

<p>Subject:</p> <p>OPEN ENROLMENT IN NURSERY SCHOOLS AND NURSERY CLASSES IN PRIMARY SCHOOLS</p>	<p>Circular Number: 2022/12</p> <p>Date of Issue: 17 October 2022</p>
<p>Target Audience:</p> <p>Principals and Boards of Governors of all Grant-aided Nursery Schools; Grant-Aided Primary Schools with Nursery Provision;</p> <p>Education Authority; and</p> <p>The Council for Catholic Maintained Schools.</p>	<p>Governor Awareness: Essential</p>
<p>Summary of Contents:</p> <p>This Circular advises Principals and Boards of governors of the arrangements for the application of open enrolment procedures for admissions to nursery schools and nursery classes in primary schools.</p> <p>This circular is re-issued only where a change to processes, or the Department's advice on them occurs. The admissions timetable is updated and issued annually as a separate circular.</p>	<p>Status of Contents: Advice for Principals and Boards of Governors</p> <p>Related Documents: 2103/24 (Duty to Verify) Revised October 2020 2012/10 (Waiting Lists)</p> <p>Superseded Documents: 2014/07</p> <p>Expiry Date: Not Applicable</p>
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OPEN ENROLMENT IN NURSERY SCHOOLS AND NURSERY CLASSES IN PRIMARY SCHOOLS

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INTRODUCTION

1. **Part V Chapter II of The Education (Northern Ireland) Order 1998** sets out the statutory requirements for the admission of children to pre-school education at grant-aided schools. Article 21 of the Education and Libraries (Northern Ireland) Order 2003 amended Article 23 of the 1998 Order. Parents are required to express in order of preference the nursery school/class in which they wish pre-school education to be provided for their child.
2. This Circular sets out for Principals and Boards of Governors the arrangements for the application of open enrolment procedures for admissions to nursery schools and nursery classes in primary schools and provides guidance on the implications of the School Age Act (NI) 2022. The Education Authority (EA) also has a key role as it is required to make the arrangements to enable parents to express their preferences as to the nursery school/class they wish their child to attend and also to publicise the arrangements which will apply.
3. It is important to note that schools have a duty to verify information where they have a 'general knowledge or belief' of a problem with false information contained within admission applications if they are to ensure the correct application of their admissions criteria. For further advice and information on the duty to verify, this Circular should be read in conjunction with Circular 2013/24 which advises Principals and Boards of Governors on the duty to verify information contained within applications for admission.

SUMMARY

4. The main roles and responsibilities in relation to open enrolment in nursery schools and classes are as set out below:
 - the **Department of Education** (the Department) determines the full-time and/or part-time enrolment number for each school;
 - the **Education Authority** (EA) makes arrangements to enable parents to express their preference as to the nursery school/class they wish their child to attend. It is also required to publish the criteria which schools will use to select children in the event of their being oversubscribed with applications;
 - **Parents** have the right to:
 - express their preference as to the nursery school/class they wish their child to attend; and,
 - to appeal to an independent appeal tribunal **only** if they consider that the nursery school/class has not applied its admissions criteria or has not applied them correctly.

- **Schools** are required to:
 - admit pupils up to their full time and/or part time enrolment number(s);
 - publish the criteria they will use to select pupils in the event of their being over-subscribed. These criteria must be capable of selecting pupils down to the last available place;
 - give priority to children resident in Northern Ireland at the time of proposed admission; and,
 - consider their waiting list policy.

ROLE OF THE DEPARTMENT

THE LEGAL POSITION

5. **Articles 24, 25, 28 and 29 of the Education (Northern Ireland) Order 1998** require the Department to determine a full-time and/or part-time enrolment number for each nursery school and for nursery classes in primary schools. In determining the enrolment number for a school, the Department is required to have regard, in particular, to:

- the requirements as to school premises under Article 18 of The Education and Libraries (Northern Ireland) Order 1986 as amended;
- the accommodation available for use by pre-school children; and,
- the extent to which full-time and/or part-time pre-school places are to be provided in the school.

Unless otherwise determined **existing** full-time and/or part-time enrolment numbers will continue to apply.

