



Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru
Her Majesty's Inspectorate for Education and Training in Wales

Challenge Adviser Inspector Programme Memorandum of Understanding

September 2018

Version control

Document version	Author	Date of issue	Changes made
1.0	Clive Phillips	September 2018	Original
1.1	Hannah Roderick	January 2019	Amendment to probation inspection grade, personal information and travel and subsistence.
1.2	Claire Ait-Hammi	July 2019	Amendment to the use of information technology

CONTENTS	PAGE
Introduction	1
Purpose of the memorandum of understanding (MOU) To whom does the MOU apply?	
Responsibilities of the Consortium/employing school:	2
Selection and recruitment Training Deployment Evaluation Health and Safety Indemnity	
Responsibilities of the Inspectorate:	3
Selection and recruitment Training Deployment Evaluation Health and Safety Expenses Conflicts of interest	
Responsibilities of the Challenge Adviser:	5
Training Deployment Evaluation Health and Safety Role of the Challenge Adviser The use of Information Technology Safeguarding Code of Conduct Conflicts of interest	
ANNEX A - Eligibility for the role of a Challenge Adviser	9
ANNEX B - Protocol and guidance for Challenge Adviser	10
ANNEX C - Health and safety of the inspection team	14

INTRODUCTION

Purpose of the memorandum of understanding (MOU)

- 1 This document outlines the roles, responsibilities and expectations of the three parties in respect of the participation of Challenge Adviser Inspectors on school inspections.
- 2 Challenge Adviser Inspectors who successfully complete their training will be placed on a list that will contain information including email addresses, names, addresses, employer and specialisms. The Inspectorate will use the list only for the purpose of deploying Challenge Advisers and for sharing information with the Challenge Adviser about developments in the Inspectorate and opportunities for development and training. Challenge Advisers will be given access to a personal Inspector Profile that will contain their personal information and they are required to keep this up to date at all times to ensure that they are appropriately deployed on inspection. Reporting inspectors will be able to view email addresses, names, addresses, and specialisms for each Challenge Advisor on their personal Inspector Profiles for inspection purposes only. Each Challenge Adviser Inspector will receive an individual evaluation form (IEF) on their performance. This should be shared by the Challenge Adviser with their employer as part of their performance management process. Employers may wish to request a copy of the IEF from each Challenge Adviser who has been deployed on an Estyn inspection.
- 3 The parties acknowledge the Inspectorate's duty to comply with the Freedom of Information Act 2000 (the Act) and understand that the Inspectorate may be required to disclose certain information to third parties. The employer and the Challenge Adviser Inspectors shall support the Inspectorate in complying with the Act as reasonably requested by the Inspectorate.
- 4 The parties acknowledge that the Challenge Adviser Inspectors shall at all times remain an employee of the employer and shall not be deemed to be an employee of the Inspectorate. The Challenge Adviser Inspector shall not present himself/herself as being an employee or agent of the Inspectorate.

TO WHOM DOES THIS (MOU) APPLY?

5. This memorandum of understanding applies to the agreement between the Inspectorate, the employer and the Challenge Adviser Inspector.
6. In these terms and conditions "Challenge Adviser Inspector" means the individual who is the subject of the relevant Challenge Adviser Inspector application form and "employer" means the Regional Consortia, Local Authority or school that completed the supporting declaration in respect of the individual on the Challenge Adviser Inspector application form. "School" refers to primary schools, secondary schools, all age schools, special schools and pupil referral units.

- 5 The memorandum of understanding shall become effective on the date of the letter confirming selection for training as a Challenge Adviser Inspector and will continue, unless cancelled by any one of the parties or if the Challenge Adviser Inspector changes employment. In the case of changing employer, the Challenge Adviser Inspector will need to apply to enter into a new agreement with the Inspectorate and their new employer by completing an [Employer Endorsement Form](#)
- 6 If a Challenge Adviser Inspector leaves the employment of the local authority or consortia, or is appointed as an Assembly Member, Member of Parliament or Member of the European Parliament, the Challenge Adviser Inspector will become ineligible to be deployed on an inspection.
- 7 This agreement may be terminated by any one of the parties by written notice to the other two parties of at least 30 days in advance of the effective date of termination.
- 8 Upon termination of this agreement, the Challenge Adviser Inspector will be removed from the Inspectorate's list of approved Challenge Adviser Inspectors.

