

EQUALITY IMPACT ASSESSMENT

TRANSFER 2010 GUIDANCE: POST-PRIMARY SCHOOL ADMISSIONS PROCESS FOR ADMISSIONS IN SEPTEMBER 2010

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EXECUTIVE SUMMARY

1. The purpose of this Equality Impact Assessment (EQIA) is to assess the potential impacts of the implementation of the Transfer 2010 Guidance for post-primary schools on Section 75 Groups. The Transfer 2010 Guidance is available at: http://www.deni.gov.uk/guidance_on_post-primary_school_admissions_for_2010-11__329kb.pdf and http://www.deni.gov.uk/guidance_on_post-primary_school_admissions_for_2010-11__irish_version__323kb.pdf
2. The history of reform of the post-primary admissions process dates back to 1998 and the “Burns Report”, the “Costello Report” and the subsequent public consultation in 2005. The proposals that form the backdrop to the recently published Transfer 2010 Guidance reflect some of the responses received during the 2005 consultation, particularly in relation to arrangements that reduce social and economic disadvantage.
3. The publication of Transfer 2010 Guidance was necessary as the regulations that currently govern the transfer of pupils to post-primary education will lapse for Transfer 2010. The Transfer 2010 Guidance outlines an admissions process that draws heavily on the current process, but there are some key differences: prior to 2010, apart from a few matters stipulated in legislation, Boards of Governors have discretion to define and prioritise admissions criteria to be used. For Transfer 2010, all schools are recommended by the Transfer 2010 Guidance to use as a first criterion one that gives a proportionate degree of priority to children who have taken up their entitlement to Free School Meals (FSME).
4. Thereafter, the Guidance recommends a menu of criteria from which Boards of Governors should draw their criteria. Boards of Governors will have licence to decide which criteria to use or not use, and in which order. The Transfer 2010 Guidance also explicitly does not recommend the use of academic admissions criteria. The table below compares the

requirements of the 1997 Admissions Legislation (including Regulations) in relation to post-primary transfer, and the process recommended in the Transfer 2010 Guidance.

Table 1: Summary of changes to Admissions Criteria introduced by Transfer 2010 Guidance

1997 Legislation: Following matters specified in legislation that must be applied by all schools.	Transfer 2010 Guidance: No matters specified in regulations. Following specified in Guidance.
<p><u>Academic Admissions Criteria</u></p> <ul style="list-style-type: none"> - Only grammar schools and bilateral schools are allowed to use academic selection, and the regulations specify the way in which this criterion is to be applied – i.e. places are to be awarded first to those who achieved grade A's, then B1's and so on. <p><u>Other Admissions Criteria</u></p> <ul style="list-style-type: none"> - The order of preferences cannot be taken into consideration as an admissions criterion – priority cannot be given to first preference applications <p>Boards of Governors are free to decide what to use as</p>	<p><u>Academic Admissions Criteria</u></p> <ul style="list-style-type: none"> - The Transfer 2010 Guidance does not recommend the use of academic admissions criteria. <p><u>Criterion recommended for use by all schools use as first criterion:</u></p> <ul style="list-style-type: none"> - FSME applicants to be admitted in proportion to the number of first preference FSME applications received. <p><u>Other Admissions criteria</u></p> <ul style="list-style-type: none"> - Boards of Governors to draw on list of recommended criteria, but with licence to decide which to use (or not) and in which order – these criteria are: <ul style="list-style-type: none"> - Sibling - Eldest/Only Child - Feeder/Named Primary - Parish (with Nearest Suitable School)

admissions criteria and in what order, with the only requirement being that they must use criteria that will allow them to differentiate between individual applicants	<ul style="list-style-type: none"> - Catchment area (with Nearest Suitable School) - Nearest Suitable School - Random Selection (tie breaker)
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5. Transfer 2010 will, as with previous years, be undertaken in the context of the Department of Education's (hereafter "the Department") Open Enrolment policy and the principle of parental preference. This will continue to mean that where a school has places available it will be obliged to admit all applicants. Therefore, admissions criteria will only be applied where a school is oversubscribed with applications. While it is impossible to predict how many and which schools will be oversubscribed in 2010 this EQIA uses figures from the most recent transfer process (2008) as the best proxy. In 2008 there were 107 schools oversubscribed, and Chapter 4 contains analysis of these schools. It also contains an analysis of the group of children who will be transferring in 2010 – i.e. this year's P6 cohort – but it must be remembered that only those children in this group that apply to schools that prove to be oversubscribed with applications will be impacted by this Transfer 2010 Guidance and it is impossible to identify these schools. It is hoped that the analysis will give a broad indication of the composition of the group of children that may be impacted by this Transfer 2010 Guidance.
6. Chapter 5 discusses the potential impacts, all of which need to be considered in the context of the overriding policy intention to address inequalities inherent in the present system. The key points emerging are:
 - There is little evidence of potential differential impact on a number of the Section 75 Groups – age, gender, marital status, sexual orientation, and persons with dependants.

- The FSME criterion is shown to advantage Catholic children as 62% of the children in the current P6 that are FSME are Catholic and 29% are Protestant, but only 50% of the total cohort are Catholic while 39% are Protestant. However, this criterion is designed to address social and economic inequalities.
 - The FSME criterion is shown to have a potentially beneficial impact on Irish Traveller children and those with a Special Educational Need as a relatively high proportion of each of these groups are also FSME.
 - In the absence of academic admissions criteria, the role of non-academic admissions criteria will be more significant. More children will gain admission to post-primary schools by qualifying for schools' FSME, familial, geographical and Feeder/Named primary criteria and children will no longer gain admission by qualifying for schools' academic criteria. Academic criteria have had a small (at a system level) integrative effect in terms of achieving school intakes that are a mixture of religious background. There is no method by which to anticipate any particular impact on this level of integration that will be introduced by the Transfer 2010 Guidance: it cannot be safely assumed that the cessation of the use of academic criteria will mean the cessation of an integrative effect. This would discount the potential for the magnified role of the other criteria (FSME and familial criteria) to "replace" all or part of this integrative effect.
7. The mitigating factor for all impacts is the policy intention to change the current system of transfer to one that is inherently fairer: under academic selection, 1 in 17 children in a grammar school was FSME whilst the ratio in non-selective schools was 1 in 4. The Transfer 2010 Guidance aims to address this socio-economic inequality through the cessation of academic selection and the introduction of the FSME criterion.

8. The Department welcomes views on potential impacts identified and associated mitigating factors, and whether there are other impacts or mitigating factors we have not considered.

1. INTRODUCTION

- 1.1 The aim of this EQIA is to assess the equality impact of the Transfer 2010 Guidance issued to all post-primary schools to assist them in drawing up criteria to be used to select pupils to be admitted in September 2010, in the event of their being oversubscribed.
- 1.2 The Transfer 2010 Guidance is needed as the regulations governing the current transfer process are due to lapse and it has not been possible to secure a legislative framework for the 2010 transfer process.
- 1.3 Section 75 of the Northern Ireland Act 1998 places a statutory obligation on all designated public authorities to ensure that they carry out their various functions having due regard to the need to promote equality of opportunity between:
- persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
 - men and women generally;
 - persons with a disability and persons without; and
 - persons with dependants and persons without.
- 1.4 In addition, public authorities are also required to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion, and racial group.
- 1.5 The purpose of this EQIA is to determine whether there is likely to be any differential impact arising from the implementation of the Transfer 2010 Guidance between persons in any of the nine categories listed

above. Where differential impacts are identified the EQIA also assesses whether that impact is adverse and considers mitigating factors.

Consultation

- 1.6 Due to the need to finalise the Transfer 2010 Guidance for use as soon as possible the consultation period on this EQIA will be 8 weeks during which the Department intends pro-actively to engage with representatives from a broad cross-section of interests. This includes consultation involving the Joint Consultative Forum Education Sector. Annex 1 provides information on its membership.
- 1.7 This report is published on the Department's website and will be publicly highlighted through adverts in local papers. Comments from whatever source are welcome by 4 June 2009 and should be sent to Open Enrolment Branch, Department of Education, Rathgael House, Balloo Road, Bangor BT 19 7PR; e-mail: Diane.Quirk@deni.gov.uk; fax: 028 9127 9417; or telephone: 028 9127 9326. To ensure your response is considered in the context of this consultation please make sure it is clearly marked "*Response to EQIA of Transfer 2010 Guidance*".

2. POLICY CONTEXT

- 2.1 The educational case for the post-primary reform package proposed by the Minister of Education has been made extensively – through the exhaustive reviews into this subject since 1998, most notably in the *Report by the Post-Primary Review Body (2001) – the Burns Report –* and the *Future Post-primary Arrangements in Northern Ireland: Advice from the Post-primary Working Group (2004) – the Costello Report*. Flowing from the Costello Report, proposals for post-primary transfer, including the abolition of academic admissions criteria, were consulted on in 2005; some of the issues raised in response to that consultation have been addressed in the Transfer 2010 Guidance. These will be discussed later.
- 2.2 The Minister of Education sought to build a consensus around a set of proposals for a legislative framework for post-primary transfer, but was unable to gain the political agreement necessary. The Minister wants to provide clarity around how the admissions process will operate in 2010; therefore, in the absence of a legislative framework the Department has published Transfer 2010 Guidance for the operation of the process of admitting pupils to post-primary schools in September 2010. This Transfer 2010 Guidance has been issued under Article 16B of the Education (Northern Ireland) Order 1997 – as inserted by Article 30 of the Education (Northern Ireland) Order 2006. This Article requires all post-primary schools to have regard to guidance issued under it.
- 2.3 In line with the Department's Open Enrolment policy, the system of transfer envisaged by the Transfer 2010 Guidance will continue to be based around the principle that parental preference should be maximised in determining the post-primary school placements of children. Thus, it will continue to be the case that parents, in applying to post-primary schools, will list in order of preference the post-primary schools they would like their children to attend. Schools will continue to

be obliged by law to admit all applicants where they have places available. The applications of admissions criteria will only be necessary where a school receives more applicants than it has places, and all Boards of Governors will be obliged, as before, to have in place published admissions criteria that are capable of ranking applications in such a manner that allows them to make decisions on which applications to accept right down to the last place. Annex 2 provides further detail on the current system.

- 2.4 Under the legislative framework that will lapse for transfer 2010, schools other than grammar schools were prevented from using academic criteria, and for grammar schools the manner in which these criteria should be used was specified. The Department provided a test to facilitate the use of academic admissions criteria in grammar schools. The legislation also prevented schools from giving priority to those applicants that listed the school as their first preference. Other than these stipulations, Boards of Governors had complete freedom to define and prioritise the admissions criteria to be used in their school.

The Wider Policy Context

- 2.5 As the analysis in Chapter 4 shows, there are two areas of wider policy that have a bearing on the changes to admission that are heralded by the introduction of the Transfer 2010 Guidance. These are:

- the post-primary Transfer process for children in receipt of a Statement of Special Educational Needs;
- The new Exceptional Circumstances Body that the Department will establish for Transfer 2010.

These are the two routes into post-primary school that, within Transfer 2010, will complement the standard and competitive application-to-

admissions process that is the subject of the changes introduced by the Transfer 2010 Guidance. These two complementary routes into post-primary school will be for those pupils with particular needs or circumstances that mean that their post-primary transfer cannot be left to the standard process. Pupils qualifying for these two routes will be outside of the cohort that will be affected by the Transfer 2010 Guidance and, therefore, outside of the cohort that needs to be considered under this equality impact assessment. These two alternative routes into post-primary school are discussed in greater detail in Annex 5.

3. TRANSFER 2010 GUIDANCE

3.1 The Transfer 2010 Guidance sets out an admissions process that draws heavily on the current process, but without a Transfer test administered by the Department. The Transfer 2010 Guidance, explicitly, does not recommend the use of academic admissions criteria. It lists a menu of recommended admissions criteria (listed in Annex 3) which Boards of Governors may use in drawing up admissions criteria for their school. Most of the criteria are currently in common usage, but the Transfer 2010 Guidance recommends as a new first criterion for all schools that applicants entitled to free school meals should be prioritised to ensure that the number of such applicants admitted reflects the percentage of first preference applications from FSME applicants. The recommendations on admissions criteria are the subject of consultation until 27 April 2009.

