

Review of the Pre-School Admissions Arrangements

January 2012

Executive Summary of Actions

Action 1

The Department undertakes to notify ELBs/PEAGs of the indicative level of funding likely to be available for voluntary/private sector places no later than the October prior to the beginning of the admissions process.

Action 2

The Department will seek to amend Part V of the 1998 Order so as to differentiate between pre-school provision for children in their final pre-school year and other provision; and to ensure that the open enrolment procedures for provision for children in their final pre-school year only apply to children aged at least 3 years and 2 months.

Action 3

The Department will, undertake to

- review the admissions process:-
 - to consolidate the current two-stage process; and
 - to explore whether there is scope for further administrative changes to enable the processing of applications from underage children more effectively;
- outline its expectation¹ that settings admitting underage children should give priority to children from socially disadvantaged backgrounds.

Action 4

The Department will undertake to improve the applications experience for parents, and the efficiency of the process, through centralised administration and the greater use of technology.

Action 5

The Department will expect the ELB/PEAGs to review the nature and content of the information and publicity provided on the PSEEP and develop an innovative and relevant communications strategy to improve awareness of the Programme, particularly among target groups.

¹ See Action 7

Action 6

As the July/August birthdays criterion can potentially disadvantage younger children in their pre-school year, the Department will revoke this criterion in the 1999 Regulations (and as a priority criterion for non-statutory providers).

Action 7

The Department will ensure that the definition of children from 'socially disadvantaged circumstances' within the 1999 Regulations (and as a priority criterion for non-statutory providers) is examined with a view to mirroring the relevant economic elements of the definition of Free School Meal Entitlement.

Action 8

The Department will develop and issue a Pre-School Admissions Code, providing specific guidance in relation to the content of admissions criteria, including the Department's expectations on the preference to be given to particular groups of children.

Action 9

The Department will issue guidance to primary schools, ending the use of this criterion (attendance at a specified nursery/ pre-school setting) as part of admissions criteria and amend the Primary Schools (Admissions Criteria) Regulations (NI) 1997 accordingly.

Action 10

The Department will examine, as part of the Early Years Strategy, the implications of standardising the duration of pre-school provision.

Action 11

The Department will seek to bring forward the necessary legislative amendments to the Education (NI) Order 1997 required to prevent reception provision at the earliest opportunity.

Action 12

The Department will expect the ELBs to produce a standard suite of relevant statistical data to inform local area planning. The data should be compiled by the ELB/ PEAGS on an annual basis and used:

- a) to inform the Department of the implications for the number of funded places required; and

- b) by PEAGs in planning to match the supply of pre-school provision to local demand.

Action 13

The Department will expect each ELB/PEAG to develop detailed contingency plans to meet shortfalls in provision in particular areas, including a robust shortlist/register of quality voluntary/private sector providers who have the capacity to meet additional demand within an area.

Action 14

The Department will expect that the five ELB/PEAGs, working with colleagues in other sectors and drawing on effective practice elsewhere, develop a protocol to encourage and support the creation of additional voluntary/private sector provision where it is required.

Action 15

The Department will review its policy on enrolment numbers in statutory pre-school provision with a view to introducing greater flexibility into the system, including the potential for time- limited temporary extensions to enrolment numbers where all providers in an area are over-subscribed.

Action 16

In progressing area based planning, the Department/ESA will undertake a strategic review of the number and location of pre-school places to inform future planning. In doing so, the Department will develop:

- a) a list of the quality indicators and other criteria which are specific to the pre-school phase; and
- b) a policy on sustainability within the pre-school phase.

Action 17

The Department will not seek to place its existing policy on pre-school on a statutory basis at this time.

1 Introduction

1.1 The Department's Pre-School Education Expansion Programme (PSEEP) was launched in 1998. The main aim of the Programme was to provide a pre-school education place for every child in its immediate pre-school year whose parents wish to avail of it. The Programme has been operating for some years and while good overall progress has been made, a number of issues have arisen indicating the need for further improvement. In an Assembly debate on 7 June 2011, the Education Minister committed to an immediate review of the procedures for admission to pre-school places and to consider the implications of introducing a statutory right to pre-school.

1.2 The purpose of the Review is:

- to review the arrangements for admission to pre-school, including the operation of the applications process for 2011;
- to consider how the strategic planning process might be improved;
- to assess the cost and wider implications of the introduction of a statutory right to pre-school education; and
- make recommendations on how improvements might be made.

1.3 The Review has been progressed in the context of the increasingly constrained financial environment facing the Education sector over the coming years. In order to maximise the effectiveness of the resources available, it is essential that resources are directed to the programmes and initiatives that contribute most to educational outcomes and that those services are delivered in the most effective and efficient way.

1.4 In undertaking the Review, the Department has received valuable input from a range of stakeholders, including; Transfer officers in the

Education and Library Boards (ELBs); Pre-School Education Advisory Groups (PEAGs) officers; the Council for Catholic Maintained Schools; Early Years - the Organisation for Young Children; Comhairle na Gaelscolaíochta; the Northern Ireland Council for Integrated Education; and a number of Associate Assessors of the Education and Training Inspectorate (ETI) who are current practitioners within the pre-school sector.

2. Admissions Process

2.1 Article 23 of the 1998 Education Order(as amended) by Education (NI) Order 2003 requires each Board to make arrangements for the parent of a child resident in the area of the Board to express preferences as to the school at which they wish pre-school education to be provided for their child; and where any of those schools/classes provide both full-time and part-time pre-school education, to express their preference as to which kind of pre-school education they wish to be provided.

2.2 An annual circular is issued by the Department to schools, outlining the procedures to be followed and the timetable for the operation of the arrangements in relation to the following year's pre-school admissions.

The process was broadly as follows:

December/January

ELBs publish information on providers and admissions criteria and advertise applications process.



January

Parents submit application form to first preference setting. The form also lists all other preferences.



January - March

Settings select children for admission in accordance with their published criteria. Where they are over-subscribed, forms from children who have not been placed are returned to the ELB, which sends them on to the next preference setting until the child is placed or all preferences are exhausted.



April

- Providers issue letters to parents of children to whom they are offering a place.
- ELBs issue letters to parents of children who have not been offered a place, advising them where places are still available. It is then for parents to apply directly to settings for any further available places.

- 2.3 Whilst the PSEEP is targeted at children in their immediate pre-school year, ie. Those children who have attained their third birthday on or before 1st July are eligible for a pre-school place in the September following, legislation allows children from the age of two to be admitted to a school if there are places remaining. Historically, statutory providers have offered places to these younger children where they are under-subscribed and have unfilled places. This has meant that there are fewer places at the end of the process for children in their immediate pre-school year who failed to secure a place within their stated preferences to find an alternative setting.
- 2.4 The population has started to rise in recent years and the proportion of places filled by underage children has fallen (from 13.8% in 2006/07 to 8.1% in 2010/11). However, this phenomenon continues to impinge on the ability of target-age children to avail of a place. In 2010, over 1,200 target-age children initially failed to secure a place and yet over 900 underage children were placed. To enable the unplaced children to receive a pre-school year, an additional £1.4m was allocated to fund additional voluntary/private sector places for the correct-age children. This could not all be utilised, however, as settings had, by that stage, already allocated surplus places to fee-paying children.
- 2.5 In order to maximise the ability of correct-age children to avail of the places available in the Programme, the Department introduced a two-stage approach to the admissions process for the 2011-12 intake. Under Stage 1, applications from target age children were considered first and parents of children who had not been placed had an opportunity to express further preferences. Applications from underage children were then processed under Stage 2 of the process along with further preferences from target-age children and late applications (see Annex A for detail of the process and timescale).
- 2.6 The revised process appears to have been successful in reducing the number of underage children placed (by around 71%). However, high

levels of frustration and resentment were reported by political and media representatives among the 1,488 parents who had been advised (at the end of Stage 1) that they had failed to secure a place in a preferred setting. There were also suggestions that parents were being offered places at a considerable distance from their home.