6. Some nursery schools and primary schools with nursery units offer both full-time and part-time places; others offer full-time or part-time only.
7. Schools may not exceed their approved full-time and/or part-time enrolment numbers unless it is to admit a child in compliance with the findings of an Appeal Tribunal, or where a direction under Article 42 of The Education (Northern Ireland) Order 1996 to admit a child to a specified school has been made. In certain circumstances, schools may apply for temporary flexibility in their enrolment number to increase a nursery class size up to a maximum class size of 30 pupils.

DETERMINATION OF FULL-TIME AND PART-TIME ENROLMENT NUMBERS

8. A school's full-time or part-time enrolment number is the maximum number of children which may be enrolled in a nursery school or nursery classes in a primary school in any school year.
9. The Department considers that the full-time or part-time enrolment number of each unit of a nursery school or a nursery class in a primary school offering full-time provision will normally be 26.

TEMPORARY FLEXIBILITY IN CLASS SIZE

10. Temporary flexibility in enrolment/class size is available to help address a shortfall of pre-school places for children in their target pre-school year within an area which cannot be met by any other pre-school provider as part of the Pre-school Education Programme.
11. Schools may apply for up to four additional places, per class. The flexibility is not designed to enable schools to admit additional pupils whose circumstances were not sufficiently prioritised within the admissions criteria set by the Board of Governors, or solely to meet parental preference for one setting.
12. An approved temporary flexibility in enrolment/class size will apply for one academic year only and the school/unit will revert to its original enrolment/class size at the end of that academic year.
13. Requests will only be considered where the school is oversubscribed with pre-school applications from target aged children, the premises and staffing structure can support the increase and maintain a staffing ratio of 1:13 adults to children¹ and the school can operate in line with defined funding arrangements².
14. Requests should be forwarded to the Pre-school Education Group (PEG) who will be responsible for confirming that the criteria under the Temporary Flexibility procedure have been met and making a recommendation to the Department on whether temporary flexibility is required to provide increased capacity to help meet overall demand.
15. Requests should be submitted to the EA PEG and further guidance on the process for applying for temporary flexibility, including a pro-forma for schools to complete is available on the DE website ([Temporary Flexibility - Nursery Schools / Units | Department of Education \(education-ni.gov.uk\)](https://education-ni.gov.uk/Temporary-Flexibility---Nursery-Schools/Units)), or can be sought from the Early Years Team in the Department.

UNAUTHORISED ADMISSIONS

16. Exceeding the approved enrolment number of a school by the admission of an additional pupil or pupils is an unlawful act and the Department, EA and the Boards of Governors of schools must act accordingly. To this end schools **must not**:
 - admit a child/children in excess of their approved part-time or full-time enrolment number;

¹ Class sizes that go beyond 26 children will require 3 members of staff.

² Approved additional places should be registered on the annual school census return, for funding allocations for the next financial year. All pupil count and other funding arrangements, as outlined in the Common Funding Scheme, will apply to the temporarily increased enrolment number for the school.

- admit any such child/children in anticipation of a decision an Independent Appeal Tribunal;
- admit any such child/children in anticipation of a decision on a Temporary Flexibility application.

RESISTING PARENTAL PRESSURE

17. Regardless of the pressure placed upon the school by parents, political representatives or any other person, the Board of Governors, being the admissions authority for the school, will have acted unlawfully if excess pupils are admitted by the school without the prior approval of the Department. Such admissions affect the other schools or other funded settings in a given area to which the child or children would have been admitted and this is often the reason why the Department has not granted additional places by way of a temporary flexibility arrangement. As such, if a school is found to have acted unlawfully in this way the Department will take this action extremely seriously and act accordingly. Schools need to ensure at the outset that parents understand that no application is guaranteed to be successful. Schools should always advise parents explicitly on this point. The unauthorised admission of children may lead to those children being weighted 'zero' for funding purposes.

THE ROLE OF THE EDUCATION AUTHORITY

18. **Article 23 of the Education (Northern Ireland) Order 1998** (as amended) requires the EA to make arrangements for parents to express, in order of preference, the nursery school/class in which they wish pre-school education to be provided for their child and to give reasons for those preferences. Where any of those preferences provide both full-time and part-time pre-school education parents should express a preference as to which kind of pre-school education they prefer.

