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| Subject: Guidance on the Process for Normalising a School's Approved Numbers (Increases only) | Circular Number: 2022/08 Date of Issue: 27 September 2022 |
| Target Audience: <ul style="list-style-type: none">• Principals and Boards of Governors (BoGs) of all Grant-Aided Schools;• Education Authority (EA);• Council for Catholic Maintained Schools (CCMS);• Comhairle na Gaelscolaíochta (CnaG);• Northern Ireland Council for Integrated Education (NICIE);• Controlled Schools' Support Council (CSSC);• Governing Bodies Association (GBA);• Catholic Schools' Trustee Service (CSTS);• Transferor Representatives' Council (TRC). | Governor Awareness: Essential Status of Contents: Guidance Related Documents: SCHOOLS FOR THE FUTURE: <u>A Policy for Sustainable Schools – January 2009.</u> DE <u>Circular 2017/09 - Guidance on the publication of a Development Proposal (updated September 2018)</u> <u>Department of Education (education-ni.gov.uk)</u> <u>Circular 2019/04 - Admissions and Enrolment Numbers - Temporary Variation Requests</u> <u>Department of Education (education-ni.gov.uk)</u> <u>Area Planning Guidance 2022-2027</u> <u>Department of Education (education-ni.gov.uk)</u> Expiry Date: Not applicable DE Website: <u>Education-ni.gov.uk</u> |
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Purpose of the Circular

- 1.1 The purpose of this circular is to explain how the Department will implement a pilot exercise to approve increases to a grant-aided school's approved numbers which may not require a Development Proposal (DP). The process is designed to 'normalise' admission and enrolments numbers where there is evidence demonstrating an historical pattern of temporary increases approved by the Department.
- 1.2 The Area Planning process implements the Department's Schools for the Future: A Policy for Sustainable Schools, known as the [Sustainable Schools Policy](#) (SSP). The purpose of the policy is to ensure that children and young people have access to high quality education that is delivered in schools that are educationally and financially sustainable. DPs are the statutory means by which proposed changes of significance to education provision can be effected.
- 1.3 However, not all changes may be significant and not all changes may have a significant effect on other schools in an area.
- 1.4 This circular provides advice and guidance on how the process for 'normalising' an *increase to*, a school's approved enrolment number on a permanent basis, will operate and should be read alongside [Area Planning Guidance 2022-2027 and DE Circular 2017/09 Guidance on the Publication of a Development Proposal \(DP\)](#).
- 1.5 The areas covered by this circular with regards to normalising admission and enrolment numbers are:
 - Area Planning;
 - What is Normalising; and
 - The process for normalising a school's approved numbers.
- 1.6 This circular applies to primary and post-primary schools in all sectors. It does not cover pre-school provision, special schools, independent schools, or specialist Special Educational Needs (SEN) provision at mainstream schools.

- 1.7 Those schools which have actual admissions and enrolment numbers higher than their approved numbers or are likely to be affected if an increase is made at another school, must have regard to the content of this circular and ensure that its requirements are followed.
- 1.8 “Statutory planning authorities”, “school managing authorities” and “sectoral bodies” referred to in this circular are defined in DE Circular 2017/09.

Legislation

- 1.9 The Education (Northern Ireland) Order 1997 allows the Department, at any time, to make changes to schools’ admissions and/or enrolment numbers. The key legislative provisions are Articles 11 (3) and 12 (3).
- 1.10 The Department sets these numbers for each school in consultation with Boards of Governors (BoGs), the Education Authority (EA) and, where relevant, the Council for Catholic Maintained Schools (CCMS).
- 1.11 The legislation covering DPs, meanwhile, states that a DP should be brought forward for grant-aided schools (this applies to grant-aided nursery, primary, post-primary and special schools) in the following circumstances:-
 - i. to establish a new grant-aided school;
 - ii. to amend the status of an existing grant-aided school;
 - iii. to discontinue an existing grant-aided school;
 - iv. to make a significant change in the character or size of a grant-aided school;
and
 - v. to make any other change in a school which would have a significant effect on another grant-aided school.

2. Area Planning

- 2.1 Area Planning is a process designed to support the implementation of the SSP.
- 2.2 The aim of the SSP is to improve the quality of education offered to pupils of all ages and backgrounds through the development of a network of schools that are educationally and financially viable.
- 2.3 Area Planning seeks to ensure we have a network of viable and sustainable schools that are of the right type, the right size, located in the right place and have a focus on raising standards.
- 2.4 While recognising the positive impact that Area Planning has made to date and since its inception, there are concerns about the pace of change.
- 2.5 On 29 June 2022, the EA published the '[Strategic Area Plan 2022-27 - Planning for Sustainable Provision' 0.pdf \(eani.org.uk\)](#). The delivery of this strategic area plan requires consideration of more agile means of effecting changes in schools across a continuum of processes for example:
 - Short-term, temporary changes using the Temporary Variation (TV) mechanism;
 - Medium-term, temporary changes;
 - To Reset and normalise changes in enrolment numbers; and
 - Permanent significant changes, which will remain the preserve of the DP process.