- 2.7 It should be noted that of those parents, over half expressed further preferences, over 80% of whom subsequently obtained places. Some of those who did not submit further preferences were also subsequently offered places within their original preferences, as unallocated voluntary/private sector places were reallocated and additional funding was made available to purchase additional funded places within the voluntary/private sector.
- 2.8 It is also important to place in context the offer of alternative places to parents. When a child fails to secure a place in one of the parents' preferred settings, the PEAG officers provide a list of all of the remaining places available within the Board's area. Clearly, in view of the significant geographical coverage of each ELB, this list will invariably include settings that are in different areas. However, this is an expedient way of advising all of the parents of unplaced children within a Board's area of the places still remaining. It is then for parents to identify any suitable settings; it would not be feasible for officers to make judgements as to the settings individual parents may or may not be interested in pursuing.
- 2.9 At an overall level, it is considered that the system was very successful; 97% of the target-aged children who applied were offered a place. Of those who were not, the majority were those whose parents did not express any further preferences in Stage 2 of the process. The process was also successful in reducing the proportion of underage children within the system. However, it is considered that there are a number of ways in which the process could be improved so that it operates more effectively, more efficiently and provides a better experience for parents.

Funding

2.10 The key issue identified as impacting on the effectiveness of the overall process is the late notification by the Department of the level of funding available for voluntary/private sector places. This inhibits the ability of the ELB/PEAGs to plan effectively and engage with voluntary/private sector providers from the outset. For the most recent process, the level of funding available could not be known until January 2011, after applications had been received. This meant that in many cases PEAGs were not able to increase the number of places from existing providers within the Programme in areas of high demand or bring new providers in at the beginning of the process because there was no certainty as to whether these could be funded.

2.11 In the past, further allocations were subsequently provided to fund additional places in the voluntary/private sector for children who were unplaced. However, making additional funds available at a later stage in the process is of limited value as providers have often already offered places to fee-paying children to ensure that places are filled. Where providers are able to provide additional places in these circumstances, in order to comply with their admissions criteria they may seek to recall children they have previously had to reject. In some cases, these children have since been offered places in lower preference settings. This can produce a ripple-effect of displacement, which is problematic for Boards, providers and parents alike. Late allocation of funding also inhibits the ability of voluntary/private sector providers to plan financially, which has particular implications for staff recruitment.

2.12 Early notification by the Department of the funding available for voluntary/private sector places is essential to the effective and efficient operation of the process. This improves the ability of the system to plan to meet shifts in local demand, accommodate unplaced children and reduce uncertainty for parents. This would require the Minister to make an early decision in advance of the formal budget process and would

give rise to a number of difficulties. However, the scope for the Minister to make an indicative allocation should be explored.

Action 1

The Department undertakes to notify ELBs/PEAGs of the indicative level of funding likely to be available for voluntary/private sector places no later than the October prior to the beginning of the admissions process.

Underage Children

2.13 Article 17 of the Education (NI) Order 1998 defines pre-school education as education provided for a child, whether at a school or any other premises, at any time after he or she has attained the age of two years. There is widespread agreement that many two year olds are not at a stage of development where they can benefit from the pre-school experience provided through the PSEEP, which delivers a curriculum aimed at children in their final pre-school year. In some settings where there are significant numbers of underage children, the Department's Education and Training Inspectorate has found that the childrens' personal, social and emotional needs consume a considerable amount of the staff's time and attention. This, in turn, restricts the opportunities for staff to engage in sustained conversations to promote language, thinking and problem-solving. In order to overcome these issues, some settings have had to supplement the advised staff ratios with additional adults to better meet the needs of all children. The Northern Ireland Audit Office has also highlighted that some £10m has been invested in providing pre-school education for two year olds over the course of the Programme, despite its primary focus being children in their pre-school year².

2.14 As part of the Outcomes from the Review of Pre-School Education in Northern Ireland³, the Department determined that only children in their final pre-school year should be able to access statutory nursery.

² [The Pre-school Education Expansion Programme](#) (Northern Ireland Audit Office, June 2009)

³ [Outcomes From the Review of Pre-School Education in Northern Ireland](#) (DE, April 2006)

However, this would require a change to primary legislation and was not enacted. There is growing recognition, however, that two year old children from disadvantaged backgrounds could benefit from more than one year of quality educational provision⁴. A specific Programme for Two Year Olds has been developed and is now fully integrated within Sure Start provision, which is targeted on designated areas of disadvantage. In addition, some statutory settings have developed age-appropriate provision for two-year olds. It is therefore considered that there are circumstances in which provision for two year olds may be appropriate and any amendment to legislation should not have the effect of precluding this provision.

2.15 During the most recent admissions process, applications were received for 2,514 underage children, many of which expressing more than one preference. Whilst these applications were reserved under the two-stage process until target-age children were placed or had an opportunity to express further preferences, all of the applications then had to be processed. Ultimately, only 325 were placed. Whilst this is a welcome reduction on previous years, these places still represent a cost to the system and a disproportionate administrative burden in view of the small proportion of children placed.

Action 2

The Department will seek to amend Part V of the 1998 Order so as to differentiate between pre-school provision for children in their final pre-school year and other provision; and to ensure that the open enrolment procedures for provision for children in their final pre-school year only apply to children aged at least 3 years and 2 months.

⁴ [The Foundation Years: Preventing Poor Children becoming Poor Adults](#) (Frank Field, December 2010)
[Supporting Families in the Foundation Years](#) (Department for Education / Department of Health, 2011)

Administration

2.16 There is also scope to further improve the administration of the admissions arrangements so as to streamline the process, better manage expectations, and maximise the uptake of available places by correct-age children.

2.17 As a legislative amendment to exclude underage children from the open enrolment process would require Assembly approval and would take some time to effect, it is suggested that the following revisions to the administrative arrangements should be considered in the intervening period to further improve the effectiveness and efficiency of the process:

- Applications are initially only invited from children in their final pre-school year ⁵;
- All providers are allocated the maximum number of places for which they are registered and wish to accept so as to minimise the number of children unplaced;
- As with 2011, parents of correct-age children who remain unplaced are invited to nominate further preferences and those are processed accordingly;
- If underage children cannot be excluded, further investigation is undertaken to explore administrative options for the management of applications from under-age children.

2.18 The Department's draft Early Years Strategy has signalled that provision for two year olds should be a targeted service aimed at children from areas of significant disadvantage. Whilst targeted provision for relevant two year olds is provided, the Department should also seek to ensure that where underage children are admitted to undersubscribed statutory pre-school places, priority is also given to those who are from the most disadvantaged backgrounds. Settings that admit underage children should ensure that age-appropriate provision is provided. Where such

⁵ A clear policy should be agreed and communicated on how late applications will be dealt with.

settings are continually under-subscribed with correct-age children, the Department should consider the future viability of the setting.