3.2 The aims and objectives of the arrangements for the admission of pupils to post-primary schools, as set out in the Transfer 2010 Guidance, are:

- that admissions decisions are fair and consistent with the objective of giving each child the opportunity to reach his/her full potential;
- that the overall arrangements for admissions, and within that the respective roles of the Department, the Education and Library Boards (ELBs)/Education and Skills Authority (ESA) and post-primary school Boards of Governors are clear and understood; and
- that post-primary school Boards of Governors achieve robust and accurate admissions decisions.

Within these overarching objectives and the context of its Open Enrolment policy, it is the Department's policy that schools follow the

Transfer 2010 Guidance – and this will see a range of effects and changes being introduced to post-primary admissions for Transfer 2010.

A Fairer Admissions Process: The Cessation of Academic Selection and the new Free School Meal Entitlement (FSME) Criterion.

- 3.3 The Transfer 2010 Guidance seeks a fairer post-primary admissions process principally through two measures: the cessation of academic selection and the introduction of a new FSME criterion, recommended to be the first admissions criterion for all post-primary schools. Throughout this document all references and figures relating to FSME pupils indicate pupils who have taken up their entitlement as opposed to the greater number of pupils who are eligible for Free School Meals.
- 3.4 The rationale for these two measures is developed in full, with its own extensive analysis, at Annex 4. This Annex shows the extent to which academic selection has made post-primary transfer into a process that transfers those from advantaged socio-economic groups disproportionately into grammar schools, whilst disproportionately transferring those from disadvantaged socio-economic groups into non-selective schools. As this Annex explains, assessment-based transfer can reward those who can afford private coaching for the all-important Test, something which then disadvantages those who cannot afford such coaching. Annex 4 also shows also how this essential inequity within assessment-based transfer is compounded by demographic decline to the extent that the non-selective schools not only serve the disadvantaged socio-economic groups to a disproportionate extent – but also are burdened, almost exclusively, by the pressures and threats of demographic decline – namely shrinkage and unsustainability. The cessation of academic selection is required to start to address this unacceptable inequality.
- 3.5 The introduction of the new FSME criterion, as recommended by the Transfer 2010 Guidance, is a complementary measure to address

directly this unacceptable inequality. This recommended criterion will ensure that FSME applicants gain admission at a rate proportionate to their rate of application. A child may qualify for FSM if:

- He/she or the parent/guardian is in receipt of Income Support, Income-based Jobseekers Allowance; or
- The parent/guardian 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
- The parent/guardian receives the Guarantee element of the State Pension Credit; or
- He/she has a statement of special educational needs and is designated to require a special diet; or
- He/she is a boarder at a special school; or
- He/she is the child of an asylum seeker supported by the Home Office National Asylum Support Service (NASS).

To qualify under this criterion children must have taken up their entitlement. To do this, application for award of free school meals should be made by the parent to the appropriate Education and Library Board.

Significant change is promised here to complement the cessation of academic selection. It is principally through observing the rates at which FSME children have gained admission to grammar schools under academic selection that the inequality of academic selection can be observed: under the operation of academic selection, 1 in 17 children in academically-selective schools were FSME whilst 1 in 4 children in other schools were FSME. If all schools, as recommended by the Transfer 2010 Guidance, use as their first criterion one giving a proportionate level of priority to FSME applicants, then there should be an immediate impact in terms of addressing this inequality.

3.6 This essential concern of the Transfer 2010 Guidance – that it should create a fairer system of post-primary transfer – needs to be borne in

mind as the single most important mitigating factor to be considered as other effects of the Transfer 2010 Guidance on the Section 75 Groups are analysed below. It is for this reason that the inequality that the Transfer 2010 Guidance seeks to address is the subject of its own extended analysis at Annex 4.

The Other Features of the Transfer 2010 Guidance: the Menu of Recommended Criteria

3.7 After it has recommended that academic selection should no longer be used, and that the new FSME criterion should be the first criterion of all schools, the Transfer 2010 Guidance provides a menu of admissions criteria. The Transfer 2010 Guidance recommends that schools draw up their admissions criteria from this menu with licence both to determine the order of criteria and to omit any of the recommended criteria (with the exception of a tie-breaker). The specifics of this menu of recommended criteria warrant consideration as they seek to bring to non-academic admissions criteria (hitherto only very lightly regulated) a greater degree of specification. The menu also heralds changes aside from such specifics: with the cessation of academic selection (by means of the use of academic admissions criteria first by all grammar schools), admission to all oversubscribed schools will be determined solely by non-academic admissions criteria. This is to say that the non-academic admissions criteria that feature within the menu will operate differently in the future even though they are already in common usage, as there will be a significant magnification of the role of these criteria within the admissions process for schools that formerly used academic admissions criteria.

3.8 These changes are described below together with the specific reasoning behind the more detailed aspects of them.

- a) **Sibling:** this can be used and is already commonly used but as the notes within the Transfer 2010 Guidance make clear sibling criteria

should be used to prioritise applicants who have a sibling currently attending the school. Sibling criteria (currently in use) that prioritise an applicant who has a sibling who no longer attends the school are, along with other relationship-based criteria, not recommended. The main reason for giving priority to those with siblings currently attending the school is to facilitate practical arrangements for families, such as transport, school holidays and family-school interaction. In this respect there is little practical or educational advantage to a child attending a school formerly attended by a sibling or relative, and to give priority to such relationships could disadvantage other groups such as newcomers to an area.

- b) **Eldest/Only Child:** this can be used and is already commonly used. It can be a balance within a school's admissions criteria to sibling criteria: as sibling criteria will prioritise children from families who already have another child attending, so the "Eldest or Only Child" criterion will prioritise children from families who do not have another child attending.
- c) **Feeder/Named Primary School, Parish (as a means of defining a geographic area but not requiring membership of a denomination) and Catchment Area:** These can be used and are already commonly used, but the Transfer 2010 Guidance's recommendations may bring about some change:
 - while being mindful of the spirit of Open Enrolment policy, schools should nonetheless strive to ensure that they do not overlook more localised applicants in favour of those at a distance. There is a balance to be struck. In this context, in the application of the Feeder/Named Primary School criterion schools should not prioritise one primary school at a distance from the school ahead of another in the same sector that is closer;

- Parish and Catchment Area should only be used if used in combination with the Nearest Suitable School criterion.

The reasoning behind both these recommendations is that the Department is keen to ensure that there is no “postcode lottery” in the absence of academic admissions criteria. The intake of schools should reflect the socio-economic profile of their applicants (hence the FSME criterion) and should also not be local to an extent that outlying (e.g. rural) applicants are disadvantaged. If outlying applicants for whom a school is the nearest suitable school enjoy equal priority to children resident within a school's parish(es) or catchment area, then localism is achieved in a manner which ensures fairness irrespective of address.

- d) **Nearest Suitable School:** This can be used and is already in established use. The definition of “suitable school” for these purposes is provided in Annex 3.
- e) **Random Selection (tie-breaker):** a method of tie-breaker for ensuring resolution to the admissions-criteria process is a legal requirement on all schools. Tie-breakers are, therefore, in common usage. However, the Transfer 2010 Guidance recommends a specific kind of tie-breaker – random selection – because it does not want schools to use a distance tie-breaker and because schools and parents will be better served by a tie-breaker that is auditable and transparent.

3.9 This EQIA is focused on the impact of the changes that are anticipated by the Transfer 2010 Guidance – as listed above in Paragraphs 3.3 to 3.7. However, it will be appreciated that as the Transfer 2010 Guidance offers considerable licence to schools to determine what criteria they decide to use and in what order, it makes possible a vast range of effects that will depend also upon the characteristics of all individual

applications that will be involved in Transfer 2010. For this reason, the analysis below is often illustrative and broad.

4. AVAILABLE DATA AND RESEARCH

Previous Consultation

4.1 As discussed earlier (paragraph 2.1), the Transfer 2010 Guidance has been informed by a number of reviews dating back to 1998. In 2005 there was extensive consultation on New Admissions Arrangements for Post-primary Schools. Some of the key issues raised during this consultation included:

- support for the proposed changes to the transfer process, viewing them as an opportunity to contribute towards both social change and reconciliation (Northern Ireland Council for Integrated Education);
- a call from the Equality Commission for a “positive social and economic integration measure within the admissions criteria for post-primary schools ...ensuring that the social and economic profile within the student population reflects, in proportionate terms, a percentage of pupils from lower income families”;
- the Human Rights Commission noted that the new arrangements should have the explicit objective of helping the education system to contribute to the equalisation of life chances and reduction of social disadvantage; and
- the Children's Commissioner stated that all schools should have the same menu of criteria to draw upon, that geographical criteria in isolation have the potential to lead to a “post-code lottery” thereby reducing opportunities for poorer families, therefore steps should be taken to ensure that the new arrangements adopt a child-centred approach enabling children to access the nearest suitable school regardless of where they live.

- 4.2 Responses to the 2005 consultation, in particular those highlighted above, have been taken into account in drawing up the proposals that are the basis of the Transfer 2010 Guidance.

Analysis of Those Affected by the Transfer 2010 Guidance

- 4.3 The Transfer 2010 Guidance will not apply to anyone transferring to post-primary school prior to 31 July 2010. Transfer 2010 Guidance is for the Transfer process in 2010 and it will, therefore, apply only to those children currently in their 6th year of Primary School (P6). Therefore, this paper will consider the potential impacts on that group of children. Drawing on data available from the 2008/09 Annual Schools Census, the cohort of children currently in P6 totals **23265** and breaks down into the Section 75 groups, as follows:

- **Gender**
 - Male 11899 (51.1%), of whom 2114 are FSME;
 - Female 11665 (48.9%), of whom 2056 are FSME.
- **Religious Belief**
 - Catholic 11707 (50.3%), of whom 2584 (22.1%) are FSME (11% of cohort);
 - Protestant 9070 (39%), of whom 1194 (13.2%) are FSME (5.1% of cohort);
 - Other 2488 (10.7%), of whom 392 (15.8%) are FSME (1.7% of cohort).
- **Political Opinion** - no specific information is available about the political opinion of these children. The data collected for the Annual Schools Census are collected from individual pupil records maintained by the schools. Political opinion does not form part of that record.

- **Racial Groups** - for the purpose of this EQIA this group includes children from the Traveller community, other ethnic groups and newcomer children for whom English is an additional language. The P6 cohort breaks down as follows:
 - White – 22148 (97.6%), of whom 4066 are FSME (18%);
 - Newcomer children 508 (2.2%), of whom 23 are FSM (4.5%).
 - Other ethnic - 468 (2%), of whom 43 are FSME (9%);
 - Irish Traveller – 83 (0.4%), of whom 61 are FSME (73%).

- **Persons with a Disability-** according to a 2007 NISRA survey, 6% of all children are affected by a disability¹. Prevalence of disability is higher amongst boys than girls. 8% of boys aged 15 and under were found to have a disability, compared with 4% of girls of the same age. The most common types of disabilities amongst children were linked to chronic illnesses, learning difficulties and social and emotional difficulties.

The Annual Schools Census of 2007/08 was the first year in which the Department asked post-primary schools to record those pupils who had been assessed as having a disability². Drawing from this data:

- around 4% of post-primary children with a statement were recorded as having a disability;
- 1% of post primary children registered across the 5 stages of the current Code of Practice were recorded as having been assessed by a medical professional as having a disability; and
- only 0.09% of post-primary children without SEN were recorded as having been assessed as having a disability.

¹ NI Statistics and Research Agency (2007) – First report on the NI Survey of People with Activity Limitations and Disability conducted throughout 2006/07

² The definition for disability contained in the School Census is 'has a disability if he or she has a physical or mental impairment which has a substantial and long term (has or is it likely to last 12 months or more) adverse effect on his ability to carry out normal day to day activities'.

