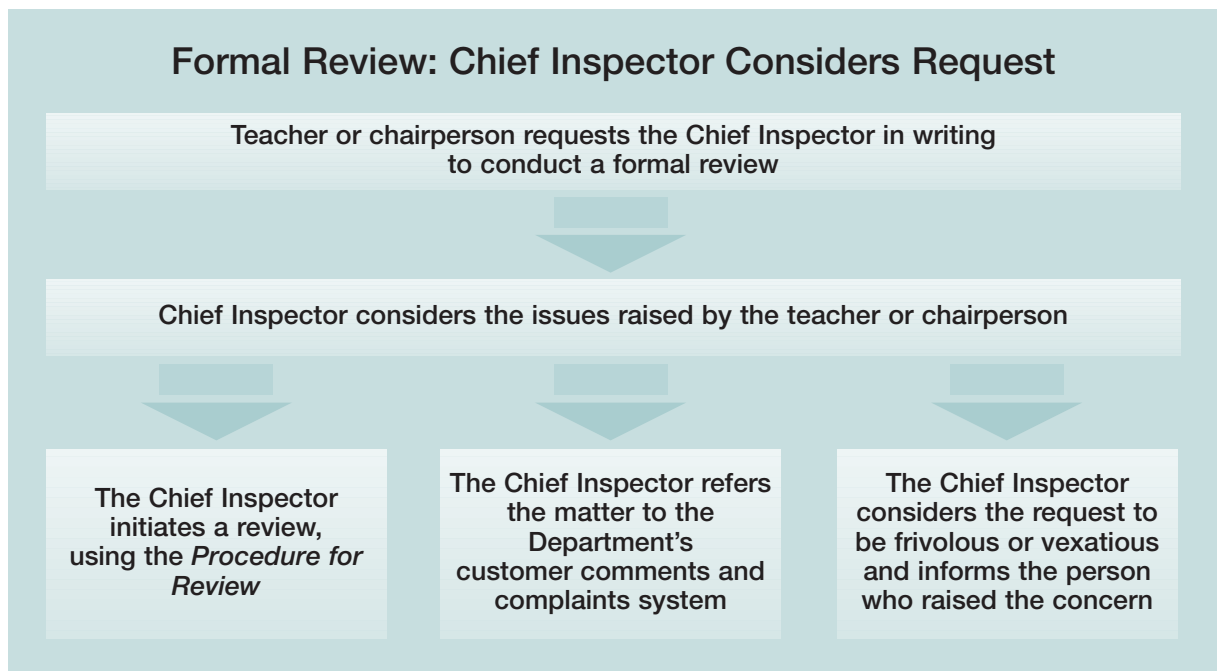
When submitting a request for a review, the teacher or chairperson of the board of management should enclose all available supporting documents, including, if relevant, a copy of the inspection report about which a concern is being raised.

3.2 Chief Inspector considers the request

On receiving the request for a review, the Chief Inspector will consider the matters raised in the request.

- If the Chief Inspector considers that the issues raised fall within the scope of the *Procedure for Review*, he/she will initiate a formal review, using the process described below.
- If the Chief Inspector considers that the issues raised are more appropriate for investigation under the Department's customer comments and complaints system, he/she will refer the matter to that process, and inform the person who requested the review of this decision.

- If the Chief Inspector considers the request to be frivolous or vexatious, he/she will write to the person who submitted the request, informing them of this decision and the reason (or reasons) for it.



3.3 Chief Inspector initiates the review

When the Chief Inspector decides to conduct a formal review, he/she will

- acknowledge the receipt of the request for a review
- inform the relevant regional assistant chief inspector that a review has been requested, so that the publication of any report arising from the inspection may be halted
- provide a copy of the request for a review and the supporting documents to the inspector (or inspectors) about whose actions a concern has been raised
- appoint two reviewers (one internal and one external), to work jointly, and a review co-ordinator. The Chief Inspector will inform the teacher or chairperson of the appointments made.

3.4 Review co-ordinator

The review co-ordinator will be an inspector unconnected with the inspection. The review co-ordinator will

- provide assistance to the internal reviewer and external reviewer, as required

- within five working days, provide to the teacher or chairperson who has raised a concern a copy of any relevant documents that would be necessary in presenting his/her case
- invite the teacher or chairperson to submit, within five working days, any supplementary submissions in support of the request for a review
- provide a copy of the supplementary submissions, if any, to the inspector (or inspectors) about whose actions a concern has been raised
- invite the inspector (or inspectors) to make a written response (or responses) to the contents of the request and the supporting and supplementary documents within five working days
- supply a copy of the response (or responses) of the inspector (or inspectors) to the person who has sought the review and invite him/her to submit any observations on the response within five working days
- provide a copy of the observations of the person who has sought the review to the inspector (or inspectors) concerned.

