



Department of  
**Education**  
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**Subject:**

**Guidance on a Pilot Programme: 'Amalgamation for Standardisation' of Pre-School Classes**

**Circular Number:**

2022/09

**Date of Issue:**

**Target Audience:**

- Principals and Boards of Governors of all Grant-Aided Nursery Schools; Grant-Aided Primary Schools with Nursery Provision;
- 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);
- Trustees;
- Catholic Schools' Trustee Service (CSTS); and
- Transferor Representatives' Council (TRC).

**Governor Awareness:**

Essential

**Status of Contents:**

Advice for Principals and Boards of Governors, for action by Education Authority

**Enquiries:**

Any enquiries about the contents of this Circular should be addressed to:

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**Related Documents:**

DE Circular: 2017/09 – 07 July 2017 – Guidance on the Publication of a Development Proposal (Replacement for Circular DE 2014/21)

DE Circular: 2018/16 – Open Enrolment in Nursery Schools and Nursery Classes in Primary Schools

Department of Education - Circular 2017/09 - Guidance on the publication of a Development Proposal (updated September 2018)  
Department of Education (education-ni.gov.uk)

[Area Planning Guidance 2022-2027 | Department of Education \(education-ni.gov.uk\)](#)

**Expiry Date:**

Not applicable

**DE Website:**

[Education-ni.gov.uk](http://Education-ni.gov.uk)

## 1. Purpose of the Circular

- 1.1. The purpose of this circular is to explain how the Department will implement a pilot programme to approve changes to a grant-aided school's approved numbers and session length which may not require a Development Proposal (DP). The process is designed to facilitate change where there is evidence demonstrating an historical pattern of over provision within the setting and sufficient capacity in the surrounding area to continue to provide a funded pre-school education place for every target-aged child whose parents want it.
- 1.2. The Education Authority (EA) is responsible for securing sufficient pre-school education provision in local areas to meet demand and the Department's policy intention of providing a funded pre-school place for every child whose parents want it in the year before they enter compulsory education. Funded pre-school education provision is delivered through a partnership of statutory (nursery school and nursery unit) and non-statutory (private and voluntary playgroup) providers. DPs are the statutory means by which proposed changes of significance to statutory pre-school 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 pre-schools in an area.
- 1.4. This circular provides advice and guidance on how a pilot to facilitate a *decrease to a pre-school's approved enrolment number and a change of session length from part time to full time* on a permanent basis will operate and should be read alongside **DE Circular 2017/09 Guidance on the Publication of a Development Proposal (DP)**.
- 1.5. This circular applies to statutory pre-schools of all management types. It does not cover primary or post-primary schools, special schools, independent schools, or specialist SEN provision at mainstream schools.
- 1.6. Those pre-schools which have an historic pattern of over provision within the setting or are likely to be affected if a change is made at another pre-school,

should have regard to the content of this circular and ensure that its requirements are followed.

1.7. “Statutory planning authorities”, “school managing authorities” and “sectoral bodies” referred to in this circular are defined in DE Circular 2017/09.

### **Legislation**

1.8. The Education (NI) Order 1998 allows the Department, at any time, to make changes to a pre-school’s full time and/or part time enrolment numbers. The key legislative provisions are Articles 25(4) and Article 29(4).

1.9. The Department sets these numbers for each school in consultation with Boards of Governors, the EA and where relevant, CCMS.

1.10. 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. Planning Funded Pre-School Education Provision**

- 2.1. The EA is responsible for planning and securing funded pre-school education provision in local areas and for meeting the Departmental aim of offering a funded pre-school place for every child whose parents want it in the year before they enter compulsory education.
- 2.2. While recognising the positive work of the EA in planning funded pre-school education provision and matching it to an ever-changing pattern of demand, there is evidence of over provision in some statutory pre-schools which is incompatible with the best use of limited resources and the best interests of target aged children in the area. The Education Authority Pre-School Education Group (EA PEG) Planning report (December 2021) set out that during the 2021-22 academic year, some 1,223 penultimate aged children accessed a funded pre-school education place in a statutory setting, almost 300 more than the previous year. This is contrary to the aims set out in the Fair Start Report which included an action that DE should “... focus attention on age-appropriate pre-school education” and is an indicator of potential over provision in the local area.
- 2.3. The Minister for Education has determined that funded pre-school education provision should be standardised to offer at least 22.5 hours education per week in the year before compulsory education. The intention was first indicated in Learning to Learn (2013) and is in line with the Fair Start action that “DE should standardise the length of pre-school education day to at least 4.5 hours per day, including access to free school meals for eligible children, thereby improving equality of provision” and the New Decade New Approach Deal (NDNA) commitment that “The Executive will publish a Childcare Strategy and will give immediate priority to developing arrangements to deliver extended, affordable, responsive, high quality provision of early education and care initiatives for families with children aged 3-4.”
- 2.4. The standardisation of funded pre-school education provision will be subject to Executive approval and funding, and will be informed by detailed engagement

with the pre-school sector including via a Scoping Study to be commissioned in late 2022. The **'Amalgamation for Standardisation' pilot** will provide an important opportunity to trial transformation to a longer session length in some settings to help inform wider decisions and planning for a standardised pre-school session length.

