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# INSPECTION ACTIVITIES CARRIED OUT BY THE GENERAL INSPECTION OF EDUCATION AND SCIENCE (PORTUGAL) BETWEEN 1996 AND 2022

## **Bercina Maria Ramos da Costa Pereira de A. Calçada**

(President of the Board of the Union of Education Inspectors - SIEE)

## **Sérgio Olim Gomes de Mendonça**

(Chairman of the General Assembly of the Union of Education Inspectors - SIEE)

### **Abstract**

This article aims to analyse the relationship between the inspection activities developed by the General Inspectorate of Education (IGE)/ General Inspectorate of Education and Science (IGEC) between 1996 and 2022 and the educational policies implemented in Portugal.

It can be seen that, in general, there is a direct correspondence between inspection activities and the competencies assigned to this Inspectorate, according to the organic laws of the Ministry of Education (ME) and IGE/IGEC, as well as a relationship between inspection activities and educational policies, namely with the school autonomy regime and the school evaluation system (non-higher education).

There is also a link between changes in the government and the Chief Inspector appointed, and the inspection programmes and projects developed.

The inspection programmes in the areas of control, audit, ombudsman, and disciplinary procedures are present in all the activity plans and reports, independently of the educational policies and the Chief Inspector.

The inspection programme, which includes the ombudsman, disciplinary procedures, and administrative litigation corresponds to the programme with the

greatest number of working days, followed by the programmes of control, evaluation, and audit.

### **Keywords**

Inspection activities, education, educational policies, competencies, school autonomy regime, ombudsman, disciplinary procedures, and administrative litigation

## Introduction

Given the increasing decentralisation of educational administration (after a period in which there was only deconcentration of administration), namely with the autonomy of schools, it has become imperative that educational inspection adapts to the new challenges and new reality. The activities developed by the educational inspectorates must be directly linked to, and accompany the evolution of educational policies, so the educational inspection services must adapt to the new challenges they face, resulting from the growing degree of autonomy that has been "conquered" by schools.

This paper analyzes the inspection activities undertaken between 1996 and 2022 by the General Inspectorate of Education (IGE)/ General Inspectorate of Education and Science (IGEC) of Portugal, relating these activities to educational policies, especially concerning school management and administration.

In methodological terms, it should be noted that this research corresponds to empirical work, based on the comparative analysis of the inspection activities, contained in the various plans and annual activity reports of IGE/IGEC, in the period between 1996 and 2022, having used, to contextualize the activities developed, the analysis of all legislation relating to organic changes, both in the Ministry of Education (ME) and in IGE/IGEC.

## 1. Historical Context of IGE/IGEC (1979-2022)

On the 31<sup>st</sup> of December 1979, Decree-Law no. 540/79 was published, creating the General Inspection of Education (IGE), of the Ministry of Education, and bringing together within it the Inspection services that were then scattered across the various General-Directorates<sup>1</sup>. IGE was assigned attributions and competencies essentially at the level of inspection, with a strong focus on the verification of

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<sup>1</sup> Except for the General Inspection of Private Education, which was not integrated into any General Directorate, all other inspection services were integrated into General Directorates, namely, the Inspection of Primary Education and the Inspection of Preparatory Education were integrated into the General Directorate of Basic Education; the Inspection of Secondary Education was integrated into the General Directorate of Secondary Education and the Financial Administrative Inspection into the General Directorate of Personnel.

normativity, according to articles 2 and 3. The preamble of the legislation points out the "confusion" until then verified between the executive and control functions at the level of the general directorates, being that the executive function should be performed by the general directorates and the control function by the then-created IGE.

The model of school management and administration at the time of IGE's creation was the model presented by Decree-Law no. 769-A/76, 23<sup>rd</sup> of October, which assumed as central the idea of participation (in harmony with the Constitution of the Portuguese Republic of 1976), so it became known as the democratic management model. However, some authors refer that this management model corresponds to the "return of concentrated and bureaucratic centralisation"<sup>2</sup>, considering the exhaustive description of competencies and the functioning of the internal structures, which demonstrated the low degree of autonomy of schools<sup>3</sup>.

The law that establishes the principles for the Portuguese Education System, Law no. 46/86, 14<sup>th</sup> of October (LBSE), defines in article 53 that "The School Inspection enjoys autonomy in the exercise of its activity and its function is to evaluate and supervise the implementation of school education, in order to pursue the purposes and objectives established in this law and other complementary legislation".