Responsibilities

The employer agrees to the following:

Selection and recruitment

- 9 A senior officer within the regional consortium will need to certify that the prospective Challenge Adviser Inspector is a proven and effective teacher or school leader. In agreeing to the training and initial assessment of a member of staff as a Challenge Adviser Inspector, the employer will be making a commitment to release the individual for training, preparation and deployment as specified in this agreement.
- 10 It is a requirement that all Challenge Adviser Inspectors attending an inspection will have received through their employer the appropriate and recent (within three years) enhanced Disclosure and Barring Service (DBS).certificate. If the Challenge Adviser Inspector is a member of the update service then the Challenge Adviser is required to give Estyn written permission to access their online DBS certificate on a 3 yearly basis. The Inspectorate reserves the right to check that this is in effect at any time. The employer and issuing authority will advise the Inspectorate if they are aware of anything related to the individual's record which might cast doubt on their suitability to participate on inspections. The Challenge Adviser Inspector should contact their employer if they are uncertain about the date or suitability of their last clearance.

Training

- 11 The employer will release the Challenge Adviser Inspector to enable them to attend the training programme. The applicant must complete all parts of the training successfully to qualify as a Challenge Adviser Inspector.
- 12 In supporting their member of staff's application for Challenge Adviser Inspector training, the employer must agree to release the member of staff for annual update training, as it is mandatory for the role. Non-attendance for two consecutive years would mean that the Challenge Adviser may be removed from Estyn's list of Challenge Adviser Inspectors.

Deployment

- 13 The employer will meet its commitment to release staff on the terms contained in this document. Only in exceptional circumstances will it decline to release staff or withdraw staff from inspection duties at short notice.

Health and Safety

- 14 The local authority will ensure that its nominated Challenge Adviser Inspectors are of good character and have demonstrated their ability to work safely. The local authority or regional consortium retains their statutory duties as employers to reasonably care for the safety of the Challenge Adviser Inspector, even when visiting other local authorities and participating in the Challenge Adviser inspection training programme.

Indemnity

- 15 The employer shall indemnify and keep indemnified the Inspectorate, the Crown and/or its Ministers and their respective employees, officers, servants and agents (each an "Indemnified Person") in respect of:
 - (a) all liabilities, loss and damage (including without limitation economic loss and indirect and consequential loss), costs and expenses (including without limitation legal expenses) incurred by an Indemnified Person; and/or
 - (b) all claims, actions and proceedings brought against an Indemnified Person by a third party; and/or
 - (c) (save if and to the extent that any loss, damage, personal injury or death suffered by the Challenge Adviser Inspector was caused by the negligence of that Indemnified Person) all claims, actions and proceedings brought against an Indemnified Person by or on behalf of the Challenge Adviser Inspector; in each case arising directly or indirectly as a result of or in connection with the Challenge Adviser Inspector's participation in the Challenge Adviser inspection programme.

B RESPONSIBILITIES OF THE INSPECTORATE

The Inspectorate agrees to the following terms and conditions.

Selection and recruitment

- 16 Advertisements inviting applications to train as a Challenge Adviser Inspector will be placed on the Inspectorate's website. The Inspectorate may also contact Regional Consortia and invite applications for training from potential Challenge Adviser Inspectors. The Inspectorate will consider applications and invite suitable applicants for training. They will be identified on the basis of the criteria set out in **Annex A**. In addition, any current challenge adviser who has been re-trained as an Additional or Reporting Inspector by the Inspectorate under the New Inspection Arrangements in 2017 will be qualified to be a Challenge Adviser Inspector.