The review co-ordinator will supply all the documents assembled in accordance with the procedure described above to the internal reviewer and to the external reviewer, normally within twenty-five working days of the date on which the request for a review was received.

3.5 Internal reviewer and external reviewer

The internal reviewer will be an assistant chief inspector unconnected with the inspection about which the concern has been raised. He/she will not be the line manager of any inspector involved. The external reviewer may be an inspector of schools from another jurisdiction, or an educational professional of high standing who is familiar with the work of school evaluation.

The reviewers

- will examine all documents and may seek additional information if necessary
- may interview the person who raised the concern and the inspector (or inspectors) involved in the presence of each other; both the person who raised the concern and the inspector (or inspectors) may be accompanied by a friend in such cases, provided that the names of the friends to attend are made known to the reviewers three working days before the interview
- may, in the presence of the person who raised the concern and the inspector (or inspectors) involved, interview other persons who, in the opinion of the reviewers, may be able to provide information relevant to the review

- will, before any interview, inform the person who raised the concern and the inspector (or inspectors) involved of the names of friends who will attend the interview (if any) and the names of other persons who will be interviewed.

The reviewers will consider the issues carefully, bearing in mind the principles that guide the review process. (See section 1.4 above.) They will provide a report for the consideration of the Chief Inspector, which will examine the grounds on which the review was sought and will address each of the points of concern raised by the person who submitted the request for a review.

Formal Review: Overview

The Chief Inspector appoints

- internal reviewer (an assistant chief inspector unconnected with the case)
- external reviewer
- review coordinator

The review co-ordinator

- provides assistance to reviewers
- assembles submissions from the teacher or chairperson and a response from the inspector (or inspectors) involved
- ensures the exchange of documents

The external reviewer and internal reviewer

- examine all documents
- may seek additional information, if necessary
- may interview the teacher or chairperson and the inspector (or inspectors) in the presence of each other
- may interview others in the presence of the teacher or chairperson and the inspector (or inspectors)
- Provide a report (including findings and recommendations) to the Chief Inspector

The Chief Inspector

- considers the report, findings and recommendations of the reviewers
- issues his/her initial determination, based on the report of the reviewers
- sends the initial determination and the report of the reviewers to the teacher or chairperson and the inspector (or inspectors) involved
- invites comments from the teacher or chairperson and the inspector (or inspectors)

The teacher or chairperson and the inspector (or inspectors) involved may submit written comments to the Chief Inspector

The Chief Inspector makes a final determination and issues this to the teacher or chairperson and the inspector (or inspectors)

The report of the reviewers will provide an adjudication on each point of concern, stating whether, in the opinion of the reviewers, the point is upheld or not upheld. The report will make clear the evidence on which these findings are made. It should also provide suggested actions for the Chief Inspector to consider.

The report should be provided to the Chief Inspector within forty-five working days of the date on which the request for a review was received by the Chief Inspector.

3.6 Initial determination

The Chief Inspector will consider carefully the report of the reviewers and will make an initial determination on the points of concern raised in the request for a formal review.

The Chief Inspector will propose a course of action. This may include one or more of the following:

- that the inspection activity will be upheld and the report arising from it, if any, will be processed as normal in the Inspectorate and the Department
- that the Inspectorate will acknowledge that an aspect (or aspects) of the inspection activity was not in keeping with the Inspectorate's *Professional Code of Practice on Evaluation and Reporting* and, if appropriate, that an apology will be offered by the Inspectorate to those affected
- that the Inspectorate will acknowledge the occurrence of an error or failing in the implementation of the Inspectorate's published procedures regarding inspection or reporting or publication of inspection reports, and, if appropriate, an apology will be offered by the Inspectorate to those affected
- that the inspection report will be amended and reissued
- that the inspection and/or the inspection report will be rescinded, in whole or in part, and a further inspection or part inspection, as appropriate, will be carried out by an inspector (or inspectors) unconnected with the original inspection and review.
- that the Inspectorate will undertake any other action considered appropriate by the Chief Inspector.

The Chief Inspector will issue his/her initial determination, including the proposed action (or actions) and a copy of the report of the reviewers, to the teacher or chairperson who submitted the request for a review and to the inspector (or inspectors) involved within fifty-five working days of the date on which the request for a review was received. The Chief Inspector will invite the teacher or chairperson and the inspector (or inspectors) to make final written observations on the contents of these documents within a further five working days.

3.7 Final determination

The Chief Inspector will consider any comments made to him or her by the person who submitted the request and the inspector (or inspectors) involved. He/she will then make a final determination on the review and the actions to be taken, and will inform the teacher or chairperson, the inspector (or inspectors) involved and any other person, as necessary, of these decisions. The final determination will be issued within fifteen working days of the date of issue of the initial determination.

