

Scottish Government (SG) and His Majesty’s Inspectorate of Education (HMIE)

Framework document

Approved	Next Review
25 March 2026	As required, but before March 2029

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Purpose

This document sets out the basis for the relationship and working arrangements between the Scottish Government¹ and HMIE, in relation to their respective roles in overall policy responsibility for education in Scotland and the independent inspection of education provision.

The Education (Scotland) Act 2025 establishes the office of HM Chief Inspector of Education in Scotland. This office is part of the Scottish Administration and will be classified as a public body. HMIE is the organisation set up administratively to support delivery of the Chief Inspector's functions under the Act. For the purposes of this document, HMIE includes the Chief Inspector and the Deputy Chief Inspector of Education in Scotland, as well as HM inspectors and supporting staff.

It includes:

- The shared vision of the purpose of inspection of education in Scotland
- Principles to underpin working arrangements
- Key roles, responsibilities and relationships
- Accountability to the Scottish Parliament and stakeholders
- Financial and other accountabilities

This document should be reviewed by SG and HMIE at least every three years. Any changes will be agreed between DG Education and Justice, on behalf of the Scottish Government, and HM Chief Inspector of Education in Scotland (the Chief Inspector), on behalf of HMIE.

1. Any question regarding the interpretation of this document will be resolved through discussion between SG and HMIE.
2. This document will be published on the HMIE website.

¹ For the purposes of this document, references to SG include both officials (in particular the Director General for Education and Justice) and Scottish Ministers (in particular the Cabinet Secretary for Education and Skills). Further details on the roles of particular individuals are set out on page four.

Vision

The office of His Majesty's Chief Inspector of Education in Scotland is established by the Education (Scotland) Act 2025 ("the Act"). Functions under the Act are conferred on the Chief Inspector. The functions include the inspection function (section 38), the voluntary arrangements function (section 40), the advisory function (section 41) and working with others (section 42) as well as duties in relation to the Advisory Council and reporting duties.

The Act underpins the independence of the Chief Inspector in relation to the inspection of education in Scotland, making clear that in the performance of their functions the Chief Inspector is not subject to the direction or control of any member of the Scottish Government (unless subject to any contrary provision).

The Act also sets out the purpose of inspection:

- (a) recognising effective practice adopted by relevant educational establishments,
- (b) promoting improvement in the quality of education in Scotland, including by—
 - (i) supporting relevant educational establishments to improve by—
 - (a) identifying areas for improvement,
 - (b) establishing where support may be required to make improvements,
 - (c) sharing effective practice,
 - (ii) sharing evidence to inform the development of education policy,
- (c) providing assurance to the public that the quality of education provided in relevant educational establishments is being assessed and that establishments are being held to account accordingly.

The achievement of this purpose is a core element of the overall vision for the improvement of education in Scotland, as set out in the National Improvement Framework (NIF). In the exercise of their functions, the Chief Inspector must have regard to the Scottish Ministers' strategic priorities and objectives in relation to school education, as set out in the NIF.

The Act places a duty on the Chief Inspector to prepare, publish and lay before the Scottish Parliament an inspection plan, which will be a key document underpinning how inspection will contribute to the improvement of education in Scotland, including the models and standards to be used. The development of the plan is supported by significant requirements for consultation, including with Scottish Ministers and other stakeholders, as well as a requirement to lay a draft of the plan before the Scottish Parliament and have regard to any representations, resolutions and reports.

Principles

Both parties to this document confirm that they will adhere to the following shared principles in their working arrangements.

- A shared understanding of the importance of the independence of inspection and the importance of not acting in such a way as might compromise, or be seen to compromise, that independence.
- Effective communications with each other, especially where the work of one has a bearing upon the responsibilities of the other. This includes ensuring that the other party is informed timeously of relevant significant announcements or publications.