Similar data is not available for the current P6 class other than in relation to Special Educational Needs assessment which is as follows:

- Special Educational Need (SEN) (stages 1-4); these are stages of SEN where no statement is in place: 4942 (21.2%) of whom 1428 are FSME (28.9%);
 - Children in receipt of a Statement of Special Educational Need 928 (4%) of whom 320 are FSME (34.5%).
- **Persons with Dependants** - while we would not expect children in this age group to have personal responsibility for the care of a child, some, may, nevertheless, have some responsibilities as a carer if their parent(s) is/are incapacitated. However, there is no data available on the number of children likely to have responsibilities as a carer.
- **Marital Status** – this is not applicable to the P6 cohort.
- **Age** - the Transfer 2010 Guidance recommendations impact exclusively on those achieving age 11 in the 2010/11 school year.
- **Sexual Orientation** - the Department does not collect data on the sexual orientation of young people but Transfer 2010 will not disadvantage young people in relation to their sexual orientation.

Analysis of Post-primary School Places

- 4.4 The Transfer 2010 Guidance will not affect the post-primary transfer of all of the children in this P6 year group. Only those who apply to schools that are oversubscribed with applications, and therefore must apply admissions criteria, will be impacted by the Transfer 2010 Guidance.

- 4.5 It is, of course, impossible to know which of the 223 post-primary schools will be oversubscribed in Transfer 2010. The best available proxy for this is those 107 schools (47%) that were oversubscribed during the most recently completed transfer process, Transfer 2008. It is important context here to note that these 107 schools can be profiled according to some of the Section 75 Groups:

Table 2: Profile of the 107 Oversubscribed Schools in Transfer 2008

107 Oversubscribed schools	48 Catholic Schools	29 Grammar Schools	8 Girls Schools
			9 Boys Schools
			12 Co-ed Schools
		19 Non- selective Schools	6 Girls Schools
			3 Boys Schools
			10 Co-ed Schools
	49 Schools Traditionally serving Protestants	36 Grammar Schools	7 Girls Schools
			4 Boys Schools
			25 Co-ed Schools
		13 Non- selective Schools	1 Girls School
			1 Boys School
			11 Co-ed Schools
	10 Integrated (Co-ed) Schools	1 Bilateral School	
		9 Non- selective Schools	

5. CONSIDERATION OF IMPACTS AND MITIGATING FACTORS

- 5.1 The analysis below assesses the potential effect on the post-primary transfer of those children currently in P6 of the changes to admissions criteria that will be introduced by the Department's Transfer 2010 Guidance – summarised above at Paragraphs 3.3 to 3.7. The effects of the Transfer 2010 Guidance will actually be determined by the admissions criteria that oversubscribed schools will apply to their applicants in the Spring of 2010. Currently, it is not possible to know which schools will be oversubscribed and, beyond what is laid down specifically in the Transfer 2010 Guidance, nor is it possible to know what the admissions criteria of the oversubscribed schools will be. The best available proxies for this information are the list of oversubscribed schools of Transfer 2008 and the nature of the non-academic admissions criteria that they used in Transfer 2008.
- 5.2 **Gender:** the evidence shows that the P6 year group is relatively evenly split with 51% boys and 49% girls. The Department does not believe that the Transfer 2010 Guidance can lead to a differential impact on one gender or another. For example, of the P6 cohort 18% of boys are FSME and 18% of girls are FSME.
- 5.3 In relation to the effect of the cessation of academic admissions criteria, this, in terms of the gender category, means the withdrawal of one gender-neutral criterion (the Transfer Test was very carefully developed to be equal in terms of gender) to be replaced by the possible combinations of the recommended non-academic admissions criteria but there is no evidence to suggest there will be a differential impact on one gender. There will, of course, continue to be the single sex schools that existed before – but that again is to note no change.
- 5.4 **Religious Belief and Political Opinion:** some of the changes to admissions criteria listed in Paragraphs 3.3 to 3.7 may lead to particular

effects on persons holding, or identifying themselves according to, a particular religious belief and/or holding a particular opinion. The effects on these two groups, to the extent that that they are possible within Transfer, are linked and are best considered together. The analysis necessarily focuses on religious belief as data is available on this. The Department does not collect data on the political opinion of pupils.

- 5.5 Religious Belief: the FSME Criterion: the Transfer 2010 Guidance recommends that the first criterion to be applied by all schools is a requirement to admit FSME pupils at the rate at which such pupils apply at first preference. So where a school has 100 Year 8 places available, but receives 150 first preference applications (30 from FSME applicants – i.e. 20% of the first preference applications) it must ensure that by the end of the admissions process 20 of its 100 Year 8 places are allocated to FSME applicants.
- 5.6 As the figures at Paragraph 4.3 can show, of the 23265 children who will transfer in 2010, 4170 (18%) are currently FSME. Of this 4170, 2584 (62%) identify themselves as Catholic, 1194 (29%) identify themselves as Protestant and 392 (9%) identify themselves as “Other”. This suggests that something like 62% of the children who may enjoy priority under a FSME criterion will be Catholic whilst Catholic children only comprise 50% of the cohort in total. Conversely, only around 27% of the children who may enjoy priority under a FSME Criterion may be Protestant whilst Protestant children comprise 39% of the cohort.
- 5.7 There would appear to be a differential impact that adversely affects Protestant children. However, firstly, the data in relation to FSME children relates only to those who have taken up their entitlement. It is known that pupils from both Catholic and Protestant families do not always claim their entitlements. Additionally Protestant families have a lower take-up rate than Catholic families, but there is no non-intrusive way of establishing the true rate of entitlement. Secondly, it needs to be

remembered that the overarching policy objective is to address the socio-economic inequalities in the current system as demonstrated by the body of evidence in Annex 4 and this criterion is a key mechanism for achieving that objective.

- 5.8 Religious Belief: Parish and Catchment Area Criteria: these criteria define geographical areas within which (if used) schools may expect to draw the majority of their pupils – anyone residing within the defined area will qualify under the criteria. The size of catchment areas will vary by sector and locality (i.e. urban or rural) but it will be for the Board of Governors to decide whether or not to use these criteria, and if they do use them to define the area and, if necessary, provide a reasonable justification for the definition of the area. The Transfer 2010 Guidance recommends that where these criteria are used a higher priority should not be given to those who reside in one area than is given to those who reside in another area that is geographically closer to the school. Also these criteria should be used only in conjunction with Nearest Suitable School.
- 5.9 Statistics from the NISRA “Report of the Inter-Departmental Urban-Rural Definition Group” indicate that just over half of settlements in the North (57%) have a community background composition that is predominantly (at least 75%) Catholic or Protestant. Given these statistics the Department recognises the possibility that using geographical criteria with an emphasis on local communities may, in some cases, result in schools drawing on a local population dominated by one religion. This would not be new. Given the settlement pattern in the North, the strong sense of local identity associated with some schools, and the Department’s Open Enrolment policy and support for the principle of parental preference, such homogeneity within a school’s intake is a well-established feature of the system, both at post-primary level, as shown in the Table below, and at primary level (see Paragraph 5.13).

**Table 3: Religious Breakdown of the Intake in the 107
Oversubscribed Schools in Transfer 2008**

Category of School	Protestant	Catholic	Other
Traditionally Protestant Non-selective	81.5%	0.7%	17.8%
Catholic Non-selective	1.4%	97.6%	1.0%
Catholic Grammar	0.9%	98.4%	0.8%
Non-denominational Grammar	70.5%	8.9%	20.6%
Integrated	43.2%	41.5%	15.2%

5.10 Annex 6 demonstrates that the admissions criteria of the vast majority of schools, grammar and non-selective, have long contained geographical admissions criteria that will prioritise local applicants – be they Parish criteria, Feeder/Named Primary School criteria, Catchment Area criteria or Distance-to-School tie-breakers. The common use of these criteria in some form represents a broad consensus, on the part of schools and those they serve, that within the context of Open Enrolment policy schools should serve their local communities, albeit that the definition of local will vary between sectors and localities (urban/rural).

5.11 Two issues need to be raised here:

- Whether the magnification of the role of geographical admissions criteria in making admissions decisions (due to the cessation of academic selection) may increase the extent to which schools are dominated by one religious group ? and
- What the Department should consider doing about this?

Table 3 shows that, at a system level, academic selection had a small integrative effect: in non-denominational grammar schools for example, 8.9% of the 2008 intake were Catholic. There is no method by which to anticipate what may happen to this level of integration under schools' application of the Transfer 2010 Guidance. It cannot be safely assumed that the cessation of the use of academic criteria will mean the cessation of an integrative effect. This would discount the potential for the magnified role of the other criteria (FSME and familial criteria) to "replace" all or part of this integrative effect. Furthermore the Transfer 2010 Guidance commits the Department to ensuring that schools do not use geographical criteria inappropriately: if, for example, a school targets a local community and excludes another community that is geographically closer to the school, the Transfer 2010 Guidance states that the Department may intervene. That being the case, persons of a certain religious belief should be no more likely than persons of a different religious belief to qualify for a catchment area or Parish criterion except where this is the indirect result of a reasonable focus on serving a local community. Annex 3 (Notes to the Catchment Area criterion) provides more information. The Department welcomes views on these issues.

5.12 Religious Belief: the Feeder/Named Primary School Criterion: this criterion is used by a large number of schools as a higher order criterion: of the 107 schools oversubscribed in Transfer 2008, 54 used this criterion, 31 used it as their first non-academic criterion, 13 used it as their second, and 10 used it as their third. Should as many oversubscribed schools continue to use Feeder/Named Primary School as a higher order criterion in Transfer 2010, then, in the absence of academic admissions criteria, an applicant's primary school will determine many more admissions than in Transfer 2008.

5.13 This may have a potential effect in terms of religious belief. As noted above academic admissions criteria may have had something of an integrative effect in terms of grammar populations, particularly in non-

denominational grammar schools. It is possible that if and when the Feeder/Named Primary School criterion assumes a more significant role in the absence of academic criteria, we may see a less integrative effect depending on the extent to which Catholic or traditionally Protestant post-primary schools prioritise primary schools of the same identity. Here it is important to note the extent to which primary school intakes are generally one religious background or another.

- The pupil population in Catholic primary schools is 98% Catholic, 1% Protestant and 1% other;
- In traditionally Protestant primary schools it is 5 % Catholic, 75% Protestant and 20% other;

5.14 We do not know whether post-primary schools will prioritise primary schools from “their” sector in Transfer 2010 and in the absence of academic selection. From the use of the Feeder/Named Primary School criterion in the 107 schools that were oversubscribed in Transfer 2008, the following can be observed:

- 7 (15%) of the 48 oversubscribed Catholic post-primary schools in Transfer 2008 used Feeder/Named Primary School as their first non-academic admissions criterion, with 5 (10.4%) of these using it to focus on Catholic primary schools;
- 19 (39%) of the 49 oversubscribed and traditionally Protestant post-primary schools used named feeder/primary as their first non-academic admissions criteria, with 17 of these (35%) using it to focus on traditionally Protestant primary schools. 11 (22%) of these 19 schools have preparatory departments that are named first and exclusively as the post-primary school's first non-academic admissions criterion. It is highly likely that this close relationship with preparatory departments will continue and in the absence of

academic criteria will become more significant in gaining admission to these schools.

5.15 Again, this raises two issues:

- Whether the magnification of the role of the Feeder/Named Primary School admissions criterion in making admissions decisions (due to the cessation of academic selection) may increase the extent to which schools are dominated by one religious group ? and
- What the Department should consider doing about this?

5.16 In relation to both of these issues, the positive reasons for the same-sector use of the Feeder/Named Primary School criterion need to be stated. In the case of all sectors, the criterion is often being used in a way that recognises and maintains a long-developed and important relationship between a post-primary school and the range of primary schools from which children have long transferred to it. This kind of relationship can offer children, families and schools continuity and certainty across the change from primary to post-primary school. It can allow for a community of schools to be close to the community they traditionally serve. While it is not possible to know how many schools will apply this criterion and in what manner, the current usage has a very limited effect. Less than a quarter of those Catholic or traditionally Protestant post-primary schools that were oversubscribed actually used the Feeder/Named Primary School criterion as their first admissions criterion and in a same-sector manner, and half of these were instances of preparatory grammar departments. Therefore the impact of magnifying the role of this criterion is likely to be minimal, particularly given the potential (noted in Paragraph 5.11) for other criteria to introduce integrative effects. The Department would welcome views on this.

