

Child Rights Impact Assessment template



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STAGE 1: SCOPING (Background and Rights Framework)

Question 1: Name the measure / proposal being assessed and describe the overall aim
Repeal of the Socially Disadvantaged Circumstances (SDC) criterion legislation, within the Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999
Pre-school education is an important, non-compulsory stage of education that makes a significant and long-term impact on a child's overall development. Research consistently shows that high quality pre-school education significantly benefits children's cognitive, social, and emotional development. It is especially impactful in mitigating the effects of disadvantage, improving long-term educational, social, and economic outcomes. The Department has a statutory duty to provide one year of funded pre-school education for every target age child whose parents want it. The Pre-School Education Programme (PSEP) was established in 1998 to deliver this provision and operates as a partnership between statutory and non-statutory pre-school sectors. The Effective Pre-school Provision NI (EPPNI) Pre-School Research Summary Report No 1998-2004 demonstrated the positive effects of high quality pre-school provision on children's intellectual and social behavioural development up to the end of Key Stage 1 in primary school. This research indicated that pre-school can play a part in combating social exclusion for disadvantaged children by promoting a better start to primary school, and that pre-school has a positive impact on children's progress over and above family influences. Where disadvantaged children attended centres that included children from mixed social backgrounds, they showed further benefit than if they attended centres containing predominantly disadvantaged children. This, however, can be a challenge in the current circumstance, particularly in areas of high social disadvantage. It can be difficult to achieve a mixed social background in settings in these areas due to the imposed statutory criterion which prioritises children from SDC ahead of all others. This can have the unintended consequence of reducing the social background mix, therefore potentially limiting the benefits for children from SDC as a result.

The statutory criterion legislation, [Pre-School Education in Schools \(Admissions Criteria\) Regulations \(Northern Ireland\) 1999](#), requires pre-schools to prioritise children from SDC in their admission criteria. The primary reason for establishing this priority criterion in law was due to the availability of pre-school places at that time. In 1998, there were approximately 11,100 funded pre-school education places available, which meant that only 45% of children in their immediate pre-school year could access a funded place and the statutory criterion ensured that those children most in need were afforded priority.

Almost 30 years later, much has changed. Crucially, pre-school provision has been universal for over a decade making the original intention of the statutory criterion legislation redundant. There are enough funded places in every area of Northern Ireland to accommodate every target-aged child whose parents want a pre-school place for them. The prioritisation of children from 'socially disadvantaged circumstances' can no longer be considered necessary to fulfil its original purpose of providing access to a limited number of pre-school places.

There have been calls for the statutory criterion to be amended or repealed for over 20 years and the pre-school education process, including admissions, has been subject to review several times over this period. These have demonstrated a strong appetite for the removal of the statutory criterion. The issue has also been raised regularly in correspondence, and through stakeholder engagement with the Department. Settings, parents and other stakeholders have repeatedly called for pre-school admissions to be placed on a par with primary and post-primary, where individual settings are empowered to select admissions criteria that prioritise applications as best befits the individual circumstances of settings and the communities they serve.

The repeal of the statutory criterion legislation aims to remove outdated and unnecessary legislation for the reasons outlined above. However, it is important to note, that repeal of the statutory criterion legislation will remove the imposed statutory requirement for a standard, universal prioritisation of children from SDC in pre-schools admissions criteria only. It does not mean that settings will be unable to set the same or similar criterion should it be deemed appropriate to the particular circumstances and community in which the setting is based. It will simply mean that pre-school education settings will have the same power to determine admissions criteria as primary or post-primary schools. The upcoming public consultation on the options available to the Department regarding any future prioritisation of children from SDC will feed into the way forward, including additional guidance for pre-school education settings in choosing and drafting admission criteria.

Question 2: Which children's human rights instruments and articles are relevant to the measure / proposal?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
United Nations Convention on the Rights of the Child (UNCRC)	Article 2 – Non-discrimination	The repeal of the statutory criterion legislation aims to remove outdated and unnecessary legislation and will impact all pre-school children in the same way without discrimination. It is in the best interest of the child as funded pre-

	Article 3- Best interests of the child Article 12- respect for the views of the child (right to be heard) Article 28 – Right to education	school education, although non-compulsory, has been universal for over a decade with a funded pre-school place being available for every target aged child whose parent wants it. The primary reason this priority statutory criterion was originally established was to prioritise access to a limited pre-school programme to those deemed likely to benefit from it most. In 1998, there were approximately 11,100 funded pre-school education places available, which meant that only 45% of children in their immediate pre-school year could access a funded place, however this primary purpose is now redundant due to universal pre-school provision. Additionally, during the admission process for funded pre-school places, the majority of children are offered a place in their parents' first preference setting, whether they have been prioritised under the statutory criterion or not.
Equality Impact Assessment	The EQIA will examine the rights of all Section 75 Groups as required by the NI Act 1998.	The purpose of this Equality Impact Assessment (EQIA) is to assess the potential impact of the repeal of the socially disadvantaged circumstances (SDC) statutory criterion legislation, in line with the Department of Education's obligations under Section 75 of the Northern Ireland Act 1998