Action 3

The Department will undertake to

- **review the admissions process:-**
 - **to consolidate the current two-stage process; and**
 - **to explore whether there is scope for further administrative changes to enable the processing of applications from underage children more effectively;**
 - **outline its expectation⁶ that settings admitting underage children should give priority to children from socially disadvantaged backgrounds.**

2.19 Consideration has been given to whether the process could be further improved if it were to begin a few months earlier. Stakeholders have expressed reservations, however, about the readiness of parents to begin thinking about applying for a pre-school place almost a year before their child is due to begin their pre-school year. It has been suggested that it is more convenient for parents for the admissions processes for pre-school and primary school to be synchronised, particularly for those who may also have children attending primary school. There are also likely to be delays in the process if it runs over the Christmas holidays. Subject to Action 3, the timing of the process is not therefore considered to require further change.

Technology

2.20 In the longer term, it is considered that there is significant scope to improve and modernise the admissions process through the use of technology. Currently, the ELBs produce extensive booklets for parents with information on the settings available within particular areas (eg. District Council areas) and their admissions criteria to assist parents in

⁶ See Action 7

indicating preferences. Last year, production of these booklets cost over £50,000. Most of the information in the booklets is of little relevance to individual parents, as they are only likely to be interested in a limited number of settings. Where they live on the border of another area or indeed another Board, different sets of booklets may be required in order to identify the most suitable settings. It is considered that a more effective and efficient means of making this information available to parents would be through an interactive map, available online, that would allow parents to identify the settings available within their vicinity and provide details of their admissions criteria (See Annex B). Hard copies of the information on relevant settings could be made available on request.

2.21 In addition, it is suggested that rather than applications being sent to individual settings and processed by 5 different ELBs, they should be sent to a single location and processed centrally. This would provide a single point of application for all parents, facilitate consistent recording of information, enable duplicate applications to be identified at an earlier stage and provide clarity as to the status of applications that cross ELB boundaries.

2.22 Provision should be made to allow parents to submit applications electronically, although it is recognised that some parents may still prefer a paper-based application. All applications should be processed electronically, rather than via a manual, paper-based system. Such an approach would require all settings to have access to a computer and adequate procedures to be in place to ensure compliance with data protection requirements.

Action 4

The Department will undertake to improve the applications experience for parents, and the efficiency of the process, through centralised administration and the greater use of technology.

Communication

2.23 Contributors to the Review have highlighted a number of areas where there is a need to improve awareness and understanding of the nature, purpose and benefits of the Pre-School Programme – especially among parents. In particular, there is a lack of understanding;

- that the service exists to provide a pre-school educational experience to children – not to provide free day-care;
- that high quality provision is delivered in all sectors and that all settings in the Programme are subject to the same requirements and expected to deliver the same curriculum;
- that regardless of the school or setting in which the provision is situated, funded pre-school provision is non-sectoral;
- about the age of children at whom the Programme is targeted;
- about the extent of the provision offered under the Programme;
- that parents are expressing a preference - not a choice;
- why it is important that parents identify more than one preference (but that preferences should only be listed where the parent would be prepared to accept a place in the setting); and
- why it is important that children from disadvantaged circumstances get priority.

2.24 The need to improve communication was also highlighted in the Department's 2011 Parental Survey⁷, which identified that 14.1% of parents of children with no-pre school education and 30% of parents of children who paid for a pre-school place 'Did not know funded places were available'. There were also indications that some parents were unaware of key deadlines. The research concludes that there may be a need for awareness-raising and improved information provision.

⁷ Pre-School Education Expansion Programme: Survey of Parents (April 2011). 1,018 parents returned questionnaires. 191 reported that their child had not undertaken a pre-school year. 154 reported that they had paid for a child's place.

Action 5

DE will expect the ELB/PEAGs to review the nature and content of the information and publicity provided on the PSEEP and develop an innovative and relevant communications strategy to improve awareness of the Programme, particularly among target groups.

3 Policy & Structural Arrangements

3.1 Whilst there is scope to improve the arrangements within which pre-school admissions are administered, there are a number of policy requirements and structural arrangements (within which those procedures must operate) which can contribute to parental anxiety and frustration.

Use of Priority Criteria:

3.2 In allocating pre-school places to children, the Pre-School Education in Schools (Admissions Criteria) Regulations (NI) 1999 require schools to give priority to;

- children from 'socially disadvantaged circumstances', defined as children who have a parent in receipt of income support or income-based jobseeker's allowance; and
- the oldest children in their immediate pre-school year, ie. those with birthdays in July or August.

3.3 The PSEEP requires that voluntary/private sector providers within the Programme also apply these criteria when allocating places. The criteria were introduced during the phased increase in the number of pre-school places under the PSEEP, to ensure that those who were considered to derive most benefit from a pre-school place had priority.

3.4 The application of these criteria is often a source of resentment among parents of children who have failed to secure a place at the setting of their preference, particularly where there is a perception that places have been secured on this basis by children from 'outside the area'. The criteria were introduced at a time when the level of pre-school provision stood at around 45% to ensure that within the limited provision available, priority could be ensured for the children who were considered to need it

most. As provision currently stands at around 105%⁸, the continuing relevance of the criteria is questionable when, at a system level, there is broadly sufficient provision to meet demand.

3.5 The July/August birthdays criterion was primarily introduced to give priority to these children in the initial phase of the PSEEP because if they failed to secure a place, they would not have any educational experience until after their fifth birthday when they begin primary school. In the 2004 Review⁹, the Department concluded that the July/August criterion should be removed as it was considered that it could disadvantage younger children (eg. a child born at the end of June, who will only be 4 years and 2 months on starting school, may not get a pre-school place because older children have been given priority). The Review also concluded that there was a need to review the definition of social disadvantage to reflect changes to the benefits system, especially relating to low paid working parents, and to have a shared definition across government.

3.6 In recent years, the proportion of children in pre-school with a summer birthday has remained fairly constant, at around 21-22%¹⁰. The proportion of children from socially disadvantaged backgrounds has risen by around 6 percentage points since 2008-09 to 21%¹¹, which is unsurprising in view of the economic downturn. The proportions vary in different areas, however, and in 2010-11 the figure in the Belfast Education and Library Board stood at around 41%. This is also set in the context of an increase in the overall numbers of children attending pre-school in recent years.

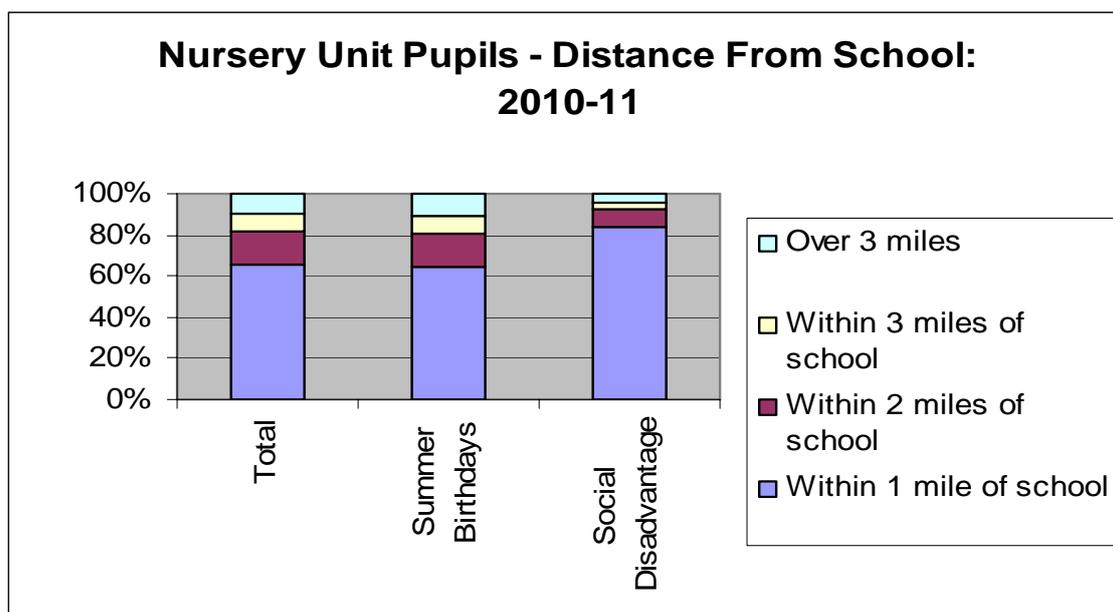
⁸ Based on the number of places available relative to the number of applications from correct-age children in 2010/11.