DEFERRAL OF SCHOOL STARTING AGE

19. **The School Age Act (NI) 2022** became law on 28 April 2022. This legislation allows flexibility for parents of "young for year" children to defer their child starting primary school (and also pre-school) by 12 months.
20. The right to defer applies to children born between 1 April - 1 July (inclusive), and also to children who were due to be born on or between those dates but were born early. The option to defer is entirely a matter of parental choice and is in no way mandatory. The majority of parents of eligible children do not choose deferral for their child.
21. All children, regardless of whether their parents choose deferral for them or not, will continue to be eligible to attend a year of funded pre-school education and will receive 12 years of compulsory education.
22. The EA will provide guidance to parents considering deferral for their child, including how to make a deferral request.
23. Within this guidance, there is reference to **deferral** and **late deferral**:

Deferral:

If a child:

- was born on or between 1 April - 1 July (inclusive), or was due to be born on or between those dates but was born earlier; and,
- has not attended or is not currently attending a funded pre-school setting under the Pre-School Education Programme as a target aged (not penultimate aged) child; and,
- where that child's parent has completed a request to defer their child starting P1; then,

a submitted pre-school application for will be prioritised within the published admissions timetable dates as a "target age" or "final pre-school year" child.

Late deferral:

If a child:

- was born on or between 1 April - 1 July (inclusive), or was due to be born on or between those dates but was born earlier; and,
- has attended or is currently attending a funded pre-school setting under the Pre-School Education Programme as a target aged (not penultimate aged) child; and,
- where that child's parent has completed a request to defer their child starting P1; then,

a submitted pre-school application will **not** be prioritised within the published admissions timetable dates as a "target age" or "final pre-school year" child.

This is because the child will have already been prioritised within the pre-school admissions process, so cannot be prioritised for a second time. A parent can apply for a further year of funded pre-school education for them, but this is not guaranteed, and risks a gap in education provision for the child.

APPLYING FOR A PRE-SCHOOL PLACE

24. It is strongly recommended that parents seeking a pre-school education place for their child are required to provide all relevant information to schools for which they have expressed a preference such as name (**as given on the child's birth certificate**), date of birth and address and brother/sister already attending the school, together with **the child's birth certificate** and other supporting documentation as appropriate.
25. **Parents should be asked to nominate at least four preferences and should be advised to nominate across the sectors ie. statutory and voluntary/private settings, in order to maximize their chances of obtaining the offer of a place.** The importance of this should be particularly emphasised in areas where known pressures exist.
26. The EA will provide a standard application process where relevant information can be included and will ensure that any school to which a child's application for admission is referred will be able to consider the application against its published admissions criteria.

PUBLICATION OF INFORMATION

27. **Article 33 of the Education (Northern Ireland) Order 1998** requires the EA to publish at such time and in such manner as the Department may direct details of the arrangements for the admission of children to pre-school education at each school in each school year and of appeal mechanisms.
28. In addition, **The Education (School Information and Prospectus) Regulations (Northern Ireland) 2003 No. 378** as amended require the EA to publish, in relation to each nursery school or nursery class in a primary school particulars of:
 - the expected number of pupils at the school and their age range; and,
 - the criteria for admission to the school.
29. Please note that the Department is currently revising the Education (School Information and Prospectuses) Regulations (Northern Ireland) 2003. It is anticipated that one of these revisions will require schools to publish information as to whether or not they have arrangements for the operation of a waiting list and if so, the particulars of those arrangements.
30. More information on the draft Regulations is available from the Standards and Improvement Team in the Department. You can contact them by e-mail; standardsandimprovementteam@education-ni.gov.uk or by telephone; 028 9127 9545. Please see Circular 2012/10 for more information.
31. The information relating to the admissions procedure and the admissions criteria of schools will be published by the EA at www.eani.org.uk each year. Arrangements will be also made for parents who are not familiar with looking up information online or who do not have internet access. A hard copy of a school's admissions criteria will also be provided to parents on request (by either the EA or the school).
32. Schools' Boards of Governors must ensure that their admissions criteria are available in sufficient time for EA to include them in the published information. The EA will communicate with schools on this.