Training

The Inspectorate will provide a training and assessment programme for potential Challenge Adviser Inspectors. Only those who complete the assessment successfully will become Challenge Adviser Inspectors. Only those Challenge Advisers that have a valid DBS certificate will be invited to initial/update training.

Deployment

- 17 The Inspectorate will aim to deploy Challenge Adviser Inspectors for a maximum of five days on any one inspection.
- 18 The Inspectorate will normally provide a term's notice to Challenge Adviser Inspectors when inviting them to participate in an inspection.
- 19 The Inspectorate will ensure that the inspection co-ordinator will act as the point of general contact for the Challenge Adviser Inspector before and during an inspection.

Evaluation

- 20 At the end of each inspection, the Reporting Inspector/HMI will complete an evaluation of the performance of all contracted members of the inspection team, including the Challenge Adviser Inspector. The Challenge Adviser Inspector's performance on inspection will be evaluated according to the quality assurance policy and associated guidance on the Estyn website.
- 21 If Challenge Adviser Inspectors do not perform effectively as judged by the Inspectorate, they will not be used on further inspections.

Health and safety

- 22 In compliance with health and safety legislation and guidance, the Inspectorate expects that the school being inspected has carried out suitable health and safety risk assessments or can verify that health and safety risk assessments have been conducted prior to inspection.
- 23 Health and safety matters are incorporated into the training programme for potential Challenge Adviser Inspectors.

Expenses

- 24 The Inspectorate will reimburse Challenge Adviser Inspectors for reasonable travel and subsistence expenses when they are deployed on inspections using the following rates:

Car Mileage	45p per mile
Lunch (max) (receipts required)	up to £9
Evening meal, excluding alcohol (receipts required)	Up to £27

- 25 The Inspectorate will provide accommodation to Challenge Adviser Inspectors where they live more than 40 miles away from the place of the inspection.
- 26 The Inspectorate will provide accommodation where the prospective Challenge Adviser Inspectors lives more than 40 miles away from the initial training and assessment course. Prospective Challenge Adviser Inspectors will be reimbursed for travel costs incurred for initial training and assessment courses.
- 27 The Inspectorate will not reimburse Challenge Adviser Inspectors for travel and subsistence costs for update training courses.
- 28 The Inspectorate will not reimburse Challenge Adviser Inspectors or their employer for supply cover costs whilst attending Estyn training events or whilst deployed on an Estyn inspection.
- 29 **Conflicts of interest**
- 30 The Inspectorate will not deploy Challenge Adviser Inspectors on inspections where there is a conflict of interest. Challenge Adviser Inspectors should refer to the [Conflicts of Interest policy](#) on the Estyn website and update their Inspector profile with any perceived or actual conflicts.

C. RESPONSIBILITIES OF THE CHALLENGE ADVISER INSPECTOR

The Challenge Adviser Inspector agrees to the following terms and conditions.

Training

- 31 The Challenge Adviser Inspector agrees to attend the training and assessment programme, which will involve:
- **An assessed training course**
 - **Probationary inspection(s)**
 - The prospective Challenge Adviser Inspector must normally receive a C grade or above on the Inspector Evaluation Form (IEF) from the Reporting Inspector at the end of the inspection in order for Estyn to deploy them on further inspections.
 - **Annual update training**
- 32 The Inspectorate will provide accommodation and reimburse prospective Challenge Adviser Inspectors for travel for initial training courses. The Inspectorate will not fund the Challenge Adviser Inspector's release for attendance at training courses.
- 33 Non-attendance for two consecutive years would mean the Challenge Adviser Inspector will be removed from Estyn's list of Challenge Advisor.

Deployment

- 34 The Challenge Adviser Inspector will confirm that he/she is subject to an enhanced Disclosure and Barring Service (DBS) clearance and will advise the Inspectorate of any relevant factors in relation to their DBS as a condition of deployment.
- 35 Prior to the inspection, Challenge Adviser Inspectors will be required to become familiar with the briefing paper from the Reporting Inspector which sets out the basic information on the organisation of the inspection. Challenge Adviser Inspectors will need to examine key documents such as the provider's self-evaluation documentation, information about the provider and local questions that are identified by the Reporting Inspector. This will require two days in the week preceding the inspection. The Reporting Inspector will make relevant information available in the Virtual Inspection Room (VIR).