⁹ Review of Pre-School Education in Northern Ireland (June 2004)

¹⁰ Data on dates of birth is only available in relation to children in the statutory sector.

¹¹ Data relating to children attending nursery units in primary schools also includes children with Free School Meal Entitlement (FSME). A proportion of the rise in this group may be attributable to the extension of the eligibility for FSME. However, increases were recorded in all setting types.

3.7 Significantly, the *effect* of both of the criteria has changed considerably with the expansion of pre-school provision. Where previously their impact was to support maximum participation by particular groups, their continuing existence in a context of broadly sufficient overall provision has the effect of giving these groups priority in *choice of setting*. In areas where there are higher concentrations of these groups, this impact may be felt more keenly. However, it is questionable to what extent children are travelling outside their immediate area to attend pre-school. In 2010/11, 66% of children attending nursery units in primary schools¹² lived within 1 mile of the setting; 82% lived within 2 miles. Where postcodes were recorded for children in urban areas, this rose to 72% and 86% respectively. Children from disadvantaged backgrounds are less likely to attend settings outside their immediate area, with 96% of those attending nursery units living within 2 miles of the school.



3.8 It is not considered that there is any justification for the continued use of the July/August criterion. There is no educational reason why older children should have priority access to pre-school education; indeed,

¹² Data on the postcodes of children attending pre-school is only available for children attending nursery units. In 2010-11, postcodes were not recorded in respect of 252 children.

as younger children are often at an earlier stage of development on starting school, the opposite is arguably the case.

Action 6

As the July/August birthdays criterion can potentially disadvantage younger children in their pre-school year, the Department will revoke this criterion in the 1999 Regulations (and as a priority criterion for non-statutory providers).

- 3.8 The criterion on social disadvantage is more problematic. It is frequently cited as a cause of resentment among working parents who feel it unfairly penalises them¹³. It is important to emphasise, however, that the primary objectives underpinning all Departmental policy are to raise educational standards overall and to close the gaps in achievement between the highest and lowest achievers. This includes providing targeted support to those who are most vulnerable and disadvantaged in society to enable them to fulfil their full potential. Research demonstrates that children from disadvantaged backgrounds benefit more than other children from pre-school education. In order to maximise the potential impact of the Programme on educational outcomes, it is therefore important that there continues to be a high level of participation in pre-school by children from disadvantaged backgrounds. The issue is whether the existence of statutory criteria giving preference to children in these groups is both necessary and proportionate to ensure a high level of participation among them.
- 3.9 Regardless of whether there is sufficient provision at a system level, the majority of individual statutory settings are over-subscribed and therefore need to apply criteria of some sort in determining the allocation of places. Where children fail to obtain a place in a preferred setting, there is a risk that parents may be unwilling or unable to place their child in an alternative setting and that the child may not therefore benefit from a pre-

¹³ Pre-School Education Expansion Programme: Survey of Parents (April 2011)

school educational experience. Where such children are from disadvantaged backgrounds, the potential impact on the longer term educational (and indeed life) outcomes of the individual child could be quite significant and would considerably outweigh the perceived benefits to others of a system that afforded them less priority. In view of the particular importance to socially disadvantaged children of a high-quality pre-school education, and the Department's core policy objectives of raising standards and tackling underachievement, it is therefore considered that giving priority to children from socially disadvantaged backgrounds in statutory admissions criteria continues to be justified.

3.10 Consideration has been given to whether the statutory priority should be combined with a proximity dimension so that socially disadvantaged children would only have priority in their closest provider or in providers within a certain radius. However, it is considered that such an approach is likely to be highly complex for parents to negotiate and for providers/ELBs to manage and administer – particularly in areas with high levels of disadvantage, community tensions, rural areas, and areas with a high concentration of providers. It is not therefore considered that such an approach would be beneficial at the present time.

3.11 If a social disadvantage criterion is to be retained, consideration is required as to how it should be defined. The existing definition is rooted in the benefits system in operation in the late 1990's and does not reflect recent developments in income support measures. It is considered that any definition of disadvantage should be consistent with those used elsewhere within the education system. Free School Meal Entitlement (FSME) is the main proxy measure of socio-economic disadvantage used throughout the system and it is suggested that the economic measures used within that definition (as currently apply to pupils in nursery and primary schools) should potentially be adopted within a revised definition of social disadvantage for priority access to pre-school

settings¹⁴. The suggested relevant economic elements of the definition of FSME criteria are outlined at Appendix C.

3.12 The proportion of children with FSME in primary schools is around 24% of the total population and the use of this definition is therefore likely to increase the number of children who have priority in the allocation of pre-school places. However, as the Department wishes to deliver significant improvements in the educational outcomes of this whole cohort¹⁵, access to high quality pre-school provision is an integral part in laying the foundations for the delivery of that objective.

Action 7

The Department will ensure that the definition of children from ‘socially disadvantaged circumstances’ within the 1999 Regulations (and as a priority criterion for non-statutory providers) is examined with a view to mirroring the relevant economic elements of the definition of Free School Meal Entitlement.

3.13 Substantial gaps also exist in the educational outcomes of a number of other groups, including, looked after children¹⁶, children of Travellers, Newcomer children¹⁷ and children with Special Educational Needs. Consideration is therefore required as to whether these groups should also be given priority consideration in pre-school admissions. Children with SEN already have to be accommodated in a particular setting if it is required in their Statement. In England and Wales, admission authorities are legally required to give the highest priority to looked after

¹⁴ Note: The proposal is to use the same economic grounds to define social disadvantage for the purposes of pre-school admissions as are currently used for FSME. The proposal would not give pre-school children an entitlement to a free school meal, where such an entitlement does not currently exist.

¹⁵ See [Count, Read: Succeed - A Strategy to Improve Outcomes in Literacy and Numeracy](#)

¹⁶ A child is deemed to be ‘looked after’ if he/she is provided with accommodation for a continuous period of 24-hours or more by a Health and Social Care Trust in the exercise of its social services function.

¹⁷ A ‘newcomer’ child a child or young person is one who does not have satisfactory language skills to participate fully in the school curriculum and does not have a language in common with the teacher. It does not refer to indigenous pupils who choose to attend an Irish medium school.

children in their oversubscription criteria. This is in view of the unique responsibility the state holds towards this group as corporate parent.

3.14 The importance of Irish medium provision for those planning to continue Irish medium primary school education is also recognised. At times, parents may choose an Irish medium setting for logistical or other reasons thereby displacing children who are committed to attending an Irish medium primary school. While attendance at an Irish medium pre-school is not a requirement for admission to an Irish medium primary school, there is clearly an issue in relation to the language skills and readiness of the children to adapt to such an environment.