APPEALS

33. **Articles 27 and 31 of the Education (Northern Ireland) Order 1998** require the EA to make arrangements enabling parents to appeal if they are dissatisfied with an admissions decision. The appeal will be to an Independent Appeal Tribunal constituted by the EA in accordance with the School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1998. The EA should publish details of the arrangements for appeals against admissions decisions made by schools.

34. Parents may appeal to a Tribunal in relation to a decision refusing their child admission to a school **only** on the grounds that the Board of Governors, by or on whose behalf the decision was made, did not apply, or did not correctly apply, its published admissions criteria.
35. Decisions of Independent Appeal Tribunals are binding on all schools and, consequently, in respect of successful appeal, pupils will be admitted to a school in compliance with a direction given by an Independent Appeal Tribunal, even though the school would thereby be exceeding its approved full time and/or part time enrolment numbers.
36. The Department will monitor the number of appeals and, where a school fails to operate robust admissions criteria, may consider imposing sanctions. These sanctions may include, but are not limited to, ensuring that the excess pupils or pupils are weighted 'zero' for LMS purposes.

THE ROLE OF THE SCHOOL

CONSIDERATION OF APPLICATIONS

37. Schools should consider all applications for admission in accordance with the timetable as published by the Department of Education and admit pupils up to their approved enrolment number. In schools/classes which are oversubscribed, applications for children who have not been accepted for admission at their first preference should be made available **promptly** through the EA for transmission to the parents' second preference pre-school setting. This process should be repeated for third preference settings etc. until all pupils are placed.
38. The aim of the Pre-School Education Programme is to provide one year of high-quality pre-school education for every child whose parents want it. The pre-school curriculum is designed for children in **their final pre-school year** and schools are required, in accordance with the **Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999**, to **give priority to these children** in the admissions process.
39. Children, whose parents choose deferral, can only be given priority as children in their final pre-school year **once**. For this reason, parents considering exercising their right to defer starting primary school for their child are encouraged to defer prior to the point at which their child commences pre-school education, in order to provide continuity for their child. While late deferral (explained at paragraph 23 above), is possible, children whose parents choose deferral for them at this point will not be prioritised for a funded pre-school education place for a second time in the pre-school admissions process. These applications will be considered at **Stage 2 of the admissions process** in line with the admissions timetable which is updated and issued as a separate Circular on an annual basis.
40. **Applications in respect of younger children, not in their final pre-school year, are considered at Stage 2 of the admissions process in line with the admissions timetable which is updated and issued as a separate circular on an annual basis.**
41. In considering applications, Boards of Governors are required to give priority consideration in their admissions criteria to all children in their **final** pre-school year and deferrals (as defined at para 23, not including late deferrals as defined at para 23). Where appropriate, this should include late applications within the parameters of the admissions timetable **before** consideration is given to applications from children applying for a second funded pre-school year following **late deferral** (defined at para 23) and applications from children who will be in their penultimate pre-school year. All applications must be processed within the dates set out in the admissions timetable.

This means the order of priority given to applications must be;

1. Final pre-school year and deferrals (but not including late deferrals); then,
 2. (at stage two of the process) Late deferrals and Penultimate pre-school year
42. School admissions criteria should be drafted, and agreed, by the Board of Governors as a whole. Application of the criteria can be completed by a committee of the Board of Governors, or the principal, under the scheme of management approved for the school. If the Board of Governors intends to delegate its authority in this way this decision should be formally recorded. Only those who the Board of Governors have delegated authority to can apply the criteria. This circular refers to admissions duties being completed by the 'school' and by the 'Board of Governors.' Regardless of which term is used the circular assumes that only those with authority delegated to them by the Board of Governors of the school can complete these duties.
43. Further advice on the admissions procedure, particularly the admissions of children in their penultimate pre-school year, is available from the EA's Pre-School Admissions Office.

ADMISSIONS CRITERIA

44. **The Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999** require nursery schools and nursery classes in primary schools, when oversubscribed with applications, to apply admissions criteria which ensure that available places are targeted at children in their final pre-school year who are from socially disadvantaged circumstances. Children from 'socially disadvantaged circumstances' means a child whose parent has an entitlement to (i) Income Support, or (ii) Income-based Jobseeker's Allowance, or (iii) Income related Employment and Support Allowance, or (iv) Universal Credit.
45. The 'socially disadvantaged circumstances' criterion should not be altered by Boards of Governors, for example by reference to a child's address or other sub-criteria.
46. When parents apply for places for their child on this basis, they must provide Benefit Verification to confirm that they are in receipt of a qualifying payment. The application procedure for Pre-School as published by the EA will outline how the Benefit Verification can be submitted.
47. Schools within their admissions criteria can also decide to give some priority to the admission of children with special educational needs where Boards of Governors so wish. This does not apply to children with a statement of Special Educational Needs, as these children are not placed through the open enrolment process.