With the publication of the Decree-Law no. 3/87, 3<sup>rd</sup> of January (organic law of the ME), under article 15, IGE is attributed the pedagogical and disciplinary control of the non-higher education subsystem and the administrative-financial control of the whole education system, foreseeing that IGE starts to have a decentralized structure similar to the Regional Education Directorates.

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<sup>2</sup> With the publication of Decree-Law no. 769-A/76, of 23 October, complementary mechanisms of decentralisation of administration, that would strengthen the autonomy of schools, were not triggered, leading to less participation by parents and other representatives of the local community.

<sup>3</sup> The "Portaria" no. 679/77, 8<sup>th</sup> of November, which approves the "Regulations for the functioning of pedagogical councils of preparatory and secondary schools", determines the maximum duration of the meetings of this body (no. 2.8), the issues to be addressed in ordinary meetings (no. 2.10), the administrative procedures regarding the recording of the minutes of meetings (nos. 2.13, 2.14, 2.15), among other aspects.

Decree-Law no. 43/89, 3<sup>rd</sup> of February, defined the autonomy regime for public schools of the 2<sup>nd</sup> and 3<sup>rd</sup> cycles of basic education and secondary education, in the cultural, pedagogical, administrative, and financial scope, characterizing the 1990s as the decade of the impulse to the autonomy of educational establishments.

The Decree-Law no. 172/91, 10<sup>th</sup> of May, applied the new model of administration, direction, and management to around 30 schools of the various levels of education, in an experimental regime. The diploma underlies a multidimensional conception of school, which translates into intentionality of intervention of the local community in the definition and contextualisation of educational policies, based on the principles of democracy, participation, community integration, and autonomy of the school, based on its educational project.

In this context, a new organic law of IGE is published, Decree-Law no. 304/91, 16<sup>th</sup> of August, renaming it General Inspectorate of Education. In the preamble of the diploma it is assumed that, similarly to the evolution that occurred in other European countries, "(...) the control function of the Inspection of the educational sector is increasingly conceived as the verification of compliance with legality, the study, and analysis of needs and the technical and pedagogical support to schools". Thus, IGE's attributions (article 2) include, besides the functions related to control, the "global and qualitative evaluation of the educational establishments (...)".

The Decree-Law no. 133/93, 26<sup>th</sup> of April, restructures the ME, and, in article 11, attributes to IGE the "follow-up and supervision", in the pedagogical and technical areas of all education levels, as well as the "control of the administrative-financial efficiency of the whole education system" and, in public higher education, the "verification of compliance with the legal provisions concerning the system of fees and school social action". On the same day, a new organic law of the IGE is published, the Decree-Law no. 140/93, 26<sup>th</sup> of April, where it can be seen that, of the competencies included in that diploma, the "monitoring" is omitted, being

essentially in the area of monitoring and control, the competences assigned to the "coordination units"<sup>4</sup>.

In 1995, a new organic law of the IGE is published (Decree-Law no. 271/95, 23<sup>th</sup> of October), where, in the preamble, it is stated that in order, for the General Inspection of Education, "(...) to pursue its main function of evaluating and supervising the implementation of school education, it is necessary to have a more complete definition of its competences, an adequate organisational structure and a staff statute that respects the principle of autonomy that should govern the exercise of the inspection activity". It is also reinforced that the IGE should act as an auditing and control entity for the functioning of the education system and provide technical support to the ME. Law no. 18/96, 20<sup>th</sup> of June, altered, by ratification, the Decree-Law no. 271/95, 23<sup>rd</sup> of October, introduced organic and career changes for the Inspectorate. The activities developed by IGE are the "execution of inspections and audits to school performance, in technical-pedagogical, administrative and financial matters".

IGE would have to be considered an organizational evaluation service, whose fundamental task should be the evaluation of the performance of educational organizations: schools, structures, and services. It was thus a matter of "assessing the quality of territorialised educational policies, (...) taking into account the concrete situation of each school or service object of assessment, which implies a new approach to the issue of the legality of the procedures, insofar as the compliance with the norms and regulations, although remaining an important issue in terms of performance assessment, tends to cease to be the central concern of the inspective work in the field." (IGE, 1998: 6)

The Decree-Law no. 115-A/98, 4<sup>th</sup> of May, established the new regime of autonomy, administration, and management of preschool establishments and basic and secondary education, giving schools more autonomy, stating in paragraph 1 of Article 3 that "Autonomy is the power recognised to the school (...) to take decisions in the strategic, pedagogical, administrative, financial and

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<sup>4</sup> Internal structures responsible for the elaboration of working tools to serve as a basis for interventions in schools.

organisational fields, within the framework of its Educational Project and according to the competences and means that are consigned to it."