3. Specifically:

- a) HMIE and the Scottish Ministers are committed to good and effective communications with each other, and in particular the Scottish Ministers will keep HMIE informed of any policy changes or issues that may be relevant to its operation; Scottish Ministers and HMIE are committed to the principle of good communications, especially where the work of one has bearings upon the responsibilities of the other.
- b) HMIE will not act in such a way as might compromise, or be seen to compromise, its own independence;
- c) Scottish Ministers will not act in such a way as might compromise, or be seen to compromise, the independence of HMIE;
- d) HMIE will remain politically neutral;
- e) HMIE will carry out its functions with integrity, will promote transparency and will ensure that an appropriate summary of its activity is available for scrutiny by the Scottish Parliament and the Advisory Council;
- f) HMIE and the Scottish Ministers will both work in ways which support the best principles of corporate governance and financial accountability as set out in the Scottish Public Finance Manual.
- g) HMIE will ensure that relevant Directorates are informed in advance of any significant announcements or publications which may have implications for the Government.
- h) Directorates will, in turn, inform HMIE in advance of any significant announcements or publications which may have implications for HMIE or the sectors covered by the Chief Inspector's inspection function.
- i) The Government and HMIE will establish and maintain effective working relations through regular contact with each other, including regular meetings.

Key roles, responsibilities and relationships

The Chief Inspector, will be a civil servant, appointed by His Majesty by Order in Council on the recommendation of Scottish Ministers. As a civil servant they will be line managed by the Director General for Education and Justice.

The Chief Inspector will provide senior leadership to HMIE, ensuring that it works to deliver the functions set out in the Act efficiently and effectively. In doing so they will be supported by a Deputy Chief Inspector and senior leadership team, as well as HM Inspectors and other staff who will support different aspects of HMIE's operation. They will ensure that staff are managed in line with SG policies and that the Civil Service Code is applied.

The Chief Inspector will lead on the accountability of HMIE, including its relationships with Scottish Ministers, the Scottish Parliament and external stakeholders through the Advisory Council. Important elements of this include the following legislative requirements:

- The annual reporting that HMIE will undertake, including on the Chief Inspector's activities over the course of each financial year, and the annual report on the performance of the Scottish education system.
- The development and publication of the inspection plan.

DG Education and Justice will provide civil service line management to the Chief Inspector, act as the Accountable Officer for the budget provided to HMIE and be the Senior Lead Officer (SLO) for HMIE (given standard sponsorship arrangements are not applicable). As the SLO and line manager of the Chief Inspector, DG Education and Justice is expected to meet with the Chief Inspector on at least a monthly basis.

They will confer delegated budgetary and purchasing authority to the Chief Inspector. Responsibilities will be undertaken in alignment with the Scheme of Delegation and the Accountability chapter of the Scottish Public Finance Manual, Annex 1.

At a working level, HMIE will maintain appropriate relationships with relevant Directorates within SG, including in relation to school education, early learning and childcare (including for school age children), and lifelong learning and skills, as appropriate². Education Directorate will play a primary role in supporting DG Education and Justice in their role as SLO for HMIE.

HMIE will also maintain an important working relationship with Education Scotland as an Executive Agency of SG (and this will be underpinned by a separate memorandum).

² This includes policy in relation to Gaelic education at all stages.

Taken together these relationships will be important in ensuring that HMIE, Scottish Government policy Directorates and Education Scotland are able to work together effectively, alongside other partners, to ensure that information on the impact of policy and improvement support are timeously and clearly shared and understood, enabling learning, identifying gaps and supporting further improvement.

Scottish Ministers will recommend the appointment of the Chief Inspector to His Majesty, in line with the Act.

Alongside the Scottish Parliament, they will be sent regular reporting from HMIE, including the annual report on the performance of the Scottish education system and the annual report on the Chief Inspector's activities.

The Act gives Scottish Ministers a specific role in specifying the minimum frequency of inspection. While they may, by regulation, specify this in relation to inspection of any kind of relevant establishment, they are required to do so in relation to school inspection.

In addition, Scottish Ministers may request that the Chief Inspector carry out inspection, for example to support Ministers' duties in relation to improvement and where concerns have been raised about a specific establishment. The Chief Inspector must comply with such a request.

The Scottish Ministers will also determine the proposed budget for HMIE, ensuring that this is sufficient for it to carry out its functions, and secure the necessary Parliamentary approval.

Accountability to Scottish Parliament and stakeholders

Accountability to Scottish Parliament

The passage of the Act highlighted a clear expectation that HMIE should play an important role in informing the Scottish Parliament, as well as Ministers and the wider public, with objective judgements, about quality and trends in Scottish education.