48. Responsibility for drawing up additional admissions criteria to be applied when oversubscribed with applications rests with the Board of Governors, who must consider:
- in controlled schools, any representations made to it by the EA; and,
 - in the case of a Catholic maintained school, any representations made to it by the Council for Catholic Maintained Schools.
49. The Department strongly recommends that pre-school settings **should not use** criteria which:
- differentiate by age (for children in their final pre-school year, including children who have deferred) except as a tie-breaker for final places;
 - differentiate by order of parental preference. Pre-school settings should not use a criterion which gives priority on the basis that a family has identified it as a first preference (see 'First Preference Applications' below);
 - criteria prioritising children of employees/governors of a school;
 - familial connection beyond sibling(s) currently attending the school (in the case of a Nursery Class in a Primary school 'school' can mean Primary School).
50. In 2018 leave was sought for a judicial review of a primary school's admissions criteria. The matter was eventually resolved when the school received legal advice that the use of particular admissions criteria which departed from DE guidance may be difficult to defend successfully. Whilst in this case, the school's admissions criteria were not tested in court, the judge did agree to quash the specific criteria which comprised of familial criteria beyond sibling currently attending the school, and criteria prioritising family members of employees/governors of the school.
51. Boards of Governors should carefully consider the content of their school's criteria and where guidance is not being followed the reasons for this should be clearly recorded (eg. in the relevant Board of Governors minutes). If a school fails to follow guidance and does not have sufficient reason for doing so the school may not be indemnified by the EA if legal proceedings are initiated against the school.
52. Schools should clearly record how they have applied their published admissions criteria against every application received as this may be required in the event of an appeal or legal challenge.

INTEGRATED EDUCATION

53. **The Integrated Education Act (NI) 2022** comes into operation on 26 October 2022 and amends the current duty on the Department of Education from "to encourage and facilitate the development of integrated education" to also include "support", which the Act defines. Among other matters the Act also amends the definition of integrated education, expanding this to include a range

of pupil categories that must be educated together in an integrated school. The Act defines an integrated school in terms of the ethos it must support, protect and advance, and the Act introduces a purpose of integrated education which will need to be reported on in terms of how successfully it has been achieved.

54. As the Board of Governors of a school is that school's admissions authority, Boards of Governors of integrated schools should be cognisant of the definitions and requirements contained within the Act when defining the criteria, they wish to use to select children for admission and satisfy themselves that the criteria for admissions from the 2023/24 school year onwards is in line with these.

OTHER CRITERIA

55. Within the framework set out above, Board of Governors must adhere to the legislative requirements as laid down in **Article 32(4) of the Education (NI) Order 1998**, Boards of Governors shall provide for all children resident in Northern Ireland at the time of their proposed admission to the school to be selected for admission before any child not so resident may be selected for admission.
56. The Board of Governors of the school must carefully consider what circumstances it wishes to prioritise within its admissions criteria. The Department would expect that the criteria drawn up by Boards of Governors to enable them to select children for admission when oversubscribed with applications would take into account a range of factors.

These could include, for example;

- the geographical location of the child's home relative to the school (the method of determining the location or distance should be made clear in the published criteria);
 - applicants who are a Child Looked After, defined by the Children (NI) Order 1995 as children 'who are in the care of a Trust or who are provided with accommodation by the Trust' ; and,
 - in the case of nursery classes in primary schools, whether brother/sister (or half brother/sister) is attending the primary school. If a sibling criterion is included, it should take account of siblings who themselves would be making an application to the primary school in the same year as the younger sibling applies to the nursery class.
57. Admissions criteria are intended to enable the Board of Governors to make objective decisions about which children to admit to the school. Since the application of a school's admissions criteria is the key factor in an Independent Appeal Tribunal's consideration of a parent's appeal against an admissions decision, it is essential that the admissions criteria should:

- be objective;
 - be capable of verification; and,
 - **be capable of distinguishing between children down to the last available place.**
58. Boards of Governors should ensure that their criteria for admission take this into account. In terms of distinguishing between children down to the last available place, the admissions criteria must include a tie-breaker. The Department's recommendations for tie-breaker criteria are attached at Annex A. The tie-breaker to be used should be published alongside the setting's admissions criteria, including, where applicable, the order of the **Random Selection of Letters** that will be used.
59. Boards of Governors must ensure that their published criteria are clear as to how the criteria and any sub-criteria will be applied in the event of oversubscription. The point at which a tie-breaker will be applied (ie. at the last **criterion** that can be applied or the last **sub-criterion** that can be applied) must be made clear.

FIRST PREFERENCE APPLICATIONS

60. Schools are strongly recommended **not to** use criteria which differentiate by order of parental preference as this can limit the proper operation of parental preference under the preference based procedure. Schools should therefore consider all applications received at each stage of the admissions process and continue to apply their published admissions criteria where they become oversubscribed with applications for funded places available until the relevant closing date as set out in the admissions timetable. This should be done even if the setting is oversubscribed with 'first preference' applications, as second or subsequent preference applications may be placed higher in the rank order for the setting when the published admissions criteria are applied.

CHILDREN ADMITTED IN THEIR PENULTIMATE PRE-SCHOOL YEAR

61. Where a child in their penultimate pre-school year is admitted to a school, there is no automatic entitlement to a second year's pre-school education at that school. Parents will be required to make a new application for a further year's pre-school education which will be considered along with all other applications.

DEFERRAL OF SCHOOL STARTING AGE

62. Pre-schools should differentiate within their criteria between **deferral** and **late deferral**. The EA will confirm the deferral status of all relevant children. Annex B provides a visual guide to assist settings in understanding the types of pre-school application they may receive.

Deferral:

If a child:

- was born on or between 1 April - 1 July (inclusive), or was due to be born on or between those dates but was born earlier; and,
- has not attended or is not currently attending a funded pre-school setting under the Pre-School Education Programme as a target aged (not penultimate aged) child; and,
- where that child's parent has completed a request to defer their child starting P1; then,

a submitted pre-school application will be prioritised within the published admissions timetable dates as a "target age" or "final pre-school year" child.

Late deferral:

If a child:

- was born on or between 1 April - 1 July (inclusive), or was due to be born on or between those dates but was born earlier; and,
- has attended or is currently attending a funded pre-school setting under the Pre-School Education Programme as a target aged (not penultimate aged) child; and,
- where that child's parent has completed a request to defer their child starting P1; then,

a submitted pre-school application will **not** be prioritised within the published admissions timetable dates as a "target age" or "final pre-school year" child.

This is because the child will have already been prioritised within the pre-school admissions process, so cannot be prioritised for a second time. A parent can apply for a further year of funded pre-school education for them, but this is not guaranteed, and risks a gap in education provision for the child.

63. Where a child's parents apply for **late deferral**, there is no automatic entitlement to a second year's funded pre-school education at that school. Parents will be required to make a new application if they want to apply for a further year's funded pre-school education. Their application will not be prioritised as a final pre-school year application for a second time and will be considered at Stage 2 of the admissions process in line with the published Timetable.

WAITING LISTS

64. It is essential that all schools are clear and transparent regarding the operation of their waiting list policy. The Department's main interest in waiting list practice is **not** to instruct schools on how waiting lists should be managed, as this is entirely a matter for the Board of Governors of the school. It is essential, however, that **all schools publicise their waiting list policy, whatever it may be**. Even where no waiting list is maintained by the school, this information should be publicly available. Further advice on this issue can be found in Circular 2012/10.

TIMETABLE

65. The timetable for the operation of these admissions arrangements will be updated and issued as a separate circular on an annual basis. Principals are reminded that they must strictly adhere to all dates set out in the timetable.