The Decree-Law no. 70/99, 12<sup>th</sup> of March, introduced amendments to the Decree-Law no. 271/95, 23<sup>rd</sup> of October, stating in its preamble that: "The evolution that education inspectorates are undergoing in European countries, at a time when the autonomy of schools and the transfer of competencies to local authorities are being developed and consolidated, leads to a revision of the role of the General Inspectorate of Education, which involves (...) a more precise and demanding definition of its scope of intervention, combined with an opening to the outside, to maintain the connection *with the debate and evolution of educational action and thought and to transfer to the General Inspection of Education the added value that they naturally bring*".

The Decree-law no. 208/2002, 17<sup>th</sup> of October, altered the organic structure of the ME, establishing in the preamble, as an objective of the XV Government "*the institutionalisation of a continuous and global assessment system of education and non-higher education, (...) directly aimed at increasing levels of quality in education and training (...). Only in these terms can schools (...) give a sustained and competent response to the wishes, aspirations, and trust that families have to place in them*". Article 17(8) states that "*IGE is responsible for auditing and controlling the technical, pedagogical, administrative, financial and patrimonial aspects, in terms of measuring legality, the efficiency of procedures and effectiveness in the pursuit of the objectives and results set and in the economy of use of resources, as well as assessing the quality of the provision of the education system*". No. 12, "*IGE's interventions contribute (...) to the process of external evaluation of schools*".

Law no. 31/2002, 20<sup>th</sup> of December, which approves the system of evaluation of education – non-higher education, states in paragraph c) of no. 3 of article 8 that the "*Actions developed, within the scope of its competencies, by the General Inspection of Education*" are part of the external evaluation to be carried out at national level.

The Decree-Law 205/2002, 7<sup>th</sup> of October, created the Ministry of Science and Higher Education (MCES), and, through Decree-Law no. 149/2003, 11<sup>th</sup> of July,



the General Inspection of the Ministry of Science and Higher Education (IGCES) was created, with the functions of auditing and controlling the higher, scientific and technological education systems.

The Decree-Law no. 213/2006, 27<sup>th</sup> October, the organic law of the ME, establishes for the IGE, in its article 10, the mission to "*ensure the control, audit, and supervision of the functioning of the education system (...)*". The IGE acts then as a service of the ME with competencies in the field of control and audit of the functioning of schools and the education system, to ensure the quality of public education service in basic education and in public, private and cooperative secondary education.

Under the provisions of Decree-Law No. 125/2011, 29<sup>th</sup> of December, the ME and MCES were merged and, under the provisions of Regulatory Decree No. 15/2012, 27<sup>th</sup> of January, the two inspections (IGCES and IGE) were merged, resulting in the current IGEC.

## **2. Inspection activities (1996 to 2022)**

The legal framework of IGEC's activity recognizes several attributions, being these, in the LBSE, characterized as "function to evaluate and supervise the implementation of school education", being IGEC responsible, in terms of the organic law of the ME, "to exercise the audit and control in technical, pedagogical, administrative, financial and patrimonial aspects". The Organic Law of IGEC also attributes to it the competencies "to audit and control the functioning of the education system as well as to provide technical support to schools and safeguard the interests of users". Other competencies, namely the instruction of disciplinary processes, are attributed to IGEC either by its organic law or by other legal diplomas, namely the Teaching Profession Career Statute.

The national and international debate around the role of educational inspections, at a time when, to ensure the quality of services and organisations, there is a greater focus on accountability and accountability processes and on prevention measures, leads to the consideration that it is essential, when programming the activity of IGEC, to make an effort to define and operationalise



the types of intervention that should guide its activity and the essential characteristics of those interventions. (IGE, 2000: 3)

The activities developed by IGE/IGEC are framed in programmes - control, monitoring, audit, evaluation, technical support, disciplinary procedures, and ombudsman -, subdivided into projects/activities.

According to the activity plans of IGE/IGEC, the concepts inherent to the division of activity plans into programmes are now explained (from 2000 onwards):

"CONTROL - (...) set of procedures for checking the conformity of a programme or action with the objectives that were established for it and which the norms operationalize.", materialized through "systematic interventions", programmed, and "occasional and sporadic interventions", not programmed.

ACCOMPANIMENT - this concept integrates other similar concepts, namely those of monitoring and supervision, including technical support to schools and their management bodies. They presuppose a monitoring activity, observation, data collection, consideration of factors, and proposal for correcting deviations. It coincides with the notion of supervision as a modality of global knowledge of a situation. Although it aims at collecting information regarding the corrections following the control, audit, and evaluation actions, its main intention is to regularly observe the educational action "especially in levels of education considered to be a priority and in critical areas of educational functioning".