3. Significant Change in the Character or Size

- 3.1 The threshold assessment of 'significance' may be determined by reference to the operation of the Department's education policies and the likelihood that the school(s) in question or other schools may be impaired from compliance in a manner which the Department regards as significant.
- 3.2 Should a proposer¹ have plans to make a change to a school's approved numbers and after carrying out a 'significance' test, there is uncertainty as to whether the change is significant, guidance can be sought from the Department on whether the change is considered non-significant or requires the publication of a DP.
- 3.3 Any dispute as to whether a change is a significant change or would have a significant effect on another grant-aided school shall be determined by the Department.

¹ Proposer is defined in Circular 2017/09 Guidance on the Publication of a Development Proposal

4. What is Normalising?

- 4.1 The aim and objective of the normalising process of approving increases to a school's approved numbers which reflect an established increased trend is intended to alleviate the pressure within the Area Planning system and create capacity to focus on more strategic matters.
- 4.2 Each school is an integral part of the network of schools that makes up the education system which caters for the needs and aspirations of all children and young people in an area. Any change to an existing school must, therefore, be considered in the wider context of the network of schools and must be in line with the Area Plan.
- 4.3 Normalisation involves looking at a school's current and historical pattern of enrolment; and gathering and analysing evidence from the school concerned and other schools in the wider area, to determine how its enrolment numbers should be treated in accordance with existing legislative frameworks.

5. Process for Normalising a School's Approved Numbers

5.1 The Department will identify schools at primary and post-primary level that have had higher actual admissions and enrolment numbers than their approved number, whilst adjusting for pupils treated as supernumerary, from the school census data. Schools will only be identified if their actual enrolment has been above their approved enrolment number in four out of the last five years using the latest census data available and providing the following criteria apply:

Criteria

Primary

- The school's actual enrolment in Years 1-7 excluding pupils treated as supernumerary has been above its approved enrolment number in four out of the last five years.
- The school's Year 1 approved admissions has been reached in four out of the last five years.
- Parental preferences evidence over-subscription at total Year 1 applications stage in four out of the last five years.
- The school's current approved enrolment number is above 105 or 140 for rural and urban schools respectively, or would be if the increase is approved.

Post-Primary

- The school's actual enrolment in Years 8-14 or 8-12 if appropriate, (or enrolment specific to the Dickson Plan), excluding pupils treated as supernumerary, has been above its approved enrolment number in four out of the last five years.
- The school's Year 8 approved admissions has been reached in four out of the last five years.
- Parental preferences evidence over-subscription at total Year 8 applications stage in four out of the last five years.
- The school's current approved enrolment number is above 500 at Years 8-12 or would be if the increase is approved.

5.2 The Department will initially consult with the planning authorities, managing authorities, Trustees and sectoral support bodies of the schools identified. This will enable these bodies to put forward their views and evidence as to whether the schools they represent should be part of the process or not. It is considered that one month should be sufficient for responses to be provided. The Department will then consult with the BoGs of those schools identified. This will ensure that consultation is in line with the legislative requirement at Articles 11 (4) and 12 (4) of the Education (Northern Ireland) Order 1997. The schools may provide information, evidence and reasons as to why an increase to their approved numbers should be facilitated or not and, if being facilitated, to establish whether they wish their enrolment to be normalised either to the optimum enrolment identified or to a lower figure between this and their current enrolment. It is considered that one month should be sufficient for responses to be provided.

5.3 Taking account of the comments and evidence received, the list of schools to be part of the process will be published on the Department's website and circulated through the C2k system, with any potentially affected school given the opportunity to respond via normalising@education-ni.gov.uk. It is considered that one month from the publication of the list should be sufficient for responses to be provided.

5.4 The purpose of the consultation is to advise of the proposed increase, to identify any implications arising from it and to give an opportunity to consultees to express their views which will then be used to inform the Minister's decision. Schools submitting their views must ensure that evidence is provided to substantiate the views and comments being expressed.

5.5 The Department will examine all evidence and information received in association with all Departmental policies and recommend which appropriate legislative framework should be followed, ie whether the approved increase should be administered by Article 11 and 12 of The Education (Northern Ireland) Order 1997, or Article 14 of The Education and Libraries (Northern Ireland) Order 1986.

- 5.6 For those proposed increases where the evidence would indicate they should be normalised, a recommendation will be made to the Minister to decide if the increases can be approved. The Minister will consider each case in the context of Departmental policies, statutory duties and the wider context of the network of schools that exist.
- 5.7 Should the Minister decide to approve the normalisation of a school's approved numbers, these will be processed under Articles 11 (3) and 12 (3) of the Education (NI) Order 1997.
- 5.8 For those increases which are considered to be significant and, therefore, requiring a DP, the Department will liaise with the relevant planning authority and/or BoG about the need to employ the DP process. This will be dependent on Ministerial priorities and the need for an increase if there are places in the wider area.

6. Implementation

- 6.1 The process will be a pilot exercise in the first instance but, following review, may be completed in advance of the development of future strategic area plans which will facilitate a review of school enrolments on a five year cycle to effect a number of changes simultaneously, in order to set a baseline for Area Planning and to help streamline Operational Plans to allow planning authorities and sectoral support bodies to focus on more strategic matters. Following the piloting of the process, it will be reviewed and evaluated; amendments may be made to the process based on findings of the review and applied in advance of the next area planning cycle should the process be considered appropriate.
- 6.2 Schools which have enrolments which meet the necessary criteria will be contacted and notified by the Department.

PROCESS FLOWCHART FOR NORMALISING A SCHOOLS ADMISSION AND ENROLMENT NUMBERS