Question 3: Which groups of children are most likely to be affected by the measure / proposal?		
Group of children	How are they likely to be affected?	How will you engage with them?
Pre-school children from SDC	There is potential that children from SDC may be impacted, however this is unlikely. The primary purpose of the legislation to provide access to a funded pre-school place is now unnecessary due to universal provision. Every target aged child whose parents	The upcoming public consultation on the options available to the Department relating to any future prioritisation of children from SDC will provide an opportunity for all stakeholders and interested parties e.g. parents/carers, pre-school education settings etc. to input their views. An analysis of consultation responses will be collated and used to provide further advice for the Ministers consideration.

	want it now has access to a funded pre-school place and the majority of children are offered a place in their parents' first preference setting, whether they have been prioritised under the statutory criterion or not. In the 2026/27 academic year admissions process, 94.59% of parents were offered a place for their child in their first preference setting. It can be difficult to achieve a mixed social background in settings in areas of social disadvantage due to the imposed statutory criterion which prioritises children from SDC ahead of all others. This can have the unintended consequence of reducing the social background mix, therefore limiting the benefits (as set out in EPPNI) for children from SDC as a result.	
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Question 4: Which stakeholder groups should be engaged during the policy development process? (e.g., parents/carers, NGOs, unions, NICCY, academics, etc.)		
Stakeholder group	What can they contribute to the process?	How will you engage with them?
Parents/carers, etc.	Each stakeholder/organisation has its own individual ideas and input on the repeal of the statutory criterion legislation.	The upcoming public consultation on the options available to the Department relating to any future prioritisation of children from SDC will provide an opportunity for all stakeholders and interested parties e.g. parents/carers, pre-school education settings etc. to input their views.

		An analysis of consultation responses will be collated and used to provide further advice for the Ministers consideration.
Pre-school education settings	Each stakeholder/organisation has its own individual ideas and input on the repeal of the statutory criterion legislation.	The upcoming public consultation on the options available to the Department relating to any future prioritisation of children from SDC will provide an opportunity for all stakeholders and interested parties e.g. parents/carers, pre-school education settings etc. to input their views. An analysis of consultation responses will be collated and used to provide further advice for the Ministers consideration
NGOs and advocacy organisations	Represent the interests of children, families, and marginalised groups. Provide evidence and policy expertise.	The Department may contact certain bodies directly to ensure they are made aware of the consultation and encouraged to respond.
NICCY (Northern Ireland Commissioner for Children and Young People)	Ensures children's rights are upheld. Can provide scrutiny and recommendations aligned with UNCRC.	The Department may contact NICCY directly to ensure they are made aware of the consultation and encouraged to respond.
Other relevant stakeholders and interested parties	Each stakeholder/organisation has its own individual ideas and input on the repeal of the statutory criterion legislation	The upcoming public consultation on the options available to the Department relating to any future prioritisation of children from SDC will provide an opportunity for all stakeholders and interested parties e.g. parents/carers, pre-school education settings etc. to input their views. An analysis of consultation responses will be collated and used to provide further advice for the Ministers consideration

STAGE 2: CONTEXT AND COLLABORATION

Question 5: Which Programme for Government outcomes does this policy aim to impact on?	
PFG Outcome	Way in which the policy will have an impact
Deliver more affordable, accessible, high-quality early learning and childcare	The Early Learning and Childcare Strategy is the primary vehicle for achieving this goal, improving affordability, access, quality, and sector sustainability. The Strategy contains an action relevant to the repeal of the SC criterion legislation, i.e. consult on legislative changes to remove the current statutory admissions criteria prioritising children from socially disadvantaged circumstances when applying for funded pre-school education places.

Question 6: Which Children and Young People's Strategy outcomes does this policy aim to impact on? Resource: CYPS	
Children's Strategy Outcome	Way in which the policy will have an impact
Children and young people learn and achieve	Pre-school education enhances early educational experiences, improving school readiness and long term learning outcomes. With the repeal of the statutory criterion legislation pre-school education settings will continue to provide this early educational experience.