AUDIT - systematic examination of the results or products and the functioning of an organisation, or area of activity, according to predefined standards, that aims to identify strong and weak points in the execution of those standards and to correct deviations.

EVALUATION - systemic description of an object of analysis to explain behaviours, understand specificities and issue judgements on results or on the functioning of that same object of analysis (organisation, project, activity, or the subjects themselves). It is based on criteria that allow for the formulation of value judgements, of which systematicity in information collection is the most recurrent. Systematicity includes the regularity of time intervals in data collection and also the identification of the different types of factors that determine or affect the

achievement of the objectives of the programme or organisation in question, including the context, resources, operating or production processes, and the effects or results themselves, whether immediate or of impact. The aim is to act on the evaluated object, either by making it reflect on itself or by returning to it the information gathered, to lead to a new action plan. Evaluation does not separate the dimensions of overall performance management, being an integrated activity.

**ASSESSMENT** - considering the defined legal and conceptual framework, it aims, besides ensuring the credibility of the organisations and the public trust in education, to provide, through reference elements, comparative performance analysis, meta-evaluation, and progressive strategic comparison, or benchmarking, examining the levels of quality achieved in the planning, organisation, and delivery of educational provision.

**OMBUDSMAN** - consists of receiving, analysing, and processing complaints from users and agents of the educational system," given the need to safeguard their legitimate interests.

**DISCIPLINARY PROCEDURE** - procedures developed throughout the education system, by external request or as a result of previous inspection action, to ascertain possible disciplinary responsibilities.

The following table shows a summary of the programmes developed by IGE/IGEC between 1996 and 2022.

Table 1 - Relation between the Inspection programmes developed (between 1996 and 2022) and the Chief Inspectors.

Year(s)	Programas						Chief Inspector(s)
	Control	Accompaniment	Audit	Evaluation	Assessment	Ombudsman and disciplinary procedures	
1996/97	√	(of previews inspections)	√	√		√	Natércio Afonso
1997/98	√	(of previews inspections)	√	√		√	
1998	√	(of previews inspections)	√	√		√	Natércio Afonso / Maria José Rau

1999	√	(of previews inspections)	√	√ (Full Inspection)		√	Maria José Rau e Maria do Carmo Clímaco
2000	√	(of previews inspections)	√	√ (Full Inspection)		√	
2001	√	(of previews inspections)	√	√ Full Inspection)		√	
2002	√	(of previews inspections)	√	√ (Full Inspection)		√	Maria José Rau e Maria do Carmo Clímaco / Paulo Taveira de Sousa
2003	√	(of previews inspections)	√			√	Paulo Taveira de Sousa / Conceição Castro Ramos
2004	√	√	√		√	√	Conceição Castro Ramos
2005	√	√	√		√	√	
2006	√	√	√		√	√	Conceição Castro Ramos / José Maria
2007	√	√	√	√		√	José Maria Azevedo
2008	√	√	√	√		√	
2009	√	√	√	√		√	
2010	√	√	√	√		√	
2011	√	√	√	√		√	José Maria Azevedo / Agostinho Santa
2012	√	√	√	√		√	Agostinho Santa / Luís Capela
2013	√	√	√	√		√	Luís Capela
2014	√	√	√	√		√	
2015	√	√	√	√		√	
2016	√	√	√	√		√	
2017	√	√	√	√		√	
2018	√	√	√	√		√	
2019	√	√	√	√		√	
2020	√	√	√	√		√	
2021	√	√	√	√		√	
2022	√	√	√	√		√	

The analysis of the table shows that there are transversal programmes in the scope of control, audit, ombudsman, and disciplinary procedures that have not been altered, regardless of the educational policies and the Chief Inspector. Within each programme, projects were developed and, in some cases, there were major changes, especially when there were changes in the Chief Inspector.

Between 1996/97 and 1998, projects were developed within the control, audit, evaluation, and ombudsman and disciplinary procedure programmes.

In November 1998, there was a change in the Chief Inspector and in 1999 the full inspection (integrated evaluation) of schools appeared, which also coincided with the entry into force of Decree-Law no. 115-A/98, 4<sup>th</sup> of May (regime of autonomy of schools).

Between 1999 and 2002 the programmes are stable, although there were changes in Chief Inspectors. The end of the full inspection (integrated evaluation) coincides with the entry into force of Law no. 31/2002, 20<sup>th</sup> of December, which approves the system for the evaluation of education - non-higher education, removing the IGE's role as responsible for the external evaluation of schools.