Evaluation

- 36 At the end of each inspection, the Reporting Inspector/HMI will complete an evaluation of the performance of the Challenge Adviser Inspector. The process will involve the opportunity for the Challenge Adviser Inspector to complete a self-assessment. The

Reporting Inspector/HMI will then complete an overall evaluation of performance. Further details regarding the system of evaluation will be made available at the initial training event and is available on Estyn's website.

- 37 If Challenge Adviser Inspectors do not perform effectively as judged by the Inspectorate, they will not be deployed on further inspections.

Health and safety

The Challenge Adviser Inspector will follow the health and safety guidance provided by the Reporting Inspector as part of the inspection briefing. The Challenge Adviser Inspector will take reasonable care of his/her own health and safety and that of others affected by his/her acts or omissions during the inspection. Further details are included at **Annex C**

- 38 The Challenge Adviser Inspector will take responsibility for their own safety, be sensitive to others' safety and co-operate fully with the health and safety procedures that are in place. Further details are included at **Annex B**.

Role of the Challenge Adviser Inspector

- 39 The Challenge Adviser Inspector will work alongside, and under the guidance of, the Reporting Inspector conducting the particular inspection.
- 40 Duties of the Challenge Adviser Inspector are identified at Annex B in the Protocol and Guidance for Challenge Adviser Inspectors.
- 41 Specific tasks for the Challenge Adviser Inspector will be allocated by the Reporting Inspector at the start of the inspection.

VIR software requirements

- 42 Challenge Adviser Inspectors will be required to provide a laptop computer for their own use during the inspection period that has:
- Microsoft Word 2010 (or later)
 - access to the internet (your laptop must be Wi-Fi enabled or you must arrange your own means of connecting to the internet)
 - Windows operating system (XP or above)
 - an internet web browser (Edge, Internet Explorer 10 or 11 or the latest version of Chrome/Firefox/Safari)

Note: to successfully use the VIR system of Judgement Form templates you need to have a full version of MS Word 2010 (or later)

- The VIR system is a Microsoft based tool and therefore there are risks to successfully using Apple Macs when in 'PC emulation' feature. Tablets (including iPads) cannot be used at this time.

- The Challenge Adviser Inspector will provide an electronic copy of the Judgement Form containing their inspection findings and supporting evidence. The completed Judgement Form must be provided in Microsoft Word 2010 (or later) and use the template provided through the Virtual Inspection Room at the start of the inspection. All information and evidence remains the property of the Inspectorate.
- The Challenge Adviser Inspector must agree to adhere to the Inspectorate's [Information Assurance Policy](#), ^{**insert policy link*} which is available on the website.

Safeguarding

- 43 The Challenge Adviser Inspector will familiarise him/herself with, and abide by, the Inspectorate's [safeguarding policy](#) when on an inspection.

Code of conduct

- 44 The Challenge Adviser Inspector will adhere to the 'Code of conduct for inspectors' in the relevant guidance handbook for the Inspection of Schools. The Challenge Adviser Inspector will maintain absolute confidentiality at all times. School-specific information and documentation may not be shared with or copied for any person unconnected with the inspection. The evidence base of the inspection as described in the guidance documents is the property of the Inspectorate.
- 45 Subject to the need for confidentiality as set out in Annex B, the Challenge Adviser Inspector may share with his/her own employer knowledge gained during the course of the inspection about the Inspectorate's processes and procedures. However, if he/she wishes to share specific documentation or examples of practice observed during the course of the inspection, he/she must gain the permission of the school concerned.
- 46 The Challenge Adviser Inspector is encouraged to use the experience gained through training and deployment as a Challenge Adviser Inspector in his/her own role to help with the process of school improvement and developing and implementing self-evaluation processes.

