Subject: **OPEN ENROLMENT IN NURSERY SCHOOLS AND NURSERY CLASSES IN PRIMARY SCHOOLS**	**Circular Number:** **2026/21** **Date of Issue:** **13 October 2026**
Target Audience: • Principals and Boards of Governors of all Grant-aided Nursery Schools; Grant-Aided Primary Schools with Nursery Provision; • Education Authority; and • The Council for Catholic Maintained Schools (CCMS).	**Governor Awareness:** Essential
Summary of Contents: 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. 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.	**Status of Contents:** Advice for Principals and Boards of Governors **Related Documents:** 2013/24 (Duty to Verify) 2012/10 (Waiting Lists) **Superseded Documents:** 2025/14 **Expiry Date:** Not Applicable
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OPEN ENROLMENT IN NURSERY SCHOOLS AND NURSERY CLASSES IN PRIMARY SCHOOLS

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1. INTRODUCTION

1.1 **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.

1.2 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 (Northern Ireland) 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.

1.3 It is important to note that schools may have a duty to verify 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.

2. SUMMARY OF MAIN POINTS

2.1 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 pre-school setting they wish their child to attend;

- **Parents** have the right to:
  - express their preference as to the pre-school setting they wish their child to attend; and,
  - to appeal to an independent appeal tribunal **only** if they consider that the pre-school setting has not applied its admissions criteria or has not applied them correctly (applicable only to statutory settings such as nursery schools and/or nursery units attached to primary schools).

- **Schools** are required to:
  - **admit pupils up to their full time and/or part-time enrolment number(s);**

- publish the admissions 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; and,
- consider their waiting list policy.
- verify "qualifying information" contained within applications if, at the point of applying the admission criteria, it has "general knowledge or belief" that the information provided may be false.

3. THE ROLE OF THE DEPARTMENT

The Legal Position

3.1 **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 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.

3.2 Some nursery schools and primary schools with nursery units offer both full-time and part-time pre-school places; others offer full-time or part-time only.

3.3 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.

Determining of Full-Time and Part-Time Enrolment Numbers

3.4 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.

3.5 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 will normally be 26.

Temporary Flexibility in Class Size

3.6 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.

3.7 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.

3.8 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.

3.9 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 children[1] and the school can operate in line with defined funding arrangements.

3.10 Requests should be forwarded to the EA Pre-school Education Group (PEG) who will be responsible for confirming that the criteria under the Temporary Flexibility procedure has been met and making a recommendation to the Department on whether temporary flexibility is required to provide increased capacity to help meet overall demand.

3.11 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), or can be sought from the Early Years Team in the Department.

Unauthorised Admissions

3.12 Exceeding the admissions or enrolment numbers of a school by the admission of an additional pupil or pupils without the Department's prior approval 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 without the prior approval of the Department;

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

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

Resisting Parental Pressure to Admit Pupils Unlawfully

3.13 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 pre-school 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.

Deferral of School Starting Age

3.14 **The School Age Act (Northern Ireland) 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.

3.15 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.

3.16 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.

3.17 The EA will provide guidance to parents considering deferral for their child, including how to make a deferral request.

3.18 Within this guidance, there is reference to **deferral** and **late deferral**:
<u>Deferral:</u>

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 such a child 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 for such a child 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.

4. THE ROLE OF THE EDUCATION AUTHORITY

4.1 **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 pre-school setting 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 provision they prefer.

Applying for a Pre-School Place

4.7 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.

4.8 **Parents should be asked to nominate at least four preferences and should be advised to nominate across the sectors i.e. 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.

4.9 The EA has designed 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

4.10 **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.

4.11 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.

4.12 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 may also be provided to parents on request (by either the EA or the school).

4.13 Schools' Boards of Governors must ensure that their admissions criteria are available in sufficient time for the EA to include them in the published information. The EA will communicate with schools on this.

4.14 Whilst EA will provide a central processing system for applications to all schools it must be emphasised, that actual admissions decisions remain the responsibility of individual schools.

Appeals

4.15 **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.

4.16 Parents may appeal to a Tribunal in relation to a decision refusing their child's admission to a statutory pre-school setting **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.

4.17 Decisions of Independent Appeal Tribunals are binding on all schools and, consequently, in respect of a 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.

4.18 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 pupil or pupils are weighted 'zero' for LMS purposes.

5. THE ROLE OF THE SCHOOL

Consideration of Applications

5.1 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** and in line with the published timetable, 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.