2.5. It has been determined that the pilot programme will also be used to inform wider departmental policy decisions in respect of Nursery Principal Release Time. To facilitate this, some schools participating in the pilot will be offered the opportunity to trial potential models of support or funding in this regard.

### **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 proposer<sup>1</sup> 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.

### **4. What is 'Amalgamation for Standardisation'?**

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

- 4.1. The '**Amalgamation for Standardisation**' pilot process will facilitate the approval of decreases to a pre-school's approved numbers and a change of session length from part time to full time which reflect an established trend of over provision in the setting. The aim and objective are intended to better match the supply of funded pre-school education places to the level and pattern of demand, taking into account the future policy direction of pre-school education provision in terms of session length and minimising the administrative burden and creating capacity for all concerned to focus on more strategic matters.
- 4.2. Every funded pre-school education provider is an important part of the network of settings that make up the education system which caters for the needs and aspirations of all children and parents in an area. Any change to an existing pre-school provider must therefore be considered in the wider context of provision in the area.
- 4.3. '**Amalgamation for Standardisation**' involves looking at a statutory pre-school's current and historical pattern of enrolment; and gathering and analysing evidence from the pre-schools concerned and other pre-schools in the wider area to determine how its enrolment numbers should be treated in accordance with existing legislative frameworks.

## **5. Process for '**Amalgamation for Standardisation**'**

- 5.1. The Department will identify statutory pre-schools that have had high admissions and enrolment numbers of underage (penultimate pre-school age) pupils from the school census data. Statutory pre-schools will only be identified if their actual enrolment of underage pupils has been 15 or above in three out of the last five years using the latest census data available.
- 5.2. The EA will consider the provision in the area of identified schools and determine those where provision in the surrounding area would be sufficient to

meet the assessed level of demand for places for target aged pre-school children if '**Amalgamation for Standardisation**' were applied.

5.3. The Department will consult with the planning authorities, managing authorities, Trustees and sectoral support bodies of the schools identified and the Boards of Governors of the pre-schools themselves. 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. This will ensure that consultation is in line with the legislative requirement at Articles 25 and Article 29 of the Education (NI) Order 1998. Those consulted may provide information, evidence and reasons as to why a decrease to the pre-school's approved numbers and change to the session length should be facilitated or not. For 'Amalgamation for Standardisation' to be approved, the proposed change must be deliverable within the existing provision available in the statutory pre-school setting. Requests dependent on capital or other investment cannot be accommodated within the pilot programme at this time. It is considered that one month should be sufficient for responses to be provided.

5.4. Taking account of the comments and evidence received, a list of statutory pre-schools to be part of the process will be published on the Department's website and circulated through the C2k system and by email to funded non-statutory pre-school providers, with any potentially affected funded pre-school given the opportunity to respond. It is considered that one month should be sufficient for these responses to be provided.

5.5. The purpose of the consultation is to advise of the proposed decrease and change of session length, 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. Pre-schools submitting their views must ensure that evidence is provided to substantiate the views and comments being expressed.

5.6. The Department will examine all evidence and information received in association with all Departmental policies and recommend which appropriate

legislative framework should be followed i.e. whether the approved decrease and session change should be administered by Articles 25 and Article 29 of the Education (NI) Order 1998, or via the DP process.

5.7. For those proposed changes where the evidence would indicate they should be approved, a recommendation will be made to the Minister to decide if the increases can be approved via '**Amalgamation for Standardisation**'. 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.

5.8. Should the Minister decide to approve '**Amalgamation for Standardisation**' for a statutory pre-school, approval will be processed under Articles 25 and Article 29 of the Education (NI) Order 1998.

5.9. 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 Board of Governors about the need to employ the DP process. This will be dependent on Ministerial priorities and the need for funded pre-school places in the wider area.

## **6. Implementation**

6.1. The Department will apply the changes as soon as possible, with the intention that approved changes will be in effect by September 2023.

6.2. The process will be a pilot programme in the first instance but following review, may be repeated or extended during the phased implementation of pre-school standardisation, in order to implement a number of changes simultaneously, to maintain stability in funded pre-school education provision, to help streamline the EA pre-school planning process and to allow planning authorities and sectoral support bodies to focus on more strategic matters with minimal

administrative burden. Following the piloting of the process, it will be reviewed and amendments may be made to the process based on findings of the review.

6.3. Statutory pre-schools which meet the necessary criteria will be contacted and notified by the Department.

## PROCESS FLOWCHART FOR AMENDING A PRE-SCHOOL'S ENROLMENT NUMBER AND SESSION LENGTH