Conflict of interest

- 47 Before attending the training course, the Challenge Adviser Inspector will declare any possible personal or professional conflicts of interest he/she might have in respect of their consortia or other schools. These conflicts include any previous or existing contacts, relationship or knowledge of schools and any duties undertaken as external verifiers. Subsequently, the Challenge Adviser Inspector must advise the Inspectorate of any change to his/her status as soon as it occurs
- 48 When responding to the Inspectorate's letter inviting attendance at an inspection, the Challenge Adviser Inspector will email confirmation of attendance and advise the inspectorate of any changes to their conflicts of interest. The Challenge Adviser

Inspector should ensure that their Inspector Profile is fully up to date by uploading a current photograph for identification purposes, ensuring that all contact details are up to date and all preclusions and conflicts have been declared.

ANNEX A

ELIGIBILITY FOR THE ROLE OF CHALLENGE ADVISER INSPECTOR

Challenge Advisers will be currently employed by either a Consortium/Local Authority or school in Wales and would need to demonstrate ALL of the following:

:

- approval/contracted by the employer;
- regular involvement in challenging and supporting schools;
- at least five years' experience as an effective teacher in primary schools or secondary schools;
- at least two years' senior leadership experience;
- good character and have the ability to work safely; and
- up-to-date knowledge (relevant to the sector concerned).

The essential attributes of Challenge Adviser Inspectors include:

- honesty, integrity and propriety;
- good oral communication
- well-developed writing skills
- good ICT skills
- the ability to gather thoughts logically
- the ability to weigh evidence carefully
- the ability to form sound judgements
- the ability to explain and to defend evaluations
- the ability to work as a member of a team
- willingness and capability to work flexibly
- the ability to adhere to the requirement for absolute confidentiality

ANNEX B

PROTOCOL AND GUIDANCE FOR CHALLENGE ADVISER INSPECTORS

General principles

The Challenge Adviser Inspector is a full member of the team and will have the same range and type of responsibilities as other team members.

The Challenge Adviser Inspector will visit a sample of classes in the same way as other team members and will be able to contribute to the team's judgements on all aspects inspected. As with other team members the Challenge Adviser Inspector is required to submit the required evidence and judgements in written/electronic form on the reporting judgement form (JF) before leaving the school at the end of an inspection.

Challenge Adviser Inspectors will be up-to-date with relevant Foundation Phase, National Curriculum, Basic Curriculum or examining/awarding body requirements.

The participation of Challenge Adviser Inspectors in inspection:

- contribute to the expertise of inspection teams and enhances schools' ownership of the inspection process;
- promote schools' understanding of inspection;
- enable the sharing of good practice;
- help to develop the skills schools need to carry out their own self-evaluation effectively; and
- enable individuals to gain a better insight into the inspection process as well as providing valuable opportunities for their own professional development.

Role of the Challenge Adviser Inspector

The Challenge Adviser Inspector will act as a full member of the inspection team, although he/she is not deemed to be an employee of the inspectorate. He/she will be required to:

- observe sessions and other activities;
- carry out learning walks
- listen to learners;
- scrutinise samples of work;
- engage in discussions with staff and others;
- examine documents;
- evaluate the impact of the provider's policies, plans and procedures;
- lead on or contribute to an inspection area or emerging question; and
- write sections of the report, which must be submitted to the Reporting Inspector at the end of the school-based inspection.

Challenge Adviser Inspector's responsibilities

The Challenge Adviser Inspector will:

- have a working knowledge of the sector guidance for the inspection of schools;
- act in accordance with the code of conduct for inspectors;
- be familiar with this protocol and guidance on the role of the Challenge Adviser Inspector;
- have an understanding of the emerging questions, the school's self-evaluation evidence and improvement plan and any other documentary evidence including any performance information;
- complete inspection documentation including evaluation forms (EFs) and judgement forms (JFs) in word-processed format only;
- contribute to meetings of the inspection team;
- contribute to corporate judgements;
- lead on or contribute to inspection areas and/or emerging questions
- write sections of the report as advised by the Reporting Inspector;
- attend any meeting held during the inspection week at which feedback is given to the school on whole school aspects; and
- respect the confidentiality of all information received during the course of the inspection.