Question 7: What opportunities are there to promote joined up outcomes for children? Resource: CSCA		
Department and policy area	Shared outcome / cross cutting issue	How will you engage with them? (e.g. joint working, keep informed, consultation, etc)
NA no cross-cutting issues identified	NA no cross-cutting issues identified	NA no cross-cutting issues identified

STAGE 3: EVIDENCE GATHERING

Question 8: What quantitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
Pre-school statistics	Education Authority management information and analysis	Available data and management information provided by the Education Authority (EA) who manages the Pre-school Education Programme (PSEP) indicate: - Pre-school provision has been universal for over a decade, meaning there are enough funded places in every area of Northern Ireland to accommodate every target aged child whose parents want a pre-school place for them. This universal provision makes the original intention of the legislation redundant. Most notably, in the admissions process for the 2026/27 academic year, every child whose parents stayed with the admissions process received an offer of a funded pre-school education place in a setting of their parents' preference by the end of stage two, and 898 places remained available for any children whose parents had not yet applied for any reason (e.g. families newly arriving in Northern Ireland). - Currently the majority of children are offered a place in their parents' first preference setting, whether they have been prioritised under the statutory criterion or not. Further, settings only utilise their admissions criteria in the event they are oversubscribed. In the 2026/27 academic year admissions process, 94.59% of parents were offered a place for their child in their first preference setting. Furthermore, 35.66% of children indicated eligibility for the statutory criterion in their pre-school application, and 97.11%, were placed in the parents first preference setting at the end of Stage two of the admissions process for the 2026/27 academic year; some of which applied to settings which were not oversubscribed, meaning that their SDC status was not relevant to the placement decision.
Pre-school Statistics	Department census data: Information in the form of infographics may be accessed via the links below. The information,	The Department data indicates pre-school enrolments and universal provision, free school meals entitlements and the changes in the representation of SDC in pre-school education settings annually.

	drawn from the annual school census exercise, relates to numbers and characteristics of pupils at each school in the relevant academic year and includes pre-school data. Education Data Infographics 2025/26 Department of Education	
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Question 9: What qualitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
See questions 8 - a mix of qualitative and quantitative evidence from the sources named	See questions 8 - a mix of qualitative and quantitative evidence from the sources named	See questions 8 - a mix of qualitative and quantitative evidence from the sources named
Previous consultation responses on SDC	Analysis of input/feedback from all stakeholders	The statutory criterion has been consulted on a number of times over the years since it was enacted. It is clear from stakeholder feedback that there is a general consensus that the legislation is now unnecessary and viewed as unfair, particularly for working families. Details regarding the previous consultations are presented below: June 2004: the Department of Education (DE) carried out a review of pre-school provision. This review included a four month public consultation period, during which some 7,023 responses were received. This consultation included a question 'asking whether the current definition of socially disadvantaged circumstances was still suitable. Of those who provided a response to this question, over 94% answered 'No'.

		○ June 2011: DE conducted a review of the procedures for admission to pre-school places which was published in January 2012 and included an action to examine the definition of children from SDC (as a priority criterion). The review recommendations relating to SDC were not implemented pending changes to the free school meals criteria as a result of welfare reforms and the introduction of Universal Credit. ○ 2021: the Department carried out a further public consultation seeking views on proposals to amend or remove the statutory criterion. It was clear from the consultation and stakeholder engagement that overall, there is no longer support for the indefinite retention of a statutory priority criterion in the context of universal provision of pre-school education. ○ Dec 2025/ March 2026: the Department carried out a public consultation on the Early Learning Childcare Strategy which contains the action to, “consult on legislative changes to remove the current statutory admissions criteria prioritising children from socially disadvantaged circumstances when applying for funded pre-school education places.” Responses indicated the importance of addressing, ‘the disadvantages to working parents who have unfairly been impacted by the statutory admission criteria’. ○ Additionally, many pre-school education settings and parents assert that it is unfair for pre-school admissions to continue to have statutory criterion imposed now that pre-school education is universal. Many claim that the SDC criterion now acts as a barrier for children to access pre-school provision local to them, while others suggest that the statutory criterion sometimes renders other criteria effectively redundant, disempowering pre-schools from selecting criteria that better reflect the needs of the local community. They consider that it would be better for pre-schools, like primary and post-primary schools, to choose their own admissions criteria that best reflect the individual pre-school education setting and the community it serves.
All relevant stakeholder and interested parties perspective will be collected during the upcoming public consultation on the options available to the Department relating to	Public consultation period	Input from all relevant stakeholder and interested parties will provide valuable perspectives in terms of any future prioritisation of children from SDC

any future prioritisation of children from SDC.		
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Question 10: What key missing information / evidence would have been beneficial to your analysis?

NA - The EA regularly creates and analyses management information in relation to the pre-school admissions process. DE also analysis census data annually from all pre-schools in October each year to determine trends, etc.

The upcoming public consultation on the options available to the Department relating to any future prioritisation of children from SDC will provide an opportunity for all stakeholders and interested parties e.g. parents/carers, pre-school education settings etc. to input their views. This will include input on the draft EQIA etc. An analysis of consultation responses will be collated and used to provide further advice for the Ministers consideration

Question 11: What existing evidence on children and young people views has been considered in the development of the proposal or measure?