- 5.17 Religious Belief and Political Opinion: other criteria: otherwise, the Department does not consider any of the changes to admissions criteria listed in Paragraphs 3.3 to 3.7 likely to lead to a differential impact on children of different religious beliefs.
- 5.18 **Racial Groups:** some of the changes to admissions criteria listed in Paragraphs 3.3 to 3.7 may lead to particular effects on persons of a particular racial group. The cessation of academic selection will make grammar schools more accessible for newcomer children. Within the current grammar school population, determined by a Transfer Test available only in English or Irish, there are 349 (0.6%) newcomer children for whom English is an additional language. If performance in an English or Irish test no longer determines admissions, then newcomer children will be able to compete for grammar school places on the same basis as other children.
- 5.19 The introduction of the FSME criterion as the universal first criterion will also clearly have an effect on the Irish Traveller Group given that 74% (61 out of 83) of these children are FSME.
- 5.20 **Persons with a Disability:** as established in Paragraph 2.5, it is only non-statemented persons with a disability who are within the cohort directly affected by the changes introduced by the Transfer 2010 Guidance. There is, however, an indirect effect stemming from the cessation of academic selection that needs to be mentioned here. It relates to the admission into grammar school of those in receipt of a Statement of Special Educational Need.
- 5.21 Such admissions are within the context of the parallel transfer process for Statemented children in which a review of the statement involving all concerned establishes the post-primary school that is suitable for the child. Such a review can establish that a grammar school is a suitable post-primary school for a child – and it will do so by reference to a an Education and Library Board-provided statutory assessment of the

child's needs. Under Article 16 (5) (b) of the Education (NI) Order 1996 when an ELB names a post-primary school in a statement, that school shall accept the child.

- 5.22 Within the grammar school pupil population generated, in large part, by academic admissions criteria, there are proportionately very few children in receipt of a Statement of Special Educational Need: such children represented 3% of the 2007/8 post-primary population but only 0.6% of the 2007/8 grammar school population. The majority of children in grammar school have been those that, according to the Transfer Test, fell within the top quartile of their cohort in terms of academic ability. The low numbers of statemented children in grammar schools, therefore, have reflected the low rate at which statutory assessments have established a statemented child's suitability for a school largely serving the highest performing academic intake.
- 5.23 The process of statutory reviews establishing a statemented child's suitability or otherwise for a grammar education will continue unaffected by the introduction of the Transfer 2010 Guidance. What may change as a result of the Transfer 2010 Guidance and, in particular as result of the cessation of academic selection, is the nature of grammar schools and the extent to which they may continue to be unsuitable to meet the needs of statemented children. Departmental policy is that grammar schools may continue to specialise in academic provision and pathways but should not do so by practising academic selection – hence the recommendation not to use academic admissions criteria. According to this recommendation grammar school intakes should cease to be defined by academic ability and provision will adjust to cater for a wider range of ability and educational pathways. Logically, this should reduce the rate at which statutory assessments of statemented children conclude that a grammar school cannot meet the needs of such children. This in time could see statemented children distributed more evenly across grammar and non-selective schools.

5.24 Persons with a Disability: the FSME Criterion: SEN children with or without a statement are more likely than other children to be FSME: 28.9% of children with SEN at stages 1-4 (non-statemented) are FSME, 34.5% of children with statemented SEN are FSME, whilst the overall proportion of children with FSME is 17.9%. The introduction of the FSME criterion as a universal first criterion should, therefore, benefit a particularly large proportion of children with a non-statemented SEN (as explained above, children with a statemented SEN transfer to post-primary school by a parallel process to the standard Open Enrolment process).

5.25 Persons with a Disability: Feeder/Named Primary School Criterion: a person with a disability may attend a primary school that is rarely or not named in any post-primary school's admissions criteria, if their disability is such that they attend a Special School. However, if they do attend a Special School, a person with a disability will usually be in receipt of a Statement of Special Educational Needs and therefore will be outside of the cohort affected by the Transfer 2010 Guidance. (An exception to this under Article 7A (1) of the 1996 Education (NI) Order states that a child may attend a Special School for the purposes of a statutory assessment and the outcome of that assessment may be that a statement will not be put in place). Some children with non-statemented SEN may attend a primary school outside their home area in order to avail of an SEN-friendly environment: for instance, a primary school with a proven SEN track record or one with a special unit suitable to meet their particular needs – but there is no evidence to suggest that such a primary school may be more likely than others to feature in a post-primary school's use of the Feeder/Named Primary School criterion.

5.26 **Persons with Dependants:** there is no evidence available to assess the likely impact on this group.

5.27 **Marital Status:** as the Transfer 2010 Guidance is focused on pupils of compulsory school age (mostly aged between 10 and 11 years) the

Transfer 2010 Guidance cannot have any adverse impact on pupils in respect of marital status.

5.28 Age: the Department does not see the Transfer 2010 Guidance creating any differential or adverse impact on different age groups. The Transfer 2010 Guidance will impact on children of compulsory school age, the majority being between 10 and 11 years old. Children of a particular age within the cohort are also no more likely than children of another particular age to be affected one way or another by these criteria. One point worth noting, however, is that prior to the effect of the Transfer 2010 Guidance (i.e. for transfers prior to Transfer 2010), the use of an age-based tie-breaker criterion had been common amongst schools. All schools need to distinguish between tied applicants and some have been doing this by reference to an applicant's date of birth, with priority given to the eldest. To this end, the fact that the Transfer 2010 Guidance does not recommend age-based tie-breaker criteria (and recommends a transparent and auditable method of random selection) means that the minimal degree of age-based discrimination that had been a very small factor within admissions decisions will, if the Transfer 2010 Guidance is followed, no longer exist.

5.29 Sexual Orientation: there is no evidence to suggest that the Transfer 2010 Guidance will have any differential or adverse impact on children on grounds of sexual orientation.

6. CONCLUSION AND QUESTIONS

6.1 The key points emerging from the above analysis are: there is little evidence of potential differential impact on a number of the Section 75 Groups – age, gender, marital status, sexual orientation, and persons with dependants.

- The FSME criterion is shown to advantage Catholic children as 62% of the children in the current P6 that are entitled to free school meals (FSME) are Catholic and 29% are Protestant, but only 50% of the total cohort are Catholic while 39% are Protestant. However, this criterion is designed to address historical social and economic inequalities.
- The FSME criterion is shown to have a potentially beneficial impact on Irish Traveller children and those with a Special Educational Need as a relatively high proportion of each of these groups are also FSME.
- In the absence of academic admissions criteria, the role of non-academic admissions criteria will be more significant. More children will gain admission to post-primary schools by qualifying for schools' FSME, familial, geographical and Feeder/Named primary criteria and children will no longer gain admission by qualifying for schools' academic criteria. Academic criteria have had a small (at a system level) integrative effect in terms of achieving school intakes that are a mixture of religious background. There is no method by which to anticipate any particular impact on this level of integration that will be introduced by the Transfer 2010 Guidance: it cannot be safely assumed that the cessation of the use of academic criteria will mean the cessation of an integrative effect. This would discount the potential for the magnified role of the other criteria (FSME and familial criteria) to "replace" all or part of this integrative effect.

- 6.2 The mitigating factor that needs to be taken into account as a counterbalance to any potentially negative impacts is the policy intention to change the current system of transfer to one that is inherently fairer, mainly through the cessation of academic selection and the introduction of the FSME criterion.
- 6.3 The Department welcomes views on potential impacts identified and associated mitigating factors, and whether there are other impacts or mitigating factors we have not considered.

QUESTIONS

- 6.4 Throughout the above analysis, there are points where questions are asked and comments invited. This is the spirit in which all of the above is offered and, indeed, we would invite responses of both a particular and a general nature. Potential respondents are asked to consider:
- Have we accurately captured the impacts on those affected?
 - What other impacts do you feel may be experienced?
 - What other mitigating factors do you feel we should consider?

MEMBERSHIP OF THE JOINT CONSULTATIVE FORUM ANNEX 1



Introduction

The Joint Consultative Forum was established in partnership with NICEM to provide a framework for consultation on matters relevant to the statutory equality duties in the education sector in Northern Ireland.

Membership is open to the community and voluntary sector and trade unions with an interest in the Education and Library Service. All the education authorities are represented on the Forum.

Officers of the Joint Consultative Forum

Joint Chairs:-

Dr Paschal McKeown

(Information and Policy Officer)
Mencap

John Curran

(HR Project Manager)
Education & Skills Authority Implementation Team

Secretary:-

Deirdre Vaughn

(Senior Principal Officer – Equality)
Staff Commission for Education & Library Boards

Steering Group

A Steering Group has been appointed to progress work between Forum meetings. The current membership is:-

Community & Voluntary Sector

David McConnell	Age Concern
Helen Ferguson	Carers Northern Ireland
James Knox	CoSO
Anne-Marie O'Kane	Disability Action/Children with Disabilities Strategic Alliance
Norman Richardson	Inter-Faith Forum
Dr Paschal McKeown	Mencap (Joint Chair)
Sheri Chamberlain	Save the Children
Patricia Haren*	Women's Support Network
Mary Field	Youthnet

Public Authorities

Helen Leith	Council for Catholic Maintained Schools
Lisa Johnston	Council for Curriculum, Examinations and Assessments
Sharon Lawlor	Department of Education
John Curran	Education & Skills Authority Implementation Team, Joint Chair

Terry Heron	Education and Library Boards
Deirdre Vaugh	Staff Commission for Education & Library Boards, Secretary
David Guilfoyle	Youth Council for Northern Ireland

Trade Unions

Mike Graves	Northern Ireland Teachers' Council
Tommy Wright	Trade Union Side of the Joint Negotiating Council

Equality Authorities

Edel Teague	Northern Ireland Human Rights Commission
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*To consult their members and other interest groups in the sector regarding membership of the Steering Group.

OPEN ENROLMENT POLICY – PARENTAL PREFERENCE

1. The current mechanism by which children transfer from primary to post-primary education is based on a policy of open enrolment which supports the fundamental principle that transfer should be on the basis of informed parental and pupil preference. Parents will decide which schools best meet their child's needs, aptitudes, interests and aspirations and will list those schools in order of preference on the Transfer form. Where a parent applies to a school and that school has places available the child will be admitted. However, some schools will be oversubscribed i.e. have more applications than places available. If this happens, schools will have to apply their admissions criteria to decide which pupils to admit. Applications at first preference that are not successful by application of these admissions criteria then compete for admission at the school listed as second preference which, if oversubscribed, will also apply its admissions criteria. The process continues on according to the preferences listed until all children are placed.

2. The Board of Governors sets and applies the admissions criteria of each school within the context of statutory regulations drawn up under Article 16 the Education (Northern Ireland) Order 1997. However, for admissions in school year 2010/11 onwards the Education (Northern Ireland) Order 2006 replaces this Article with a new Article 16, and the admissions regulations made under the old Article 16 lapse.