Reporting Inspector's responsibilities

The Reporting Inspector will:

- establish contact with the Challenge Adviser Inspector;
- outline the specific role of the Challenge Adviser Inspector in the inspection;
- ensure that the inspection co-ordinator arranges for the Challenge Adviser Inspector to access all relevant documentation prior to the start of the inspection;
- ensure that the Challenge Adviser Inspector is deployed as a full member of the team;
- ensure that the Challenge Adviser Inspector is aware of the arrangements for team meetings and for other activities, such as the scrutiny of pupils' work;
- assure the quality of the work of the Challenge Adviser Inspector;
- provide feedback on the performance of the Challenge Adviser Inspector; and
- ensure that the Challenge Adviser Inspector is aware of and follows the Inspectorate's core values and policies (e.g. in respect of health and safety, bullying, etc.).

Activities in the inspection process

Before the inspection

The Challenge Adviser Inspector	<ul style="list-style-type: none"> • becomes familiar with the sector guidance; • becomes familiar with this protocol and guidance on the role of the Challenge Adviser Inspector; and • receives instructions for accessing the Virtual Inspection Room in order to gain access to all necessary documentation.
The Reporting Inspector	<ul style="list-style-type: none"> • receives name and background information on the Challenge Adviser Inspector and allocates roles and responsibilities to the Challenge Adviser Inspector; and • checks that the inspection co-ordinator has arranged for the Challenge Adviser Inspector to access the Virtual Inspection Room prior to the start of inspection and arranged for accommodation when applicable.

During the inspection

The Challenge Adviser Inspector	<ul style="list-style-type: none"> • as instructed by the Reporting Inspector, undertakes the same tasks as other team members in the team meeting before the inspection starts; • works throughout the inspection under the direction of the Reporting Inspector; • participates in team meetings; • contributes to corporate judgements; • examines pupils' work; • undertakes observations of classes and other learning activities, for example learning walks; • listens to learners; • completes all documentation as appropriate; • has a brief professional dialogue with teachers after observing their classes; • contributes to the writing of the report; • attends any feedback meetings on whole-school aspects held during the inspection week and, where appropriate, assists in providing feedback in relation to their aspect.
The Reporting Inspector	<ul style="list-style-type: none"> • monitors the work of the Challenge Adviser Inspector and provides support as appropriate; • ensures that the Challenge Adviser Inspector is fully involved in the inspection; and • ensures that the Challenge Adviser Inspector contributes to the corporate judgements.

Challenge Adviser Inspector programme
Memorandum of Understanding – September 2018

--	--

At the end of the inspection:

The Challenge Adviser Inspector	<ul style="list-style-type: none">• ensures that the Reporting Inspector receives all relevant written documentation in the prescribed format;• completes the self-assessment section of the inspector evaluation form (IEF –within 5 working days); and• returns all school and inspection documentation.
The Reporting Inspector	<ul style="list-style-type: none">• provides feedback to the Challenge Adviser Inspector about the quality of his/her work during the inspection and completes the inspector evaluation form (IEF)• records their attendance within the VIR team list

The Reporting Inspector's feedback to Challenge Adviser Inspectors should be concerned with obtaining evidence, making judgements, communication and conduct.

Deployment of the Challenge Adviser Inspector

Challenge Adviser Inspectors:

- will be deployed in schools that serve the same age range of pupils as their preferred sector; and
- will be deployed in a school where there is no personal or professional conflict of interest.

The Inspectorate will make every effort to deploy Challenge Adviser Inspectors on an inspection, but can give no guarantee of this.

Training

The objectives of the Challenge Adviser Inspector Training course and annual update training are to enable prospective Challenge Adviser Inspectors to understand the process of inspection, the principles upon which the process is based and the criteria for making judgements.

Evaluation

The Inspectorate will monitor the performance of Challenge Adviser Inspectors. The Challenge Advisor should share a copy of in the completed inspector evaluation form (IEF) with their employer.