3.15 As tackling educational inequalities and disadvantage is a core priority for the Department, it is considered that there are additional groups of children for whom greater consideration should be given by providers in considering admissions. However, to move beyond a primarily economic definition of social disadvantage in statutory criteria would require difficult judgements as to which groups should and should not be included. In addition, in some cases it would be very difficult to agree an appropriate legal definition that would encompass all relevant children within the relevant groups and for parents to demonstrate that they fulfil the statutory criteria prior to admission to a pre-school setting. It is therefore considered that whilst there are other groups of children who should be given greater consideration in the allocation of pre-school places, legislation is not the most appropriate vehicle in which to do so.

Action 8

The Department will develop and issue a Pre-School Admissions Code, providing specific guidance in relation to the content of admissions criteria, including the Department's expectations on the preference to be given to particular groups of children.

Primary School Admissions Criteria

3.16 Contributors to the Review have highlighted that one of the reasons parents feel strongly about obtaining a place in a particular setting is because certain primary schools specify attendance at the school's nursery (or a playgroup within the school grounds) as a criterion in their admissions criteria for P1. Where parents fail to obtain a place in the setting, they feel there is a greater risk that the child may not gain a place in their preferred primary school, which can be a significant concern.

3.17 Of a sample of primary schools with nursery units¹⁸, a significant proportion (45%) included attendance at the nursery unit as part of their admissions criteria. As pre-school is a non-compulsory phase of education, this practice is not considered appropriate.

Action 9

The Department will issue guidance to primary schools, ending the use of this criterion (attendance at a specified nursery/ pre-school setting)as part of admissions criteria and amend the Primary Schools (Admissions Criteria) Regulations (NI) 1997 accordingly.

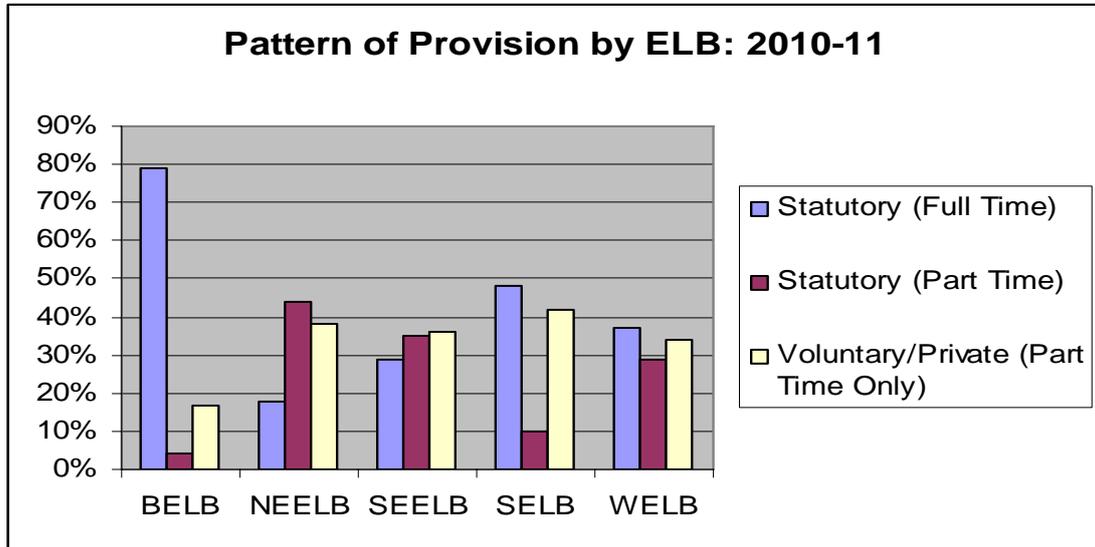
Mixed Pattern of Provision

3.18 Another factor that influences a parent's choice of setting is the type of provision offered. Within the current framework, there is a varied pattern of part-time and full-time provision. Historically, provision in the statutory sector included both part time and full time enrolments; voluntary/private sector settings are funded under the PSEEP to offer only part-time provision but many offer services beyond this which are paid for by parents. Part time provision in the statutory sector is defined as being

¹⁸ 20% of primary schools with nursery units within each Education and Library Board.

between 2 ½ hours and 4 ½ hours per day; full-time provision is at least 4 ½ hours in duration.

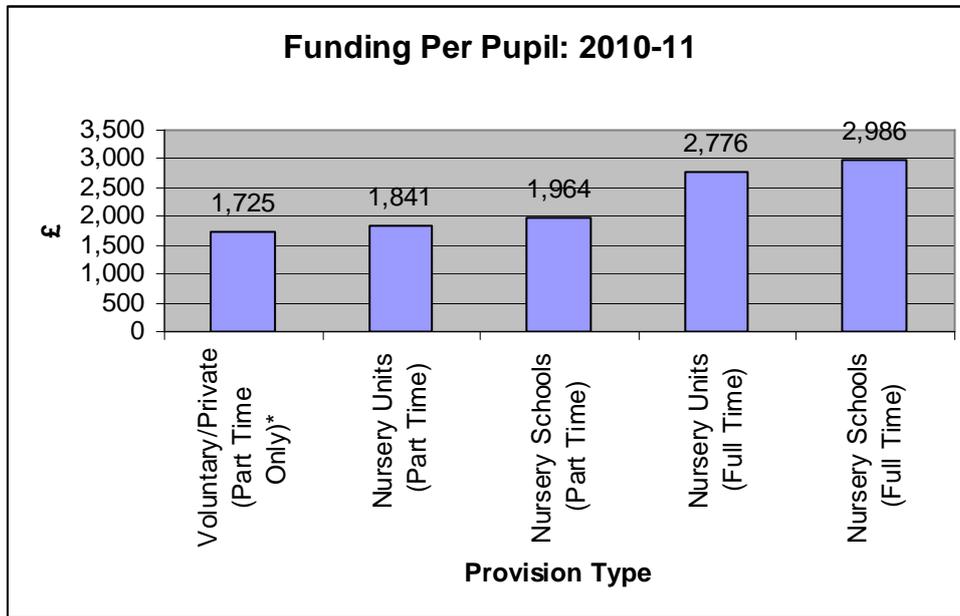
3.19 There is considerable variation in the levels of full-time provision across the region:



3.20 Given the choice, most parents prefer full time provision and, where it is available, it is usually the most popular type of provision. This is generally because parents find it more convenient – particularly working parents who find it easier to combine with working patterns. In the past five years, the proportion of full-time provision within the statutory sector has increased by 6 percentage points. This is largely as a result of settings converting existing part-time provision to full-time provision and development proposals to establish new full time provision. Over the past five years, 26 schools have had proposals approved to convert a combined total of 234 existing full time and 1118 part time places to 988 full time and 52 part time places.

3.21 The conversion of part-time places to full-time places can have the effect of reducing the overall number of places available as 52 part time places can be provided in the same time as 26 full-time places. The practice can also have a significant impact on other providers in the area. Full

time provision also carries significant cost implications. The level of funding provided for pupils in different types of provision is as follows:



Note – Funding of £1,725 includes a one-off payment of £200 per place

3.22 In addition, in educational terms, there appears to be little justification for full-time provision. The Effective Pre-School Provision in Northern Ireland¹⁹ (EPPNI) report found that at the start of primary school, there were no differences between children who received part-time pre-school provision and those who received full-time pre-school provision. This echoes a similar study in England and funded provision in Britain is now currently only available on a part-time basis – although since September 2010, part time provision in England consists of 15 hours per week.