RECOMMENDED ADMISSIONS CRITERIA FOR TRANSFER 2010

Recommended first criterion for all schools	Notes
<p>Applicants who are entitled to Free School Meals (FSME): priority to be given so that the proportion of such children admitted is not less than the proportion of first preference FSME applications received within the total number of first preference applications received.</p>	<p>For example, if 20% of the total number of first preference applications are from FSME applicants, then at least 20% of the school's places should be allocated to FSME applicants. Further information will issue later to clarify exactly how the applications process will facilitate the operation of this criterion</p>
Other Recommended Criteria (in no particular order)	Notes
<p>Sibling</p>	<p>This criterion to be defined as "Children who have a child of the family currently enrolled at the school". The phrase "child of the family" covers children fostered, adopted etc. and avoids having to define all the various permutations of sibling.</p>
<p>Eldest Child</p>	<p>This criterion to be defined as "children who are the eldest child to be eligible to be admitted to the school." This wording covers "only" children and is also intended to treat twins (or other multiples) as joint eldest. The term "eldest" can include eldest boy/girl in the case of single sex</p>

	schools.
Feeder/named primary school	<p>This criterion to be defined as “children who attend a named primary school to which a Board of Governors chooses to give priority”. Post-primary schools should not give a higher level of priority to one primary school than is given to a primary school of the same sector and that is geographically closer to the post-primary school. In general this criterion should be used to prioritise children attending a post-primary school’s local primary schools. The Department may intervene where it considers that this criterion may be used in a manner that disregards these specific points.</p>
Parish (with nearest suitable school);	<p>This criterion to be defined as “children who reside in a named parish”.</p>
Catchment area (with nearest suitable school)	<p>This criterion to be defined as “children who reside in the named catchment area of the school”. A catchment area can be defined as “a geographical area served by a school which is defined by the Board of Governors”.</p> <p>The Transfer 2010 Guidance recommends that these two “geographical” admissions criteria (“Parish” and “Catchment Area”) should only be used if used in combination with the “Nearest Suitable School” criterion. The purpose of this is to ensure that outlying and rural applicants are treated with equal priority within admissions as those whose address qualifies them for a school’s geographical criteria. If followed, this recommendation will mean that an applicant with</p>

	<p>an outlying address in terms of their nearest suitable school (e.g. a rural applicant) will not be disadvantaged by that address.</p> <p>Apart from the effect intended by combining these two geographical criteria with the nearest suitable school criterion, post-primary schools should not give a higher level of priority to those resident in one area or parish than is given to those resident in another area or parish that is geographically closer to the post-primary school. The proper use of these two criteria is to prioritise applicants in a post-primary school's local areas or parishes. The Department may intervene where it considers that these criteria may be used in a manner that disregards these specific points.</p>
Nearest Suitable School;	<p>This criterion is defined as "children for whom the school is the nearest suitable school." The relevant definition would be: "nearest to the child's normal place of residence." The decision for the post-primary schools' Board of Governors is whether or not there is another school in the same category as theirs which is nearer to the child's address. If not, the child meets the criterion. The categories of schools to be used for the purposes of these decisions should (irrespective of whether a school is attempting to practise academic admissions) continue to be "denominational grammar", "non-denominational</p>

	grammar", "maintained secondary", "controlled secondary", "Irish-medium" and "Integrated". ³
Random Selection (tie-breaker).	This criterion is to be defined as "a method of random selection". It will be for the post-primary schools' Board of Governors to design a method of random selection, but the Department strongly advises schools using this tie-breaker to ensure they have a clear audit trail of the process.

³ A grammar school is legally defined as a grammar school in a manner unconnected with the nature of its admissions process. The existing definition is contained in the interpretation section of the Education and Libraries Order (NI), 1986 and is as follows:

“‘grammar school’ means a secondary school which—

(a) immediately before the coming into operation of Article 128 of the 1989 Order was a school in which fees were charged or could have been charged in respect of pupils admitted to the school, or a school which replaces such a school or schools; or (b) is established after the coming into operation of that Article and is designated by the Department as a grammar school.”

Ensuring Equality of Socio-economic Groups in Post-primary Transfer

1. The educational case for the post-primary reform package proposed by the Minister has been made extensively – through the exhaustive reviews into this subject since 1998, most notably in the *Report by the Post-Primary Review Body (2001)* – the *Burns Report* – and the *Future Post-primary Arrangements in Northern Ireland: Advice from the Post-primary Working Group (2004)* – the *Costello Report*.
2. The “equality case” for the reform of post-primary transfer, in terms of the need to ensure equality of educational access and opportunity and demonstrating how the Minister’s proposals will effect this - remains to be made in full. That is the purpose of this Annex.
3. There are two linked aspects of the “equality case” for the reform of post-primary transfer:
 - **Inequality in the Post-primary admissions process:** that as academic selection determines admissions to grammar schools, so does it enable advantaged socio-economic groups to enjoy a disproportionately high level of access to grammar school places, leaving disadvantaged socio-economic groups to suffer a disproportionately low level of access to grammar school places.
 - **Inequality in Post-primary provision:** That, due to the size and nature of the grammar sector persisting amidst a major decline in pupil numbers, the pressures and burdens of sustainability are almost exclusively being suffered by non-selective schools. This means that children from disadvantaged socio-economic groups not only face an admissions process that gives them disproportionately low prospects of obtaining a grammar school place. It also means they are significantly over-represented in a non-selective post-primary sector where provision and educational opportunity is increasingly restricted and threatened by shrinkage and un-sustainability.

These are illustrated in turn.

Inequality in the Post-primary Admissions Process

4. **Free School Meals:** this analysis must begin with children entitled to Free School Meals (FSME). Children qualify for FSM if (aside from any dietary requirements) their parent(s)/guardian(s) are in receipt of Income Support, Income-based Jobseekers Allowance, Child Tax Credit and are eligible for the Working Tax Credit, or receive the Guarantee element of the State Pension Credit. The nature of the distribution of FSME children across the North’s post-primary system

is, therefore, a very good indicator of how the arrangements for admitting children to post-primary schools function in equality terms.

5. The total post-primary pupil population for the North in the 2007 school census (the latest available figures) was 147, 942. Of those children, 25, 167 (17% of the total pupil population) were FSME.
6. However, the number of FSME children attending a grammar school was 3,663, only 15% of all FSME children and only 5.9% of the total grammar pupil population of 2007 (62, 279). At the same time 85% of FSME children (21, 504) were attending non-selective schools and represented 25.19% of the total non-selective pupil population of 85, 663. The 47 post-primary schools with the lowest proportions of FSME children were all grammar schools; the 99 post-primary schools with the highest proportions of FSME children were all non-selective schools. In 31 grammar schools, less than 4% of the pupils were FSME. In the 36 non-selective schools with the highest percentage of FSME children more than 34% of pupils were FSME.
7. The internal variations on this general indication of profound inequality are also compelling. In Catholic-managed grammar schools, 9% of children are FSME. In non-denominational grammar schools, 3% of children are entitled to FSME. The nature of this imbalance in the North's five Education and Library Board (ELB) areas is shown in Table 1.

Table 1: FSME Children in each ELB area

	BELB	SEELB	SELB	WELB	NEELB
% of Children entitled to FSM	20	14	16	23	13
% of Children entitled to FSM and attending grammar schools	6	3	7	10	4
% of Children entitled to FSM and attending non-selective schools	36	22	20	32	19

8. Why do FSME children gain admission to grammar schools at a rate considerably below other children? An initial point is that if a child is entitled to FSM s/he is far more likely to attend a primary school from which few children progress to grammar school: in the Transfer process for the 2007/8 school year, there were 52 primary schools where no child achieved Grade B2 or higher. In those primary schools 36.3% of children were entitled to FSM and 16 of these schools were in the top ten percent of the North's most deprived Super Output Areas. This is not a matter of choice. As the area in which a child lives has a far greater bearing on the primary school s/he will attend than is the

case with their post-primary school, socio-economic background will determine admission to a primary school likely or not to offer progression to a grammar school: in the Transfer process for the 2007/8 school year, there were 23 primary schools where 80% or more of P7 pupils achieved B2 or above and 2.9% of children in these schools were FSME.

9. This particular phenomenon of primary school division according to affluent/disadvantaged area may reflect the unfortunate truth that socio-economic grouping has long had a bearing on educational opportunity and progression. Some may argue that a disproportionately low number of FSME children at grammar schools reflects a socio-economic determination of educational progression that is inevitable. Clearly, there is a substantial challenge for Government in terms of early years interventions and equality of primary school provision. What is also apparent, however, is that our current practice of academic selection at the age of 10/11 for the purpose of determining grammar schools admissions is increasingly compounding and entrenching the tendency (established before post-primary school) for socio-economic group to determine educational opportunity and progression.
10. Coaching is the issue here. The survey conducted by Stranmillis University College for their paper "Coaching for the Transfer Procedure" (part of *The Effects of the Selective System of Secondary Education in Northern Ireland*, September 2002) identified "that 47% of children in primary schools received coaching outside the school from a non-parental source" and further identified that in the cases of up to 35% of children sitting the Transfer Test, parents employed coaches. This means that within the annual competition for 9000 grammar school places amongst 13000 children, approximately 5200 children each year have paid for coaching. The most common price for external tuition quoted for this 2002 survey was between £12 and £15 per hour, the most common frequency being once a week.
11. If qualifying for admission to a primary school in an affluent area can give a child a head-start in the pursuit of a grammar place, it is clear how a selective process at 10/11 - that rewards private coaching only available to those with the means to pay for it - can progress that head-start into a profound inequality. This must, at least in part, lead to a disparity between the degree to which pupils who sit the Transfer Test, but who attend primary schools in areas of widely different economic profiles, achieve admission to a grammar school. Table 2 compares this degree across a number of areas.

Table 2: Numbers sitting Transfer Test in 2007 and admitted to Grammar School in Selected areas for school year 2008/9

Area	Numbers sitting the Transfer Test in 2007	Numbers and % of those opting in gaining admission to Grammar

		school.
Hollywood (4 primary schools)	106 (29 opted out)	77 (73%)
Hillsborough (3 primary schools)	109 (22 opted out)	79 (72%)
Malone Road (7 primary schools)	225 (39 opted out)	214 (95%)
Stranmillis (2 primary schools)	73 (20 opted out)	62 (85%)
Poleglass/ Twinbrook (4 primary schools)	100 (120 opted out)	34 (34%)
Rathcoole (4 primary schools)	112 (60 opted out)	25 (22%)
Kilcooley Area (1 primary school)	11 (4 opted out)	0 (0%)
Sandy Row (3 primary schools)	30 (49 opted out)	11 (37%)
Shankill (3 primary schools)	39 (65 opted out)	10 (26%)
Creggan (2 primary schools)	75 (52 opted out)	40 (53%)
Falls (7 primary schools)	108 (176 opted out)	49 (45%)
New Lodge (7 primary schools)	79 (97 opted out)	16 (20%)

12. Table 3 gives a sense of how this phenomenon plays out across the whole of the North. It shows for instance that only 15.5% of the grammar school pupil population (at the time of the 2007 census) resided in those wards in the North, that according to Multiple Deprivation Measures, were ranked in the highest quarter. By contrast, 38% of the same grammar pupil population resided in those wards ranked in the lowest quarter by the same measure.

Table 3: 2007 Grammar School Population according to residence in wards ranked by Multiple Deprivation Measures

Wards in quartiles according to Multiple Deprivation Measures	Numbers attending grammar schools
Wards 1-145 on Multiple Deprivation Measures	9,672 (15.5%)
Wards 146-291 on Multiple Deprivation Measures	12,335 (19.8%)
Wards 292-437 on Multiple Deprivation Measures	15,907 (25.5%)
Wards 438-582 on Multiple Deprivation Measures	23,684 (38%)
Postcode not recognised	681 (1.1%)
Total	62,279

Inequality in Post-primary provision

13. As if it were not enough, the socio-economic inequality inherent in our current arrangements for post-primary transfer is, in recent years, being compounded by a further inequality in post-primary provision. Vital context for this is demographic decline and the important fact that pupil numbers across the North have been falling in recent years and are due to fall still further in the next few years.
14. Demographic decline: The 11-17 year-old pupil population of the North in the 2002/03 school year was 187, 193. In 2007/8 it was 176, 717. In 2014/15, and allowing for immigration, it is projected to be 162, 214.
15. Amidst this decline the grammar school population has remained at an almost constant level (falling from 63, 102 to 62, 279) whilst the total post-primary pupil population has fallen from 155, 747 to 147, 942. This means that the grammar sector (69 schools), in terms of the proportion of pupils it admits, has expanded from being 40.5% of the post-primary system in 2002/3 to 42.1% in 2007/08. It is projected to be 44.8% (61, 646) of the total post-primary system in 2013/14 (the latest year for which post-primary projections are currently available).
16. The maintenance of the number of grammar places against a backdrop of demographic decline has meant that pupil numbers have only fallen in the non-selective sector (157 schools). In 2002/3, the non-selective pupil population was 92, 645. In 2007/08 it was 85, 663. In 2013/14 the number of pupils attending non-selective schools is projected to fall further to 75, 889.
17. This means that non-selective schools not only serve an over-proportionate number of FSME children due to the inequalities inherent in Transfer, they and their pupils also exclusively suffer the considerable burdens of declining sustainability. These are reduced

funding, reduced scale of operations and diminishing educational opportunity. Case-studies of Belfast and Fermanagh will illustrate.