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Head of School Admissions Team

TIE-BREAKER CRITERIA

The Department's recommendation on tie-breakers is focused on the following methods of tie-breaker:

- **Method A – Age:** a criterion that prioritises applicants by age (eldest or youngest) established by date-of-birth as entered on a Birth Certificate;
- **Method B - Random Selection of Letters:** a criterion that prioritises applicants by where the letters of their name (as entered on a Birth Certificate) places them on a rank established by a random selection of letters. A typical description of this well-established tie-breaker by a school is:

“Children will be selected for admission on the basis of initial letter(s) of surname (as entered on Birth Certificate) in the order set out below:

E M Y K T S L Mac Z Q O G N A Mc I H F V P R W D B C U J X

This order was determined by random selection.

In the event of surnames beginning with the same initial letter the subsequent letters of the surname will be used in alphabetical order. In the event of two identical surnames the alphabetical order of the initials of the forenames will be used.”

- **Method C - random selection:** capable of leaving a clear audit trail (eg. computerised random selection).

Methods A and B do not present the operational difficulties for the processing of preferences that are presented by Method C. The only weaknesses with Methods A and B are that Method A will not distinguish between children with the same date of Birth and Method B will not distinguish between children with exactly the same full name. However, if a school's admission criteria permit the school to apply the “Age tie-breaker” in the event of a tie within the “selection of letters tie-breaker”, or *vice versa* then this will nearly always be effective. In any very unlikely case where this combination is not effective, if a school's admissions criteria, then permit it to apply a method of random selection; even pupils with exactly the same date-of-birth and full name can then be distinguished.

The optimal entry for a tie-breaker criteria for a Board of Governors to consider is, therefore, either of:

- Method A, then Method B, then Method C
- Method B, then Method A, then Method C