3.23 While in the past, there has been an argument that full-time placements provide access to a hot meal and the opportunity to participate in the social aspects of such an occasion, the drop in up-take of school meals and the increasing provision of packed lunches for children in nursery schools and units has diminished this advantage of full-time sessions. Nonetheless, the Department’s Education and Training Inspectorate

* Including an additional non-consolidated payment of £200.

¹⁹ [Includes Effective Pre-School Provision in Northern Ireland \(EPPNI\) Summary Report](#)

considers that for children from areas of disadvantage, the additional time to focus on the child's personal, social and emotional development, communication and language skills is very beneficial.

3.24 It is considered that the existence of a mixed market of provision increases the competition for particular settings and raises issues of equity across the region. The 'pre-school place' currently offered in Northern Ireland is not a standard product. There is a need to consider how we homogenise the duration of pre-school places to provide a fairer service to families.

Action 10

The Department will examine, as part of the Early Years Strategy, the implications of standardising the duration of pre-school provision.

Reception

3.25 In 2010/11, some 103 primary schools/ preparatory departments admitted children who have reached their 4th birthday but are below compulsory school age. At the time of the schools census in October, the number of children admitted stood at 497 but this figure continues to increase throughout the year as children reach their fourth birthday. Such children go into reception classes, which approach a nursery class in size and are taught separately from the rest of the children, or reception groups, which are taught along with P1 (and sometimes also P2) children. Most of these groups are small, half comprising 3 pupils or fewer at census date.

3.26 The Department's Education and Training Inspectorate conducted an evaluation of the pre-school education being provided in reception classes and groupings across Northern Ireland in 2004²⁰. It found that only a minority of schools (under 20%) was providing a satisfactory

²⁰ [The Quality of Educational Provision for Reception Children in Primary Schools](#) (ETI, 2004)

quality of preschool education within the reception group or class. None of the provision visited was adjudged overall to be of a good standard.

3.27 As reception is part of primary school provision, parents are able to apply for both a pre-school and a reception place, leaving the pre-school place whenever the child turns four. In addition to the lack of continuity experienced by the child, these are places that might otherwise have been available for children who would have attended for the full year. Where children leave voluntary/private sector places, the provider no longer receives funding for the child. For smaller playgroups, this may mean not just a financial loss but it could critically undermine the viability of the setting, where a minimum of 8 pupils is required.

3.28 In the Outcome of its 2004 Review, the Department announced its intention to bring forward legislation to prevent schools from offering reception places. There has not been any suitable legislative opportunity in which to make the necessary amendments to the Education (NI) Order 1997 since the Review was published.

Action11

The Department will seek to bring forward the necessary legislative amendments to the Education (NI) Order 1997 required to prevent reception provision at the earliest opportunity.

4 Planning

Meeting Local Demand

4.1 Ensuring that there is adequate coverage of pre-school provision to meet demand in a given area in any one year is a difficult balance to achieve. There are a number of key factors that can impact on the effectiveness of planning arrangements;

- predicting the likely levels of demand within local areas is not an exact science; whilst data on birth statistics are available, patterns of employment and migration cause population shifts, the effects of which are sometimes difficult to anticipate;
- the capacity of the statutory sector is very rigid; class sizes must be strictly in accordance with the enrolment number approved for the school by the Department. The process to increase a school's approved enrolment numbers is a lengthy one and increases are unlikely to be approved if they could displace existing provision in the area;
- the ability to fund places in the voluntary/private sector provides much-needed flexibility to meet shifts in local demand; however, early notification of the level of funding available is necessary to adequately engage with providers (see recommendation 1). In addition, in some areas, capacity within this sector has already been fully utilised and there is either no more provision available or providers are unwilling to enter the programme.

4.2 The use of statistical data to inform planning on an area basis varies across the region. The practice of using the most recent P1 intake as an approximation of demand is of limited use when considered in isolation, particularly when, as in recent years, the birth rate has increased. The Northern Ireland Statistics and Research Agency (NISRA) produces a range of data which is available by Local Government District (and in some cases at smaller area levels). This includes information on birth

registrations and population estimates by single year of age, with adjustments made for births, deaths and migration since the previous year. This data should be used by each of the ELBs and PEAGs to inform annual and longer-term planning and to advise the Department of the likely implications for the level of funding required.

- 4.3 Future population projections should also be considered in assessing proposals to extend or reduce enrolment numbers. A few years ago, the level of statutory provision in the Lisburn area was reduced in response to falling birth rates and high levels of undersubscribed provision. This is an area which has since seen a resurgence in demand and is now experiencing pressure for places.
- 4.4 To increase the responsiveness of the system to unexpected shifts in demand, each PEAG should develop detailed contingency plans to meet shortfalls in provision in particular areas. This should include maintaining a robust shortlist/register of quality voluntary/private sector providers who have the capacity to meet additional demand within an area. The ELB/PEAG Groups should also hold regular events promoting the benefits of the PSEEP to voluntary/private sector providers and, drawing on effective practice elsewhere, develop strategies to encourage the creation of additional provision where it is required.
- 4.5 Enrolment numbers for pre-school provision in schools are based on ratios of 1 adult: 13 children²¹. However, in practice, higher ratios of adults to children may be required in some cases to ensure that the needs of all children are met. Whilst enrolment numbers are rigidly enforced, children may be accepted over and above the permitted enrolment figures where attendance at a particular setting is specified in a child's Statement of Educational Need or where a child's parents have successfully appealed a decision by a school not to offer the child a place. As exceptions are permitted in these circumstances, it is

²¹ In the voluntary/private sector, which is regulated under the Health and Social Care framework, ratios are 1:8.

suggested that there may be scope for greater flexibility in pre-school enrolment numbers generally and for temporary extensions to enrolment numbers where all providers in an area are over-subscribed. In such cases, Boards of Governors should be required to demonstrate that the ratio of adults to children is sufficient to meet the needs of all of the children and that the school has sufficient space to meet the relevant requirements.

4.6 Whilst annual planning plays an important part in meeting short-term, localised shifts in demand, it is essential that a longer-term, strategic view is taken in planning for this phase. The current system operates around a largely static core of statutory provision, with the voluntary/private sector providing the flexibility to respond to additional demand. A comprehensive review is required to consider the number and location of existing pre-school places across each sector and, informed by future population projections, to determine where they ought to be in the longer term. The 2006 Independent Strategic Review of Education (the Bain Review)²² recommended the development of a cross-sector, area-based planning approach to education provision. It is essential that pre-school provision is considered as a fundamental part of this approach.

4.7 The Bain review recommended that *“To establish a baseline for planning, and to monitor future provision, DE and ESA should establish quality indicators and other criteria and use them consistently, in conjunction with a sustainable schools policy, to assess the appropriateness, quality and effectiveness of the educational provision in an area; the sufficiency, suitability and condition of the schools’ accommodation and facilities; the nature and quality of the connection between the schools and the community; and the extent to which the provision reflects value for money.”* Whilst pre-school is not a compulsory phase of education, as long as it remains Departmental

²² [Schools for the Future: Funding, Strategy, Sharing](#) (Report of the Independent Strategic Review of Education, December 2006)

policy to provide a year's pre-school provision for those who wish to avail of it, it is important that that provision is delivered on an efficient and sustainable basis. In progressing its work on area planning, the Department should develop a list of the quality indicators and other criteria which are specific to the pre-school phase. This may include, for example, consideration of how far pre-school children should generally be expected to travel. The wider availability of such indicators would also provide a clear indication to the sector of the criteria against which development proposals are likely to be judged.