18. **Belfast:** Demographic decline has been and will continue to be particularly acute in Belfast. In 2002/3 the 11-17 year-old population resident in the Belfast District Council Area was 28, 954. In 2007/8 it was 25,502 – a fall of 12% in 5 years.
19. Belfast Education and Library Board area contains 16 grammar schools and 22 non-selective schools (23 in 2002/3). Table 4 below shows how declining pupil numbers have impacted upon the Belfast grammar and non-selective sectors during these years:

Table 4: Belfast ELB area grammar and non-selective school population 2002/3-2007/8

Year	Pupils		
	Grammar	Non-selective	Total Post-primary
2002/03	16, 186	15, 935	32, 121
2003/04	16, 265	15, 801	32, 066
2004/05	16, 269	15, 334	31, 603
2005/06	16, 234	14, 907	31, 141
2006/07	16, 241	14, 488	30, 729
2007/08	16, 240	14, 045	30, 285

20. In a period when the post-primary population in the Belfast District Council area has decreased by 12%, the pupil numbers in the 16 grammar schools have marginally increased (by 54). In 2002/3, Belfast's 16 grammar schools educated 50.4% of all of the children attending Belfast's post-primary schools, but by 2007/08 this had grown to 53.6%. This is to say that the grammar school population has, in the years 2002/3 to 2007/8, increasingly extended into what had hitherto been the non-selective school population. One obvious manifestation of this is the radical change in the Transfer Test grade-profile of those transferring to the Belfast grammar schools – as shown in Table 5.

Table 5: Grade Profile of cohort Transferring to Belfast Grammar Schools, 2002/3 and 2007/08

Transfer Test Grade	Numbers and % achieving this grade and transferring to Belfast grammar school for 2002/3 school year	Numbers achieving this grade and transferring to Belfast grammar school for 2007/8 school year
A	1575 (67.7%)	1315 (56.6%)
B1	339 (14.6%)	306 (13.2%)
B2	248 (10.7%)	311 (13.4%)
C1	103 (4.4.%)	209 (9%)

C2	56 (2.4%)	108 (4.6%)
D	5 (0.2%)	74 (3.2%)

In broad terms, in just five years the number transferring with an A-grade has dropped by 260. The percentage of the cohort transferring with an A or B1 grade has fallen from 82.3% to 69.8% and correspondingly the numbers transferring with a B2 Grade or below has nearly doubled, from 412, 17.7% of the transferring cohort, to 702, 30.2% of the transferring cohort. Due to the year-on-year effect of this, the pupil numbers in the non-selective schools have decreased by 1890 (12%). In terms of the average size (in pupil numbers terms) of a 2007/8 BELB-area non-selective school (638), this is a loss of 3 schools in 5 years.

21. Table 6 seeks to give some sense of how this has impacted on individual non-selective schools and shows, in the furthest column to the right, how the subscription level (relationship between the actual number of pupils enrolled and the school's capacity) in each of the 22 non-selective schools has increased or decreased in the period in question. The average size, in pupil numbers terms, of Belfast's non-selective school has decreased from 693 to 638. Overall the subscription level in all Belfast non-selective schools has decreased from 87% to 81%. This is despite 1 school closure and other reductions in the number of places amounting to 354 places (or one half-school).

Table 6: Changes in pupil numbers and subscription levels in BELB non-selective schools from 2002/3 to 2007/8.

School Name	Capacity 2002/03	Pupil Numbers 2002/03	Capacity 2007/08	Pupil Numbers 2007/08	Change in subscription level from 2002/3 to 2007/8
Ashfield Girls' High School	644	656	649	659	102% - 102%
Ashfield Boys' High School	600	532	620	635	89% - 102%
Belfast Model School for Girls	1063	1073	1010	1003	101% - 99%
Belfast Boy's Model School	1100	1032	1000	949	94%-95%
Castle High School	550	173	550	132	31%-24%
Orangefield High School	800	514	800	299	64%-37%
Mount Gilbert Comm. Cull	700	246	School closed		

Balmoral High School	500	336	500	58	67%-12%
St Patrick's College	780	747	780	710	96%-91%
St Gabriel's School	450	178	450	93	39%-21%
St Louise's Comp College	2280	2203	2280	1578	97%-69%
Little Flower Girls' School	674	673	650	677	100%-104%
Our Lady of Mercy Girls' School	650	557	650	429	85%-66%
St Rose's High School	575	563	575	530	98%-92%
Christian Brothers School	750	740	750	539	99%-72%
St Genevieve's High School	1000	996	1000	1024	100%-102%
St Gemma's High School	420	288	420	241	69%-57%
De La Salle College	1200	1187	1135	1144	99%-101%
Corpus Christi College	1080	684	680	589	63%-87%*
St Joseph's College	664	728	664	651	110%-98%
Colaiste Feirste	365	364	550	506	100%-92%
Hazelwood Int. College	707	722	790	802	102%-102%
Malone Int. College	800	743	800	797	93%-97%
Total	18352	15935	17303	14045	87%-81%

22. Table 6 permits this general analysis but it also offers some particular points. It shows that decline does not have an even impact across schools. Indeed, it shows that demographic decline squeezes individual schools in an exponential manner as parental preference departs from schools perceived to be in decline. In the period 2002/3 to 2007/08, 11 schools within Table 6 have fared rather well – either increasing or broadly maintaining a high level of subscription. By contrast, 8 schools have suffered acute decline (i.e. between 17 and

82%) and to this extent it is fair to say that these schools are bearing the impact of the local demographic change.

23. To give a sense of this impact, three of the 8 schools suffering acute decline (broadly in the middle of the 17-82% range) employed 248 Full-time Equivalent (FTE) Teachers in 2002/3 and yet in 2007/8 they only employed 176 FTE teachers – a shrinkage of 29% in their teaching workforce. One of these schools has been recently inspected by ETI at a stage when the impact of “shrinkage” was evident: the published report that the “Board of Governors and teachers highlighted financial restraints which they feel are inhibiting progress within the school in many areas” and the inspectors themselves found that “the decline in pupil numbers has been mirrored by a decrease in staffing with the result that there has been a redistribution of duties and responsibilities. Many of the staff have taken on a number of major responsibilities in a voluntary capacity in the interest of supporting the pupils as best they can”.
24. This is how the pressures, burdens and disadvantages of demographic decline, insofar as they are being exclusively felt in non-selective schools, are leading to fundamental inequalities in provision across the grammar/non-selective divide. These inequalities compound the inequalities of the current Transfer system to the extent that FSME children are not only far less likely to gain admission to a grammar schools they are also far more likely than other children to access post-primary education in a non-selective school struggling against shrinking numbers and threatened by un-sustainability. On average 36 % of the pupils in the 22 Belfast non-selective schools in 2007/8 were FSME. This is over twice the national percentage and is over five times the proportion of FSME children in grammar schools generally.
25. **Beyond Belfast:** it should be noted that in any of the recent years the total number of pupils in the BELB area’s schools (see Table 4) exceeds the size of the local pupil population – falling from 28, 954 to 25, 502 across the period. This reflects the historic fact that the 16 grammar schools in Belfast serve large numbers of pupils from outside Belfast. However, there is clear evidence that this phenomenon of “travelling-in” is growing, that as the over-provision of grammar places in Belfast grows (due to the falling population levels), the “surplus” is being accessed by growing numbers from outside Belfast and prepared to travel to access a grammar place: most obviously, in 2002/3 the BELB-area school population was 111% in relation to the 11-17 year-old population resident in Belfast District Council area; in 2007/8 the BELB-area school population was 119% according to the same relationship.
26. Clearly, increased numbers are travelling into Belfast as the Belfast population falls and “surplus” develops and clearly these increased numbers are travelling to the grammar schools. Table 7 compares the numbers of pupils travelling more than five miles to the 16 grammar

schools in Belfast from the district council areas surrounding Belfast in the years 2002/3 and 2007/8. These sets of numbers testify generally to the extent to which travelling-in to a Belfast grammar school has long been a very significant phenomenon – but the comparison across a difference of only five years shows that this phenomenon is growing: the numbers travelling more than five miles from these areas to a Belfast grammar school are up by 323, an increase of 12% in five years – and this despite a fall of 2% in the pupil populations resident in these areas. The number of grammar places occupied by pupils resident outside of the Belfast District Council area grew by 440 (5%) in these five years.

Table 7: Numbers of Pupils resident in District Council Areas outside of Belfast and travelling more than 5 mile to a Belfast Grammar School, 2002/3 and 2007/8*

District Council Area	Number of Pupils travelling 5+ miles to Belfast Grammar 2002/3	Number of Pupils travelling 5+ miles to Belfast Grammar 2007/8	11-17 y/o pop. in 2002/3	11-17 y/o pop. in 2007/8	Change in % travelling 5+ miles to Belfast grammar 2002/3 -2007/8
Antrim	371	574	5,054	5,192	7.3 - 11
Ards	844	834	7,225	6,956	11.7 – 12
C'fergus	317	283	3,971	4,021	8 – 7
Down	264	309	7,520	7,360	3.5 – 4.1
Lisburn	456	627	12,018	11,998	3.8 – 5.2
N. Down	419	367	7,377	6,801	5.7 – 5.4
Total	2,671	2994	43165	42328	6.2 – 7.1%

*District Council areas providing less than 70 pupils not shown

27. What effect is this increased migration into Belfast having on the sustainability of the non-selective schools in these District Council Areas? This is shown in Table 8.

Table 8: Change in pupil numbers and subscription levels in non-selective schools in District Council Areas surrounding Belfast, 2002/3 and 2007/8

School Name	Capacity 2002/03	Pupil Numbers 2002/3	Capacity 2007/8	Pupil Numbers 2007/08	Change in subscription level from 2002/3 to 2007/8
ANTRIM (574 pupils travelling to Belfast grammar in 2007/8)					
Parkhall High	530	530	750	719	100% -96%
St Benedict's College (Amalgamation of St	n/a	n/a	500	478	n/a

Malachy's & St Olcan's wef Sept 2006, on St Olcan's site)					
St Olcan's High School	385	374	n/a	n/a	n/a
St Malachy's High School	660	267	n/a	n/a	n/a
Crumlin Integrated College	416	429	400	336	103% - 84%
ARDS (834 pupils travelling to Belfast grammar in 2007/8)					
Movilla High School	900	852	900	593	95% - 65%
Donaghadee High School	380	283	380	213	74% - 56%
Nendrum College	450	349	400	387	77% - 97%
Glastry College	600	583	600	624	97% - 104%
St Columba's College	520	301	520	271	58% - 52%
Strangford Int College	426	446	500	503	105% - 101%
CARRICKFERGUS (283 pupils travelling to Belfast grammar in 2007/8)					
Carrickfergus College	900	726	900	794	81% - 88%
Downshire School	800	724	814	806	90% - 99%
Ulidia Int College	400	462	500	532	115% - 106%
LISBURN (627 pupils travelling to Belfast grammar in 2007/8)					
Lisnagarvey High School	500	366	500	280	73% - 56%
Dunmurry High School	650	291	400	310	44% - 77.5%
Laurelhill Community College	948	962	948	934	101% - 98%
St Patrick's High School	530	401	530	320	76% - 60%
St Colm's High School	680	683	680	692	100% - 102%
Fort Hill College	873	889	850	869	102% - 102%
DOWN (309 pupils travelling to Belfast grammar in 2007/8)					
The High School Ballynahinch	380	367	380	375	96% - 99%
Saintfield High School	325	331	335	348	102% - 104%
St Mary's High School	600	583	600	533	97% - 88%
St Colmcille's High School	450	449	450	451	100% - 100%
St Colman's High School	550	465	550	294	84% - 53%

St Malachy's High School	950	932	950	1022	98% - 107%
De La Salle Secondary School	430	426	430	341	99% - 79%
Down Academy	300	289	300	240	96% - 80%
Shimna Int. College	480	498	480	510	103% - 106%
NORTH DOWN (367 pupils travelling to Belfast grammar in 2007/8)					
Bangor Acad. & 6 th Form College	1650	1509	1420	1289	91% - 90%
St Columbanus' College	500	499	500	545	100% - 109%
Priory College	450	446	450	423	99% - 94%
Total	18613	16712	17917	16032	90 - 89%

28. The effect here is less discernible at a general level: taken as a whole subscription levels in non-selective schools in these areas has barely moved – falling from only 90 – 89% across all 30 schools still open in 2007/8. However, more focussed analysis shows the same squeezing effect in individual schools as was clearly happening within Belfast non-selective schools: of the 30 schools in Table 8, 19 schools have fared well – either increasing or broadly maintaining a high level of subscription. There are, by contrast, 10 schools that have suffered rates of decline in between 10% and 37% - this in areas that are experiencing their own demographic changes but also from where large and increasing numbers of pupils are travelling to Belfast for a grammar school place.