3.8 Re-inspection

If a re-inspection is to take place it will be carried out as soon as possible after the issue of the determination of the Chief Inspector. The re-inspection will be carried out by an inspector (or inspectors) unconnected with the original inspection and the review.

3.9 Internal disciplinary procedures

In exceptional cases, an issue of concern raised during the procedure for review may be dealt with under the Civil Service Disciplinary Code.

4 Administrative and other arrangements regarding formal reviews

4.1 Written communications

Normally, the initial request for a formal review and the letter issued by the Chief Inspector giving his or her final determination in the matter will be exchanged in printed or handwritten form and by express post. All other written communication and exchanges of documents between all those involved in a formal review will be conducted by e-mail as far as possible.

4.2 Minimising disruption to the education of pupils

In the interests of minimising disruption to the education of students, any interviews that may be held as part of this process will be held outside teachers' class or pupil contact time.

4.3 Delegation of functions

The functions ascribed to the Chief Inspector under this *Procedure for Review* may, in exceptional circumstances, be delegated to a deputy chief inspector. Similarly, the functions ascribed to the chairperson of a board of management may be carried out by another board member nominated by the board.

4.4 Schools under the auspices of a vocational education committee

In schools operating under the auspices of a vocational education committee, a request for a formal review may be made by the chairperson of the board of management (or another board member nominated by the board) acting in consultation with the chief executive officer of the vocational education committee.

Appendix



Inspection Review Request Form

This form should be used by a teacher or the chairperson of a board of management (acting on behalf of the board) to request a formal review of an inspection in accordance with *Procedure for Review of Inspections on Schools and Teachers under Section 13 (9) of the Education Act (1998)* (Department of Education and Science, 2006).

Person requesting the review

Name:			
Address:			
Email Address:	<i>If you supply an e-mail address, all correspondence will be sent to that address</i>		
Telephone:	Home:	School:	Mobile:
Position:	<input type="checkbox"/> Teacher affected by inspection <input type="checkbox"/> Chairperson (or nominee) of board of management affected by inspection		
<small>Please tick</small>			
Date of request			

School

School name:	
School address:	
School roll number:	

Inspection about which you wish to raise a concern

Give details of the inspection activity or the inspection report (or both) that gave rise to your concern

Type of inspection activity <small>Delete as appropriate</small>	WSE / Subject inspection / Inspection of teacher on probation / Incidental inspection visit to school / Other (give details)
Date (or dates) of inspection	
Date on which concern arose	
Type of inspection report <small>Delete as appropriate</small>	WSE report / Subject inspection report / Incidental inspection report (<i>beagthuarisc</i>) / General inspection report (<i>mórtuarisc</i>) / Other (give details)
Date of issue of report	
Name of inspector (or inspectors) about whose actions you wish to raise a concern	



Inspection Review Request Form

Grounds for the request

Describe clearly the grounds that gave rise to the concern that you wish to raise in the review. (Refer to section 1.5 of the Procedure for Review.) Select one or more of the appropriate grounds, and give details of why you believe a formal review is justified. The box below will expand as necessary.

I request a review of the inspection referred to above on the following grounds:

- that an inspector did not make every reasonable effort to carry out his/her duties in accordance with the Inspectorate's *Professional Code of Practice on Evaluation and Reporting*
- that an inspector, when conducting an evaluation, did not make every reasonable effort to comply with the published procedures for conducting the type of evaluation involved
- that the written report arising from an inspection does not comply with the principles regarding reporting prescribed in the Inspectorate's *Professional Code of Practice on Evaluation and Reporting*
- that the Inspectorate has not made every reasonable effort to comply with the published procedures concerning the publication of school inspection reports
- other (give details)

Note that if your request is concerned mainly with issues regarding the general behaviour of an inspector it may be more appropriate to use the Department's customer comments and complaints system.



Inspection Review Request Form

Any other relevant information

You may give here an account of the incident that gave rise to your concern about the work of the inspector (or inspectors) involved or any additional information that you feel is relevant to your request for a review. The box below will expand as necessary.

Supporting documents

You should submit with your request for a review any documents that you feel are relevant. If you are seeking a review of an inspection report, a copy of it should be enclosed with this request. List below all documents that you are enclosing with this request.

Signature

This request must be signed by the teacher making the request or by the chairperson of the board of management of a school (or the nominee of the board).

If the request is made by the board of management of a school operating under the auspices of a vocational education committee, the request must be submitted by the chairperson of the board of management or a nominee of the board, following consultation with the chief executive officer of the vocational education committee.

Signature(s)	Date:
<i>(Teacher / Chairperson / Nominee of board of management)</i>	

This form and all supporting documents should be submitted by express post to:
Chief Inspector, Department of Education and Science, Marlborough Street, Dublin 1