- 4.8 Similarly, whilst the Department has developed a Sustainable Schools policy²³, the focus of the policy is primarily on primary and post-primary provision. As with other phases, it is important that unsustainable pre-school provision is identified and, where appropriate, reduced or phased-out, with consideration given, in terms of statutory provision, to its use for other purposes. A clear policy should be developed with specific reference to sustainability issues in the pre-school phase.
- 4.9 Any strategic review should also plan for the phasing-out of reception provision, ensuring that sufficient pre-school provision exists to meet any shortfall in supply.

Actions

12. The Department will expect the ELB/PEAGs to produce a standard suite of relevant statistical data to inform local area planning. The data should be compiled by the ELB/ PEAGS on an annual basis and used:

- c) to inform the Department of the implications for the number of funded places required; and**
- d) by PEAGs in planning to match the supply of pre-school provision to local demand.**

²³ [Schools for the Future: A Policy for Sustainable Schools](#) (DE, January 2009)

- 13. The Department will expect each ELB/PEAG to develop detailed contingency plans to meet shortfalls in provision in particular areas, including a robust shortlist/register of quality voluntary/private sector providers who have the capacity to meet additional demand within an area.**

- 14. The Department will expect the five ELB/PEAGs, working with colleagues in other sectors and drawing on effective practice elsewhere, to develop a protocol to encourage and support the creation of additional voluntary/private sector provision where it is required.**

- 15. The Department will review its policy on enrolment numbers in statutory pre-school provision, to consider introducing greater flexibility into the system, including the potential for time- limited temporary extensions to enrolment numbers where all providers in an area are over-subscribed.**

- 16. In progressing area based planning, the Department/ESA should undertake a strategic review of the number and location of pre-school places to inform future planning. In doing so, the Department should develop;**
 - a) a list of the quality indicators and other criteria which are specific to the pre-school phase; and**
 - b) a policy on sustainability within the pre-school phase.**

5 Statutory Right to Pre-School

5.1 The Department's policy of seeking to offer a year's funded pre-school education to every child whose parents wish to avail of it has been in existence since 1998. There has never, however, been a legal entitlement to a pre-school place. The Review has been asked to consider whether there should be a statutory right to pre-school provision.

5.2 In doing so, it is important to clearly establish what is meant by a 'statutory right to pre-school'.

A Statutory Phase

5.3 The Department's existing policy is based in recognition of the fact that whilst pre-school education is considered beneficial, children are not legally required to start school until they are four. Pre-school is therefore a non-compulsory phase of education and participation is a matter of parental choice. For some, the introduction of a statutory right to pre-school may mean pre-school becoming a statutory or compulsory phase of education. It has been suggested that this would help to raise awareness of provision having an educational (as opposed to a child care) purpose and could further improve levels of participation and attendance.

5.4 Whilst pre-school is known to have significant educational benefits, to make it a compulsory phase is likely to be a highly controversial and unwelcome step. Northern Ireland already has one of the lowest school starting ages in Europe, an issue that has been the subject of considerable debate over many years – most recently in the context of the Department's consultation on the draft Early Years (0-6) strategy. The Department will be considering the issues raised as part of the consultation, and any implications these might have for the school starting age, in the wider context of policy development. This will include

consideration of other less formal, more flexible approaches to the school starting age. It is highly unlikely, however, that requiring all children to participate in education at an even younger age would be deemed to be either appropriate or acceptable.

A Right to a Statutory Place

- 5.5 Pre-school provision is currently delivered by the PSEEP through a mixed market of nursery schools, nursery units (or classes) within primary schools, and voluntary/private sector settings. Nursery schools and nursery units are known as the statutory sector as they fall within the remit of the statutory education authorities. Whilst voluntary/private sector settings within the PSEEP are inspected by the Department's Education and Training Inspectorate and are expected to meet the same standards as statutory sector providers, they are also regulated under the Health and Social Care framework. For some of the reasons outlined in previous chapters, statutory providers are generally over-subscribed and for some, a statutory right to pre-school could be perceived as meaning a right to a place in a statutory setting.
- 5.6 Within the current resource context, establishing a right to a statutory place is neither desirable nor feasible. Just over 1/3 of all children (c. 8,000) within the PSEEP are placed in voluntary/private sector settings. The minimum annual resource cost of providing an additional 8,000 statutory nursery places is estimated to be in the region of £30m (excluding any additional associated costs, eg. meals etc). In addition, an estimated minimum of £40m in capital costs would be required to establish the required number of new nursery units involved (excluding land purchase, professional fees etc.).
- 5.7 Such a policy would also require funding to be withdrawn from settings in the voluntary/private sector. In 2010/11, there were over 380 voluntary/private settings operating within the PSEEP. If these settings were forced to close, over 1000 jobs could potentially be lost.

Furthermore, it simply does not make economic sense to ignore or displace quality provision which has benefitted from previous public investment and has many strengths to commend it.

A Statutory Right to a Place

- 5.8 An alternative interpretation of a statutory right to pre-school might be for the Department's existing policy to be enshrined in legislation, possibly through a requirement on the Education and Library Boards/ESA to ensure the provision of a pre-school place for all correct-age children whose parents apply. The relevant authority would have to secure provision either in schools or by commissioning such provision as may be required from registered providers.
- 5.9 There is perhaps an incongruity about the fact that pre-school is recognised as an important educational phase but that there is no statutory requirement for it to be provided. Conversely, however, the fact that the right to a pre-school place is not enshrined in legislation does not impact on a child's ability to secure a pre-school place, as the provision of a place is already Departmental policy. As long as sufficient places remain available for children of the correct age whose parents wish them to participate, it is not considered that there would be any additional advantage to a statutory right of this nature. It would not increase the likelihood of parents gaining a place in their preferred setting as the legislation could not guarantee anything more than 'a place', which is what is already offered under the policy.
- 5.10 There is also a risk that parents may seek a judicial review of the reasonableness of an authority's decision to offer a place other than in their preferred settings. The only way to guarantee a place in all areas at all times would be by maintaining unaffordable and unsustainable levels of over-provision. It may also require the provision of transport assistance (at further expense) for what is a non-compulsory phase of education.

5.11 It is not considered, therefore, that there is any compelling reason why the Department should seek to place its existing policy on pre-school on a statutory footing. The current system is very effective in providing a year's pre-school education for correct-age children whose parents wish to avail of it and in enabling those parents to express a preference as to their preferred setting. To go beyond the current framework is likely to involve considerable additional expense (at a time when the Education budget is under significant pressure) for very little additional benefit for parents than is offered under the current system. Implementation of the recommendations in this Review will further improve parents' experience of the system and, provided the Department is able to maintain sufficient places for correct-age children, it is considered that the objectives of the policy can be fully achieved on a non-statutory basis.

Action 17

The Department will not seek to place its existing policy on pre-school on a statutory basis at this time.