29. The anomalous nature of this, at a system-level, needs to be made explicit. Falling pupil numbers in Belfast means that the Belfast grammar sector, as it maintains its size, is becoming proportionately larger each year. It is growing in this manner by increasingly reaching into what has traditionally been the pupil population of the non-selective schools – hence the near-doubling of the number of those with Grade B2 and below attending Belfast grammar schools between 2002/3 and 2007/8. But the Belfast grammar sector is not just increasingly reaching into what has traditionally been the Belfast non-selective pupil population of the Belfast non-selective schools – it is extending its reach into this population outside of Belfast. Belfast's grammars have places available for applicants with lower transfer test grades and such applicants are increasingly travelling to access them. For the 2002/03 school year Belfast grammars admitted 350 applicants with grades B2, C1 and C2 – at a time when the Transfer Test results of Belfast ELB primary schools showed that 677 children had achieved these grades. For the 2007/08 school year, however, Belfast grammars admitted 626 applicants with grades B2, C1 and C2 – at a time when the Transfer Test results of ELB primary schools showed that only 520 children had achieved these grades. How can the numbers admitted with Grade B2, C1 and C2 increase so markedly when the local

number of children achieving such grades has fallen so markedly? The only explanation is increased travel.

30. This is travel that, in many cases, the taxpayer will be funding at the same time as desks are left empty at squeezed non-selective schools in and around Belfast. Empty desks means that schools will lose per-pupil based funding and will be delivering education on a shrinking scale – with reduced range in their educational offer (i.e. fewer teachers), delivered at a greater unit-cost due to the diseconomy of scale. Not only, therefore, is this a serious inequality (due to the fact that non-selective schools serve socially disadvantaged children to a significantly over-proportionate degree), it is an inequality sustained by the inefficient use of public money.
31. **Fermanagh:** the same phenomenon can be observed in Fermanagh. The recent peak in the post-primary population in Fermanagh District Council area was in 1998/99 when numbers stood at 6, 986. In 2007/8 it was 6, 175 – a fall of 12% in 9 years. In terms of the numbers attending post-primary schools within the Fermanagh District Council area, numbers (in the same period) have fallen from 6, 038 to 5, 315 – again a fall of 12%.
32. Fermanagh District Council area contains 4 grammar schools and 10 non-selective schools (11 non-selective schools in 1998/99). Table 9 below shows how declining pupil numbers have impacted upon the Fermanagh grammar and non-selective sectors during these years:

Table 9: Fermanagh District Council area grammar and non-selective school population 1998/99-2007/8

Year	Pupils		
	Grammar	Non-selective schools	Total Post-primary
1998/99	2,604	3,434	6,038
1999/00	2,540	3,443	5,983
2000/01	2,550	3,428	5,978
2001/02	2,555	3,351	5,906
2002/03	2,555	3,303	5,858
2003/04	2,604	3,138	5,742
2004/05	2,596	3,038	5,634
2005/06	2,579	2,925	5,504
2006/07	2,541	2,823	5,364
2007/08	2,532	2,783	5,315

33. In a period when the numbers attending post-primary schools within the Fermanagh District Council area has decreased by 723, the pupil numbers in the 4 grammar schools have marginally decreased by 72 – a fall of 2.8%. In 1998/99, Fermanagh's 4 grammar schools educated 43% of all of the children attending its post-primary schools – but by 2007/08, this had grown to 47.6%. This is to note that, as in Belfast, the

Fermanagh grammar school population has, in the years 1998/99 to 2007/8, gradually extended into what had hitherto been the non-selective school population. One obvious manifestation of this is the changing nature of the Transfer Test grade-profile of those transferring to the Fermanagh grammar schools – as shown in Table 10.

Table 10: Grade Profile of cohort Transferring to Fermanagh grammar Schools, 1998/99 and 2007/08

Transfer Test Grade	Numbers and % achieving this grade and transferring to Fermanagh grammar school for 1998/99 school year	Numbers and % achieving this grade and transferring to Fermanagh grammar school for 2007/8 school year
A	262 (72.9%)	200 (60.1%)
B1	53 (14.7%)	45 (13.7%)
B2	38 (10.6%)	50 (15.2%)
C1	6 (1.7%)	28 (8.6%)
C2	0	6 (1.9%)
D	0	0

In 9 years the number transferring with an A-grade has dropped by 62 and, despite there having been a reduction in the number of Year 8 grammar places available (of 27), this still means that those transferring with an A grade have fallen from being 72.9% of the transferring cohort to 60.1%. By contrast the numbers transferring with a B2 Grade or below has doubled (just as in Belfast) from 44, 12.3% of the transferring cohort, to 84, 25.6% of the transferring cohort. Due to the year-on-year effect of this, the pupil numbers in the non-selective schools have decreased from 3, 434 to 2, 783. This is a fall of 651 (19%). In an area of only 10 non-selective schools this is a fall that, in terms of the average pupil numbers per school, equates to just under 2.5 schools. This is despite the actual net loss of one school.

34. Table 11 shows how this has impacted on individual non-selective schools and shows, in the furthest column to the right, how the subscription level (relationship between the actual number of pupils enrolled and the school's capacity) in each of the 10/11 non-selective schools has increased or decreased in the period in question. Overall the subscription level in all Fermanagh non-selective schools has decreased from 82.6% to 74.8%. This is despite a reduction in overall capacity of 435 places (including the net loss of one school).

Table 11: Changes in pupil numbers and subscription levels in Fermanagh non-selective schools from 1998/99 to 2007/8.

School Name	Capacity 1998/99	Pupil Numbers 1998/99	Capacity 2007/08	Pupil Numbers 2007/08	Change in subscription level from
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					1998/99 to 2007/08
Non-selective schools within 5 miles of any of Fermanagh's 4 grammars					
Lisnaskea HS	300	187	300	158	62.3% - 52.6%
Enniskillen HS	590	517	n/a	n/a	n/a
Devenish College	n/a	n/a	700	666	n/a
St Fanchea's HS	500	412	350	310	82.4% - 88.5%
St Joseph's Secondary School	370	358	370	237	96.7% - 64%
Non-selective schools not within 5 miles of any of Fermanagh's 4 grammars					
Erne Integrated College	375	366	400	415	97.6% - 104%
St Aidan's HS	330	315	330	172	95.4% - 52.1%
St Comhghall's HS	430	379	430	289	88.1% - 67.2%
St Eugene's HS	300	300	300	215	100% - 71.6%
Duke of Westminster HS	420	249	n/a	n/a	n/a
St Mary's HS	230	191	230	147	83% - 63.9%
St Mary's Secondary School	310	160	310	174	51.6% - 56.1%
Total	4155	3, 434	3720	2, 783	82.6% - 74.8%

35. Once again, falling pupil numbers do not produce evenly falling subscription rates. Three schools, Erne Integrated, St Mary's Secondary School and St Fanchea's have increased their subscription rates in the period (although in the latter case is largely due to a reduction in capacity) and one school, Devenish, is newly established. Demographic decline is, therefore, being borne exclusively by the 6 remaining schools (i.e. excluding Devenish College) and is extensive (between 15 and 45 per cent) in all of them. This decline has resulted in the number of FTE Equivalent Teachers in these 6 schools reducing from 152 to 113 across the period, a reduction in the workforce of 25.5%.

36. There is an inefficient and counterintuitive travel aspect to this pattern also. Table 12 shows, for the years 1998/99 and 2007/08 the numbers

of pupils in each of the Fermanagh wards travelling more than five miles to access a place at one of Fermanagh's four grammar schools.

Table 12: Numbers of Pupils resident in Fermanagh Wards and travelling more than 5 mile to a Fermanagh Grammar School, 1998/99 and 2007/8*

Ward	Number of Pupils travelling more than five miles to Fermanagh grammar in 1998/99	Number of Pupils travelling more than five miles to Fermanagh grammar in 2007/08
Fivemiletown	8	18
Ballinamallard	37	50
Belcoo and Garrison	31	47
Belleek and Boa	29	66
Boho Cleenish and Letterbreen	13	30
Brookeborough	31	44
Derrygonnelly	43	61
Derrylin	29	40
Donagh	50	59
Florencecourt and Kinawley	23	58
Irvinestown	32	46
Kesh, Ederney and Lack	83	107
Lisnarrick	37	74
Lisnaskea	31	46
Maguiresbridge	74	84
Newtownbutler	26	44
Rosslea	20	42
Tempo	22	42
Trillick	32	30
Total	651	988

* 8 Wards featuring pupil numbers less than 15 not included here.

37. In all wards the numbers travelling more than five miles has increased and in most wards the increase is significant. Overall, the numbers travelling more than five miles from Fermanagh wards to one of Fermanagh's 4 grammar schools are up by 52% in 9 years – and this is while (and why) non-selective schools within these wards are losing pupils and teachers: 47% of Fermanagh's post-primary pupils attend 4 of its schools, whilst 53% attend the remaining 10.

Conclusion

38. This analysis has shown that our current arrangement of academic selection within post-primary transfer significantly disadvantages those who are socially disadvantaged in the annual competition for a place at a grammar school. It then shows that the disadvantage suffered by these groups within the current post-primary transfer process is compounded by the profound demographic difficulties that, broadly speaking, are solely faced by the post-primary sector over-proportionately serving these groups – the non-selective sector. Amidst falling pupil numbers, the capacity of grammar schools has remained the same and this has seen them admitting an ever greater proportion of pupils – reducing to the same extent the pupils and scale of operation in non-selective schools.
39. As a concluding and compelling note, it is important to recognise that the demographic decline that has already occurred actually only represents the foothills of the problem. The fall in pupil numbers has only just begun to work its way into the North's post-primary schools. Table 13 shows that so far the North has, from 2002/3 to 2007/8, experienced a decline in its 11-17 year-old population of 10, 476 (i.e. from 187, 193 to 176, 717). This analysis has shown the profoundly negative effects that have been caused by a decline of this extent. The question is begged – how much more negative will these effects become over the next 6/7 years when decline extends to 24, 979?

Table 13: General 11-17 year-old population change by District Council 1998/99 - 2014/15

	1998/99	2002/03	2007/08	2014/15
Antrim	4,958	5,054	5,192	5,611
Ards	7,050	7,225	6,956	6,759
Armagh	6,378	6,588	6,183	5,892
Ballymena	6,199	6,062	5,748	5,530
Ballymoney	2,891	3,039	2,967	3,090
Banbridge	4,295	4,469	4,436	4,588
Belfast	30,351	28,954	25,502	21,109
Carrickfergus	3,904	3,971	4,021	3,641
Castlereagh	5,748	6,226	6,350	5,161
Coleraine	5,378	5,862	5,522	5,192
Cookstown	4,134	4,190	3,808	3,474
Craigavon	8,800	9,229	9,120	8,507
Derry	13,856	13,567	12,127	11,014
Down	7,529	7,520	7,360	6,637
Dungannon	5,833	5,827	5,665	5,513
Fermanagh	6,986	6,914	6,175	6,020
Larne	3,188	3,184	3,028	2,612
Limavady	3,865	3,798	3,642	3,400
Lisburn	12,241	12,018	11,998	10,651
Magherafelt	4,789	4,874	4,582	4,126
Moyle	1,857	1,918	1,640	1,492

Newry & Mourne	10,741	10,866	10,456	10,136
Newtownabbey	7,432	7,941	7,702	6,726
North Down	7,702	7,377	6,801	6,118
Omagh	6,211	5,840	5,560	4,941
Strabane	4,647	4,680	4,176	4,274
Total	186,963	187,193	176,717	162,214

40. We have seen what has happened to non-selective schools in Belfast and beyond during a period in which the 11-17 population has fallen from 28, 954 to 25, 502. How much less sustainable, inequitable and inefficient will this picture become when the 11-17 population falls by a further 4, 393, to 21,109, in the next 6/7 years.
41. This then, is the equality case for the reform of post-primary transfer that is proposed. We need to reform the inequitable process of transfer by the well-managed withdrawal of its academically-selective element. We then need to ensure that it proportionately and fairly enables children from different backgrounds to compete for admission on level terms – and not suffer disadvantage by socio-economic group or by where they live. We then need to develop an area-planned and collaborative post-primary school estate:
- that is capable of flexibly matching young people to the provision that suits them;
 - that continues the excellent academic traditions of our system and offers a future for our academic schools; and
 - that ensures the sustainability and vitality of all post-primary provision.
- A very significant part in this vision of reform will be played by the legislation proposed.