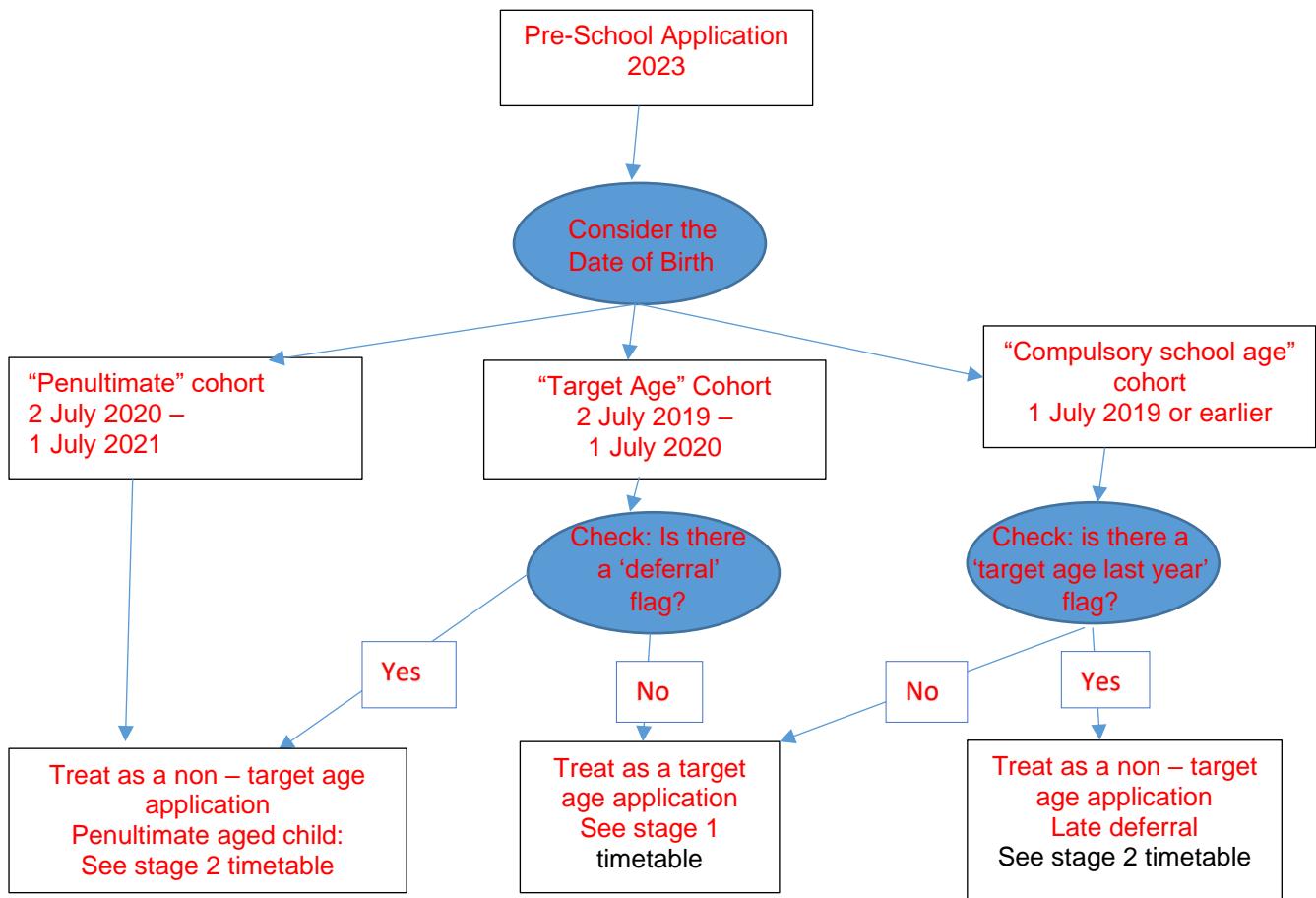
SCHOOL AGE DEFERRAL: PRE-SCHOOL ADMISSIONS

The School Age (NI) Act 2022 introduced flexibility for the parents of "young for year" children to defer their children starting primary school by 12 months.

The right to deferral applies to children born on or between 1 April - 1 July (inclusive), and also for children who were due to be born on or between those dates but were born earlier. The option to defer is entirely a matter of parental choice and is in no way mandatory. The majority of eligible children do not defer.

The EA will provide guidance to parents about deferral, including information about how to make a deferral request.

Pre-school should ensure that their admissions criteria properly take account of the option of deferral. The chart below may assist settings in understanding the types of pre-school application they may receive.



Example of Updated admissions criteria

The example below seeks to illustrate how a setting might update existing admissions criteria to take account of the new legislation. The text is not prescriptive, and it is a matter for individual settings to set their own admissions criteria, taking into account the relevant legislation and guidance.

SCHOOLS ORDER OF PRIORITY

Statutory Criteria

1. Children who are **in their final pre-school year** as defined above and **from socially disadvantaged circumstances**; and,
2. Children who are **in their final pre-school year** as defined above and **not from socially disadvantaged circumstances**.

Non-Statutory Criteria

3. Children **not in their final pre-school year** as defined above.

The example below shows how a setting may update the wording of their existing admissions criteria to take account of the School Age Act. The text is not prescriptive.

Previous text:

1. Children from socially disadvantaged circumstances in their final pre-school year ie. born on or between 2 July 2019 and 1 July 2020 (inclusive); (ie. Target age, SDC eligible)
2. Children not falling within sub-paragraph (1) in their final pre-school year; (ie. Target age, not SDC eligible)
3. Children born on or between 2 July 2020 and 1 July 2021 (inclusive) (ie. underage)

Updated Text:

1. Children from socially disadvantaged circumstances in their final pre-school year who were born:

- a) on or between 2 July 2019 and 1 July 2020 (inclusive) and whose parents have not exercised their right to defer their child's entry to primary school; or,
- b) on or between 1 April 2019 and 1 July 2019 (inclusive) or were due to be born on or between those dates but were born earlier; and,
 - have not attended or are not currently attending a funded pre-school setting under the Pre-School Education Programme as a target aged child; and,
 - where that child's parent has completed a request to defer their child starting P1.

2. Children not falling within Paragraph (1) who are in their final pre-school year (as defined by paragraph 1)

3. Children who were born:

- a) on or between 2 July 2020 and 1 July 2021 (inclusive); or,
- b) on or between 1 April 2019 - 1 July 2019 (inclusive), or were due to be born on or between those dates but were born earlier; and,
 - have attended or are currently attending a funded pre-school setting under the Pre-School Education Programme as a target aged (not penultimate aged) child; and,
 - where that child's parent has completed a request to defer their child starting P1: or,
- c) on or between 1 April 2020 and 1 July 2020 (inclusive) or were due to be born on or between those dates but were born earlier; and,
 - where that child's parent has completed a request to defer their child starting P1.