**PRE-SCHOOL ADMISSIONS
TIMETABLE – SEPTEMBER 2011**

September 2010	Providers to review admissions policies
Friday, 17 September 2010	Boards to obtain descriptions and admissions criteria from providers for publication
Friday, 3 December 2010	Boards publish information on behalf of providers
Week commencing Monday, 13 December 2010	Advertisements in papers/on television
Wednesday, 12 January 2011 (not later than 12 noon)	Closing date for receipt of all parents' applications to first preference providers. Any applications received after this time and date will be considered as 'late'.
STAGE ONE – CONSIDERATION OF FINAL YEAR CHILDREN (i.e. children in their final pre-school year)	
Friday, 21 January 2011	<p>Date by which providers select target age children at first preference stage and for application forms of target age children not selected to be received by Boards for transmission to second preference providers.</p> <p>Application forms for underage children to be retained by under-subscribed providers for consideration at Stage 2.</p> <p>Application forms for underage children to be returned by over-subscribed providers for onward transmission to second preference providers at Stage 2.</p>
Thursday, 10 February 2011 (before mid-term)	Date by which providers select target age children at second preference stage and for application forms of target age children not selected to be received by Boards for transmission to third preference providers.
Thursday, 24 February 2011	Date by which providers select target age children at third preference stage and for application forms of target age children not selected to be received by Boards.
Friday, 25 March 2011	Final date by which change of preferences in exceptional circumstances or additional information

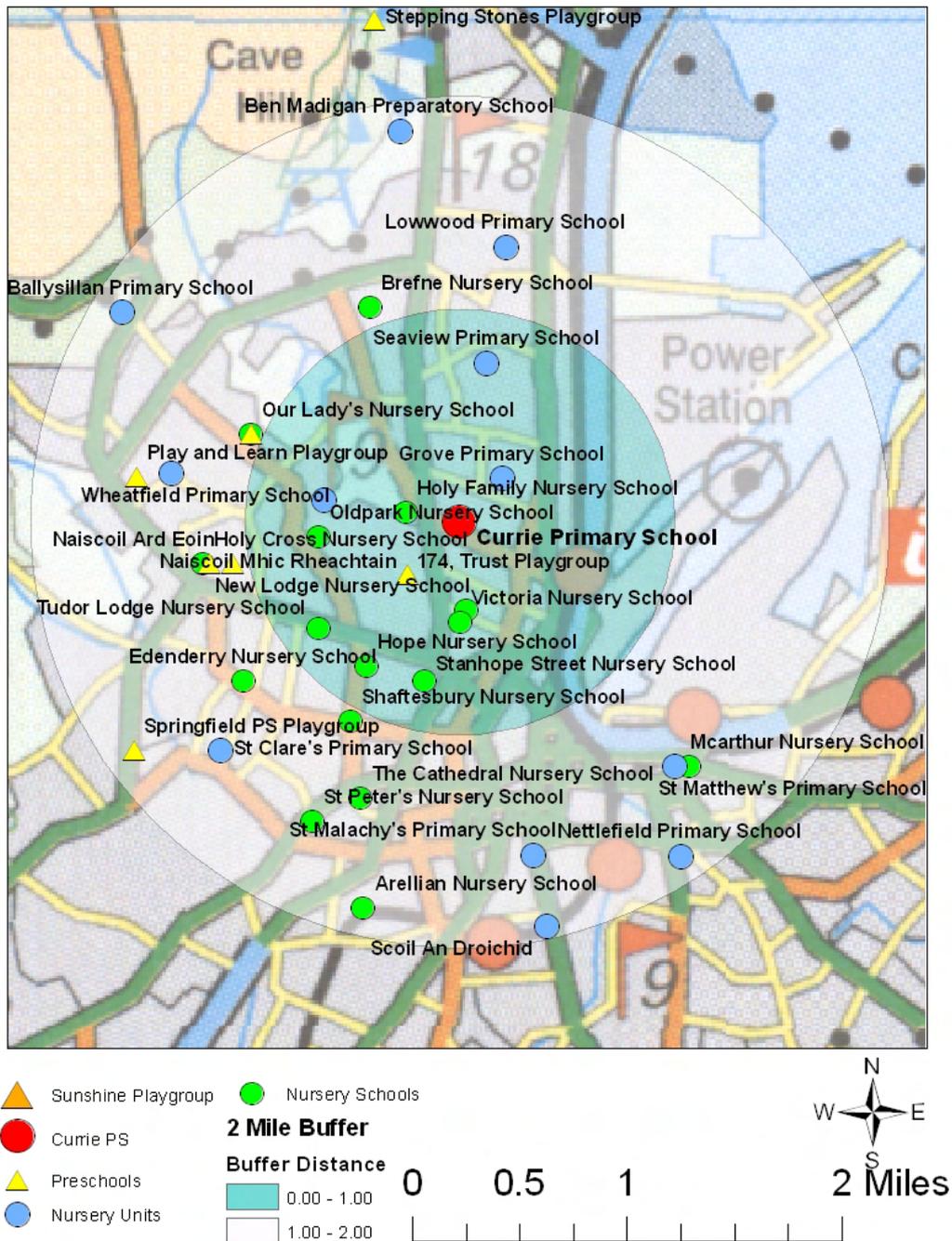
	<p>will be accepted.</p> <p>Final date for receipt of new applications from target age children within Stage 1, any applications received after this date will NOT be considered until after Friday, 1 April 2011 (i.e) within Stage 2.</p>
<p>Friday, 1 April 2011 (Before Easter holidays)</p>	<p>Issue of letters by providers advising parents of the setting for which their target age child has been accepted at Stage 1.</p> <p>Issue of letters by Boards advising parents whose target age children have not been offered a place at Stage 1, advising where places are still available and asking for nomination of further preferences.</p>
<p>END OF STAGE 1</p>	

<p>STAGE TWO – CONSIDERATION OF UNDERAGE PRE-SCHOOL CHILDREN AND THOSE UNPLACED PRE-SCHOOL CHILDREN</p>	
<p>Friday, 15 April 2011</p>	<p>Date by which additional preferences for unplaced target age children are to be returned to Boards for transmission to providers.</p> <p>Any new applications/additional preferences received after this date will be considered as late in Stage 2.</p>
<p>Wednesday, 27 April 2011</p>	<p>Date by which Boards issue further preferences received for target age children unplaced at Stage 1 and applications for any underage children returned by oversubscribed providers at Stage 1 to schools.</p>
<p>Friday 6 May 2011</p>	<p>Date by which providers advise Boards of those pupils selected at Stage 2 and for application forms of children not selected to be received by Boards for transmission to subsequent preference providers.</p>
<p>Friday, 20 May 2011 (wk before Transfer)</p>	<p>Final date for allocation of remaining places i.e further preferences at target age and any underage preferences.</p>
<p>FINALISATION OF STAGE 2 PROCEDURE</p>	
<p>Friday, 3 June 2011</p>	<p>Completion of all processing and issue of Stage 2 placement letters by providers advising parents of the</p>

	<p>setting for which their child has been accepted.</p> <p>Issue of letters by Boards advising parents whose children have not been offered a place at Stage 2 and advising where places are still available and right of appeal.</p>
<p>COMPLETION OF APPLICATION PROCEDURE</p>	
<p>Monday, 13 June 2011 (not later than 4.00 pm)</p>	<p>Final date for notice of intention to appeal against Nursery School's admission decisions of Boards of Governors to be received by Boards. (Stage 1 & Stage 2)</p>

Sample Interactive Map

Pre-school / Primary Provision in Belfast



Financial Elements of the Definition of Free School Meal Entitlement-

- i. the parent is in receipt of Income Support or Income based Jobseeker's Allowance; or
- ii. the parent is in receipt of Income related Employment and Support Allowance; or
- iii. the parent is in receipt of support under Part VI of the Immigration and Asylum Act 1999
- iv. the parent receives the Child Tax Credit; and is ineligible for the Working Tax Credit because he/she works less than 16 hours per week; and has an annual taxable income not exceeding an amount as determined by the Department; or
- v. the parent is in receipt of Working Tax Credit during the four-week period immediately after their employment finishes or after they start to work less than 16 hours per week; or
- vi. the parent receives the Working Tax Credit and has an annual taxable income not exceeding an amount as determined by the Department; or
- vii. the parent receives the Guarantee element of State Pension Credit