ALTERNATIVE ROUTES INTO POST-PRIMARY SCHOOLS OUTSIDE THE COMPETITIVE TRANSFER PROCESS

1. **The post-primary transfer process for children in receipt of a Statement of Special Educational Need:** pupils for whom the Education and Library Boards are maintaining statements of Special Educational Need do not take part in the standard Transfer procedure. The appropriate special educational provision for these children at a secondary stage is a matter for the ELB/ESA under Article 16 of the Education and Libraries (NI) Order, 1996 and Article 16 of the Education Reform (NI) Order 1989. Typically an annual review of the child's Statement of Special Educational Need, involving all concerned, will establish the suitable post-primary school for that child. If this review establishes that a grammar school that continues to apply an academic admissions criterion is a suitable post-primary school for that child, then this will have established in accordance with paragraph 18 of the Education (Special Educational Needs) Regulations (NI) 2005 for the child concerned.
2. Crucially, children placed in a post-primary school through a review of their Statement do not count towards that school's admission and enrolment number- by virtue of Article 18 (f) of the Education Order (NI), 1997. This is the sense in which they are truly outside of the standard admission-to-applications process that is the subject of the Transfer 2010 Guidance. Counted outside of the school's admissions and enrolment number, Statemented children neither compete for a place when they are admitted nor reduce the number of places available to other children.

3. **The new Exceptional Circumstances Body that the Department will establish for Transfer 2010:** the Department has an obligation in primary legislation to establish, for Transfer 2010, a body to which parents can apply on the grounds that there are exceptional circumstances that compel their child's attendance at a particular and named post-primary school. If it upholds such an application, this body will have the power to direct the named school to admit the child in a supernumerary manner (i.e. without that admission being included in the school's admissions or enrolment number) – one again, outside of the standard application-to-admission process. The Department has yet to finalise the regulations that will determine what this body can and cannot consider to be exceptional circumstances but these regulations may ensure that a person's with compelling medical reasons to attend a particular school are within the remit of the body. These regulations will of course be subject of consultation and equality proofing.
4. The particular importance of these two complementary routes into post-primary school for the purpose of this assessment is that they limit the degree to which the following Section 75 Groups feature in the cohort affected by the Transfer 2010 Guidance: **Persons with a Disability** and, possibly, **Persons with Dependants. Persons with a disability** that is also a special educational need that qualifies for a statement will not be directly subject to the Transfer 2010 Guidance. Only children with a disability that do not qualify for a Statement and which also will not qualify under "Exceptional Circumstances" (when defined in regulations) need be considered. To the extent that **Persons with Dependants** may qualify for "Exceptional Circumstances" (when defined), these also may not be subject to the Transfer 2010 Guidance.

Analysis of 107 over-subscribed Schools' use of Year 8 Admissions Criteria in Transfer 2008.

School Name	Current Sibling Criteria used (and where (after any academic admissions criteria))	Eldest/Only Child Criteria used (and where)	If Feeder primary criteria are used, then where (after any academic admissions priority) and are they used generally to give same-sector priority?
CONTROLLED SECONDARY (13)			
Ashfield Girls High School, Belfast	1st	Not used	3 rd and yes 4 th and no
Ashfield Boys High School, Belfast	1st	Not used	Not used
Ballymoney High School, Ballymoney	1st	3rd	2 nd and yes
Ballyclare Secondary School, Ballyclare	2nd	3rd	Not used
Dunclug College, Ballymena	2 nd	3rd	1 st and yes
Nendrum College, Comber	1st	3rd	4 th and yes
Glastry College, Ballyhalbert	1st	5th	3 rd and yes
Saintfield High School, Saintfield	1st	5th	4 th and yes
Knockbreda High School, Belfast	1st	2nd	3 rd and yes
Bangor Academy and Sixth Form	1st	3rd	5 th and yes
Dromore High School	2 nd , and as 1 st sub-criterion to all criteria	Not used	1 st and yes; 4 th and yes
Markethill High	1 st sub-	Not used	2 nd and yes

School, Armagh	criterion to all criteria		
Fivemiletown College	1 st sub- criterion to all criteria	Not used	1 st and no
MAINTAINED SECONDARY (19)			
St Cecilia's College	1st	5th	Not used
Little Flower Girls School, Belfast	1st	Not used	3 rd and no; 7 th and no
St Genevieve's High School, Belfast	1st	Not used	2 nd and yes; 3 rd and yes; 9 th and no
De la Salle College, Belfast	2nd	7th	1 st and yes; 8 th and yes
St Mary's College, Derry	1st	Not used	Not used
St Patrick's and St Bridget's College, Claudy	Joint 2nd	Not used	1 st and no; Joint 2 nd and no
St Joseph's Boys School, Derry	1st	6th	Not used
Dean Maguire College, Carrickmore	1st	Not used	Not used
St Colm's High School, Draperstown	2nd	Not used	Not used
St Paul's College, Kilrea	2nd	Not used	Not used
St Pius X College, Magherafelt	1 st sub- criterion to criteria 1 and 2; 3 rd	4 th sub- criterion to criteria 1 and 2	Not used
Edmund Rice College, Newtownabbey	3rd	4th	1 st and yes; 2 nd and no
Cross and Passion College, Ballycastle	2nd	Not used	Not used
St Patrick's College,	3rd	7th	1 st and yes

Maghera			
St Columbanus College, Bangor	2nd	Not used	1 st and yes; 3 rd and no
St Mary's High School, Lurgan	2 nd and as the first sub criterion to all criteria	Second sub-criterion to all criteria	Not used
St Paul's High School, Bessbrook	5th	Not used	Not used
St Patrick's High School, Keady	2 nd sub-criterion to all criteria	3rd sub-criterion to all criteria	4 th and yes
St Catherine's College, Armagh	1st	4 th	3 rd and no
DENOMINATIONAL GRAMMAR (29)			
Lumen Christi, Derry	1st	4th	Not used
St Columb's College, Derry	1st	2nd	Not used
Thornhill College, Derry	1st	2 nd	Not used
Mount Lourdes Grammar, Enniskillen	Not used	Not used	Not used
St Michael's College, Enniskillen	2nd	3rd	Not used
Christian Brothers' Grammar, Omagh	1st	2nd	Not used
Loreto Grammar, Omagh	1st	2nd	Not used
Dominican College, Portstewart	1st	4th	Not used
Loreto College, Coleraine	1st	4th	7 th and unclear
St Louis' Grammar School, Ballymena	1st	2nd	Not used
St MacNissi's College, Garron Tower	2nd	3rd	1 st and no

St Mary's Grammar School, Magherafelt	1st	2nd	Not used
Aquinas Diocesan Grammar School, Belfast	2nd	3rd	Not used
Dominican College, Belfast	1st	Not used	Not used
Rathmore Grammar School, Belfast	Joint 1st	Joint 1st	Not used
St Dominic's High School	2nd	Not used	Not used
St Malachy's College, Belfast	1st	3rd	Not used
St Mary's Christian Brothers Grammar School, Belfast	2nd		6 th and yes
Our Lady and St Patrick's College, Knock	1st	3rd	7 th and no
Assumption Grammar, Ballynahinch	1st	3rd	Sub-criteria for all criteria and no.
St Patrick's Grammar School, Downpatrick	1st	2nd	Not used
St Patrick's Grammar School, Armagh	2nd	Not used	Not used
St Joseph's Grammar School, Donaghmore	1st	2nd	Not used
St Patrick's Academy, Dungannon	2 nd	Not used	1 st and no
Abbey Christian Brothers Grammar School, Newry	2nd	4th	Not used

Our Lady's Grammar School, Newry	2nd	4th	Not used
Sacred Heart Grammar School, Newry	Not used	Not used	Not used
St Colman's Grammar, Newry	2nd	4th	Not used
St Louis' Grammar School, Kilkeel	1st	Not used	Not used
NON-DENOMINATIONAL GRAMMAR (36)			
Foyle and Londonderry College, Derry	2 nd	3rd	1 st and yes
Collegiate Grammar, Enniskillen	Not used	Not used	1 st and same-sector and integrated are given priority.
Portora Royal, Enniskillen	1st	Not used	3 rd and no
Limavady Grammar	2nd	4th	1 st and no
Omagh Academy	Joint 3rd	Joint 3rd	1 st and 2 nd and yes
Strabane Grammar School	1st		4 th and yes
Antrim Grammar	1st		7 th and no
Ballymena Academy	1st	2nd	Not used
Belfast High School	1st	4th	5 th and unclear
Cambridge House Grammar School, Ballymena	1st	Not used	Not used
Carrickfergus Grammar	1st	Not used	Not used
Dalriada School	1st	5th	Not used
Larne Grammar School	Joint 1st	Joint 1st	Not used
Rainey Endowed School	1st	3rd	Not used

Belfast Royal Academy	3 rd	6th	1 st and yes*
Bloomfield Collegiate, Belfast	2nd	6th	1 st and yes*
Campbell College, Belfast	2nd	Not used	1 st and yes*
Grosvenor Grammar School, Belfast	2nd	Not used	Not used
Hunterhouse College, Belfast	1st	Not used	Not used
Methodist College, Belfast	3 rd	Not used	2 nd and yes*
Strathearn School, Belfast	3 rd (and 2 nd)	4th	1st and yes*
Royal Belfast Academical Institution	3rd	7th	1 st and yes*
Victoria College, Belfast	2nd	Not used	1 st and yes*
Wellington College, Belfast	2nd	3rd	Not used
Regent House School, Newtownards	2nd	Not used	1 st and yes*; 5 th and no
Down High School, Downpatrick	3rd	5th	1 st and yes*
Friends School, Lisburn	3rd	5th	2 nd and yes*; 7 th and no
The Wallace High School, Lisburn	2nd		1 st and yes; 6 th and no
Bangor Grammar School	3rd	Not used	1 st and yes*; 5 th and no
Glenlola Collegiate School	3rd	Joint 6th	2nd and yes*; Joint 6 th and no
Sullivan Upper School	2nd	7th	1 st and yes*; 5 th and no; 6 th and no.

The Royal School, Armagh	2nd	Not used	1 st and yes*
Banbridge Academy	Joint 1st	Joint 1st	2 nd and no; 3 rd and no
The Royal School, Dungannon	2nd	4th	Not used
Ballyclare High School, Ballyclare	2nd	6th	5 th and no
Coleraine High School	1st	3rd	Not used
INTEGRATED (MAINTAINED AND CONTROLLED) (10)			
Lagan College, Belfast	1st	3rd	4 th and yes
Oakgrove Integrated College, Derry	Joint 1 st and 4 th	7th	Joint 1 st and yes*; 2 nd and yes; 3 rd and yes
Drumragh Integrated College, Omagh	3rd	4th	1 st and yes; 2 nd and yes;
Slemish College, Ballymena	1st	Joint 3 rd , 4th	Joint 3rd and yes*
Sperrin Integrated, Magherafelt	1st	4th	2 nd and yes
Ulidia Integrated College, Carrickfergus	2nd	4th	1 st and yes
Priory College, Holywood	3rd	Not used	1 st and no
Shimna College, Newcastle	Not used	5th	1 st and yes
Strangford Integrated College	1st	3rd	5 th and yes
Newbridge Integrated College, Loughbrickland	1st	3rd	1 st sub-criterion to all criteria and yes; 4 th and yes

* Denotes where the feeder primary criterion is used to prioritise single feeders such as preparatory departments.