In 2004, the accompaniment and assessment programmes were introduced. The line of action changes from a perspective directed more towards evaluation (integrated/global school), to a perspective more within the scope of meta-evaluation (monitoring and assessment). With the follow-up programmes (not in the same way as with the implementation of an audit, in which there is a subsequent verification of compliance with the recommendations made to the school), the aim is to monitor the development of the school, and with the assessment programmes, the quality levels achieved in the planning, organisation, and implementation of educational provision are examined, to provide, through benchmarks, comparative analyses of performance, meta-evaluation and progressive strategic comparison or benchmarking.

In 2007, with a new Chief Inspector, the external evaluation of schools is resumed and the inspection projects within the scope of the assessment programme are no longer implemented. From this year until the present date, there is stability concerning the type of existing programmes.

The following table shows the analysis carried out on the activity reports, in order to verify the relative weight of the inspection work per programme.

Table 2 - Percentage of the inspection work developed annually by programme (Source: IGE/IGEC activity reports)

Activity Reports	Accompaniment	Control	Audit	Evaluation	Ombudsman, Disciplinary Procedures and Administrative Litigation	Assessment	Cooperation and International Activities
<b>2002</b>	14.32%		9.61%	16.24%	25.00%		0.77%
<b>2003</b>	18.15%		18.15%	18.15%	18.15%		1.00%
<b>2004</b>	2.00%	11.00%	8.00%		51.00%	5.00%	1.00%
<b>2005</b>	4.56%	10.90%	7.03%		47.46%	8.47%	1.53%
<b>2006</b>	3.86%	10.11%	5.79%		52.33%	7.50%	0.90%
<b>2007</b>	3.60%	10.00%	7.40%	10.90%	42.20%		2.10%

<b>2008</b>	9.20%	10.30%	9.40%	19.60%	27.00%		1.50%
<b>2009</b>	9.90%	11.10%	11.90%	20.10%	19.50%		1.30%
<b>2010</b>	11.00%	13.80%	14.90%	21.30%	17.30%		1.40%
<b>2011</b>	10.00%	14.30%	14.00%	13.70%	19.80%		3.40%
<b>2013</b>	12.80%	20.40%	15.06%	16.80%	33.00%		1.40%
<b>2014</b>	10.90%	19.20%	16.00%	13.90%	38.00%		2.00%
<b>2015</b>	10.20%	19.60%	16.70%	14.40%	38.00%		1.00%
<b>2016</b>	11.00%	20.90%	13.10%	13.90%	39.90%		1.20%
<b>2017</b>	12.10%	22.00%	12.00%	9.80%	42.90%		1.20%
<b>2018</b>	14.90%	24.20%	11.30%	2.00%	46.20%		1.40%
<b>2019</b>	14.40%	21.00%	12.00%	2.80%	49.00%		0.80%
<b>2020</b>	6.10%	16.20%	9.30%	8.90%	58.50%		1.00%
<b>Average</b>	<b>9.16%</b>	<b>15.94%</b>	<b>11.76%</b>	<b>13.50%</b>	<b>36.96%</b>	<b>6.99%</b>	<b>1.38%</b>

The analysis of the table shows that the ombudsman, disciplinary procedures, and administrative litigation represent the inspection activity with the largest number of working days, followed by projects within the scope of control, evaluation, and audit. Cooperation and international activities occupy the last place.

The national and international discussion on the role of Education Inspections reveals that the need for their existence is not an absolute certainty and that the direction of their evolution is not univocal. "This is what we believe to be the future of the Inspection in Portugal which, as we said before, follows an evolution observed in several countries of the European Union and should follow, in Portugal, the calendar with which the transfer of competencies to the municipalities and the consolidation of the schools' autonomy process will develop". (IGE, 1999: 4-5)

## Conclusion

Inspection activities have been developed under the current legal framework and with the Chief Inspectors who lead them, oscillating between activities more focused on control and activities more focused on evaluation. In the context of the growing autonomy of institutions, the Inspection of Education must find the right balance between evaluation and control, contributing effectively to ensure the quality of education, focusing on accountability and accountability processes and

prevention measures, being essential a strategic definition of the interventions that should guide its activity and their essential characteristics.

The inspection programmes concerning control, audit, ombudsman, and disciplinary procedures appear in all the activity plans and reports throughout the period under analysis, regardless of the educational policies and Chief Inspectors.

The inspection programme which includes ombudsman, disciplinary procedures and administrative litigation corresponds to the programme where the largest number of working days were used, occupying approximately 37% of the total number of working days, followed by projects in the area of control, evaluation, and audit.

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