This expectation is reflected in requirements in the Act that the Chief Inspector must lay before the Scottish Parliament:

- An annual report on the performance of the Scottish education system (as far as this relates to its functions). This will provide a regular, independent statement to the Scottish Parliament and other stakeholders on the education system at a national level, supporting accountability and improvement.
- An annual report on activity over the course of each financial year, as soon as practicable after its end.
- A draft of the inspection plan, which must be laid for a period of 40 days, as well as the finalised document.

The Act also empowers the Chief Inspector to produce other reports on matters relating to their functions as they see fit. These must be laid before the Scottish Parliament at the same time as being sent to Scottish Ministers. The Chief Inspector may also lay before the Scottish Parliament any report on an inspection which it has published.

In addition, it is expected that HMIE, and particularly the Chief Inspector, will be regularly asked to appear and provide evidence to the relevant Scottish Parliamentary committee or committees, depending on how these are constituted.

Accountability to stakeholders

The Chief Inspector is required by the Act to establish and maintain an Advisory Council which, taken as a whole, is representative of the interests of those likely to be affected by the Chief Inspector's functions, including learners, educators, parents / carers and members of HMIE staff.

Importantly the Act places a duty on the Chief Inspector to have regard to advice which the Advisory Council provides and provide justification where that advice is not followed. This is reinforced by a requirement to summarise in the annual report the advice provided by the Advisory Council and the response.

The Chief Inspector also has a duty to consult with the Advisory Council on preparation of the inspection plan. Consultation on the inspection plan must also take place with Scottish Ministers, representatives of relevant educational establishments, representatives of registered teachers and college teaching staff and others as the Chief Inspector considers appropriate.

Financial, risk and business management

This section sets out at an overall level the approach for HMIE in relation to business, risk and financial management. To underpin robust operational delivery a detailed handbook will be in place to support HMIE and SG staff in understanding how this will operate and respective roles. In relation to finance, as is the case throughout Scottish Government, the principles contained within the Scottish Public Finance Manual (SPFM), for dealing with resources and ensuring robust internal controls are in place within any public sector organisation, must be applied. Scottish Government Finance will be available if required to provide guidance on this and /or any potential accompanying finance guidance notes. [Scottish Public Finance Manual – gov.scot](https://www.gov.scot/publications/scottish-public-finance-manual/pages/introduction.aspx)

Business planning

The inspection plan provided for under the Act will provide an important aspect of HMIE's forward planning. The Chief Inspector, through their senior leadership team, will ensure that this is translated into a robust delivery plan for inspection, alongside necessary internal delivery and development plans for the organisation. The delivery plan for inspection will be published on the HMIE website and reviewed on an annual basis.

Annual reporting

The Act sets out that the Chief Inspector will prepare and publish an annual report on activity over the course of each financial year will be produced, as soon as practicable after its end, and submitted to Scottish Ministers and laid before the Scottish Parliament (for avoidance of doubt, this does not include financial reporting which is covered in the section on budget management and delegated authority below).

Audit and risk management

HMIE will operate within SG audit and risk management arrangements, reporting to DG Education and Justice as the Accountable Officer.

HMIE internal audit will be integrated into the Scottish Government's internal audit function through the overarching Scottish Government Audit and Assurance Committee (SGAAC) and additional audit and risk committees supporting AOs. Similarly, consideration of risk will be integrated within the SG's risk management arrangements.

Budget management and delegated authority

As set out above, the Accountable Officer (AO) for resources allocated to HMIE will be the DG for Education and Justice.

Formal written delegation from the AO to the Chief Inspector will be provided for through an annual personal financial responsibility statement which will be issued annually, in line with budget processes.

This letter will also detail the budget responsibility that is delegated and the budget allocation will be published in the [Scheme of delegation tables.xlsx](#).

Spend by HMIE will form part of the SG Consolidated Accounts, the consolidated Annual Reports and Accounts of which will be subject to audit by the Auditor General for Scotland (AGS) in accordance with the Public Finance and Accountability (Scotland) Act 2000, and Scottish Public Finance Manual.

Information management and Freedom of Information

For information generated as a consequence of their functions, the Chief Inspector will be required to register with the Information Commissioner's Office (ICO) as a data controller under the Data Protection Act 2018 and comply with all the provisions of that and the UK GDPR.

The Chief Inspector is listed as a public authority under the Freedom of Information (Scotland) Act and will therefore be responsible for ensuring that HMIE is able to comply with its obligations under that legislation.