Group of children	Source of Information	Please provide a brief description of process	What were the findings?
Pre-school age is challenging, however, see question 8 & 9.	question 8 & 9.	question 8 & 9	See questions 8 & 9

Question 12: What groups of children and young people have been directly involved in developing the proposal or measure?			
Groups involved [✓ if those affected by the proposal]	✓	How were they involved?	What were the findings?
See questions 8 & 9		See questions 8 & 9	See questions 8 & 9

Question 13: What stakeholder groups have been engaged in developing/reviewing the proposal or measure?		
Stakeholder group	How were they involved?	What were the findings?
See question 8 & 9	See question 8 & 9	See question 8 & 9

STAGE 4: ASSESSING THE IMPACT

Complete questions 14-16 for each option being considered

Question 14: What impact will (or does) the proposal or measure have on children and young people's rights?		
Type of impact <i>[please highlight]</i>	Justification for Argument	likely or actual short/medium/long-term outcomes
Positive / Negative / Neutral	Pre-school provision has been universal for over a decade making the original intention of the statutory criterion redundant. There are enough funded places in every area of Northern Ireland to accommodate every target-aged child whose parents want a pre-school place for them. The prioritisation of children from 'socially disadvantaged circumstances' can	Every target-aged child whose parents want a pre-school place for them will continue to be delivered.

	no longer be considered necessary to fulfil its original purpose of providing access to a limited number of pre-school places. The repeal of the statutory criterion legislation removes outdated and unnecessary legislation. When considering the Effective Pre-school Provision NI (EPPNI) Pre-School Research Summary Report No 1998-2004 challenges now exist due to the current statutory criterion, particularly in areas of high social disadvantage. It is difficult to achieve a mixed social background in settings in these areas due to the imposed statutory criterion which prioritises children from SDC ahead of all others. This can have the unintended consequence of reducing the social background mix and limiting the benefits of children from SDC as a result. The repeal provides an opportunity for greater flexibility to achieve mixed socio-economically mixed groups, particularly in areas of high social disadvantage. As well as providing pre-school education settings the choice to select admission criteria that best reflect the individual circumstances of the setting and the community it serves and have a more positive influence and benefit(s) in this regard. The repeal will remove the imposed requirement to prioritise children from SDC in pre-schools admissions criteria in law only. It does not mean that settings will be unable to set such a criterion in the future should it be deemed appropriate to the particular circumstances and community in which the setting is based. It simply mean that pre-school education settings will have the same power to select and publish their own admissions criteria as primary and post-primary schools do. The upcoming public consultation on the options available to the Department regarding any future prioritisation of children from SDC will feed into the way forward on this for all pre-school education settings. Additionally, the upcoming public consultation will provide an opportunity for all relevant stakeholders and interested parties to input into what any future prioritisation of children from SDC looks like.	
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Question 15: Will there be (or are there) different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
NA	NA	NA

Question 16: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?	
Negative impact	What options are there to modify the measure(s) or mitigate the impact?
NA	NA

STAGE 5: CONCLUSIONS AND RECOMMENDATIONS

Question 17: In summary, what are your key findings on the impact of the measure or proposal on children and young people's rights?

Pre-school provision has been universal for over a decade making the original intention of the statutory criterion redundant. There are enough funded places in every area of Northern Ireland to accommodate every target-aged child whose parents want a pre-school place for them. The prioritisation of children from 'socially disadvantaged circumstances' can no longer be considered necessary to fulfil its original purpose of providing access to a limited number of pre-school places. There have been calls for the statutory criterion legislation to be amended or repealed for over 20 years and the pre-school education process, including admissions, has been subject to review several times over this period. Furthermore, there has been repeated consultations over an extended period of time which have demonstrated a strong appetite for the removal of the statutory criterion and the issue has also been regularly raised with the Department in correspondence and through stakeholder engagement.

It is noted that repeal of the statutory criterion legislation will remove the imposed requirement to prioritise children from SDC in pre-schools admissions criteria in law only. It is important to understand that the removal of the legislative criterion would not prevent pre-schools from prioritising children from disadvantaged circumstances in their admissions criteria should it be deemed appropriate to the particular circumstances and community in which the setting is based. It simply mean that pre-school education settings are no longer legally compelled to include it in the published admissions criteria, instead being empowered to select and publish their own criteria in the same way as primary and post-primary schools. Indeed the upcoming public consultation on the options available to the Department regarding any future prioritisation of children from SDC will feed into the way forward on this for all pre-school education settings. Additionally, future prioritisation of children from SDC will be considered in the upcoming public consultation on the options available to the Department to do so.