Schools must not delay the processing or return of applications beyond the dates set out in the admissions timetable.

5.2 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 target 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.

5.3 Children, whose parents choose deferral, can only be given priority as children in their target 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, to provide continuity for their child. While late deferral (explained at paragraph 4.6 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. Any pre-school

application in this case will be submitted and processed in line with the published admissions timetable which is updated and issued as a separate Circular on an annual basis.

5.4 **Applications in respect of younger children, not in their target pre-school year, can be made by parents 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.** Nursery settings are reminded that the Education and Libraries (Northern Ireland) Order 1986 sets the age range for admission to funded pre-school education and includes children of penultimate pre-school age.

The Education (Northern Ireland) Order 1998 requires that if there are vacant places at a school and the total number of applications does not exceed the number of vacant places available, a Board of Governors **must admit** any eligible child who has made an application. If the number of applications exceed the number of places available, the Board of Governors **must apply the criteria** drawn up and select for admission to the school a number of children equal to the number of vacant places.

5.5 In considering applications, Boards of Governors are required to give priority consideration in their admissions criteria to all children in their **target** pre-school year and deferrals (as defined at paragraph 4.6, not including late deferrals as defined at paragraph 4.6). 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 paragraph 4.6) 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.

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

1. (at each stage) target pre-school year including deferrals (but not including late deferrals); then,
2. (at stage two of the process only) late deferrals and penultimate pre-school year.

5.7 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 to who the Board of Governors have delegated authority 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.**

5.8 Further advice on the admissions procedure is available from the EA's Pre-School Admissions Office.

Admissions Criteria

5.9 **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 pre-school places are targeted in the first instance at target age children who are from socially disadvantaged circumstances (SDC). **Children from 'socially disadvantaged circumstances' means a child whose parent has an entitlement to (i) Income Support, or (ii) Income-based Jobseeker's Allowance**.

These are the only two benefits named in the current legislation and are therefore the only two qualifying benefits for prioritisation under the SDC criterion. **Other benefits such as Universal Credit and Employment Support Allowance are not qualifying benefits under the SDC criterion and must not be prioritised under that criterion.**

When parents seek to claim priority for their child on the basis of the SDC criterion, they must provide Benefit Verification to confirm that they have an entitlement to a benefit as defined under the legislation when applying for a funded pre-school education place. The application procedure for Pre-School as published by the EA will outline how the Benefit Verification can be submitted.

Information from applicants who claim SDC will be passed to pre-schools via the EA Connect application portal.

5.10 The 'socially disadvantaged circumstances' criterion **should not** be altered by Boards of Governors, for example by reference to any named parishes, a child's address, to name other benefits or to add other sub-criteria. Integrated schools may need to balance this requirement alongside measures to ensure its admissions criteria supports it to meet the definitions set out in the Integrated Education Act (Northern Ireland) 2022. See paragraphs 5.19-5.21 below.

5.11 It is anticipated that only a small number of children will be eligible for priority under the SDC criterion. This means that the other criteria chosen by pre-school settings are likely to have a greater impact on admissions decisions than in previous years, and pre-schools should take this into consideration when choosing admissions criteria.

5.12 Schools can also decide to give some priority to the admission of children with special educational needs within their admissions criteria 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.

5.13 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.

5.14 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' at paragraph 5.28 below);
- criteria prioritising children of employees/governors of a school;
- Distance tie-breakers – as they disadvantage rural/outlying applicants; and,
- 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).

5.15 Furthermore, the Department no longer specifically recommends the use of an eldest child criterion and it should be noted to obtain proof of eldest child may incur a charge to parents. Where a Board of Governors wishes to use such a criterion, they are advised to consider carefully how it is constructed and clearly list what verification is required.

5.16 Boards of Governors have a legal duty to "have regard" to the Department's guidance on school admissions processes. During a Judicial Review hearing in 2021, where the applicant challenged the decision of a school to set criteria that deviated from the Department's advice, the Court took the view that the phrase "to have regard to" meant that the school must "engage with and give real weight to the guidance" and "should only depart from the guidance on the basis of cogent and reasoned justification".

5.17 **Boards of Governors should carefully consider the content of their school's admissions criteria and where guidance is not being followed the reasons for this should be clearly recorded (e.g., 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.

5.18 **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

5.19 **The Integrated Education Act (Northern Ireland) 2022** came into operation on 26 October 2022 and amended the previous 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.

5.20 The legislation sets out that "integrated education" means the education together, in an integrated school, of:

- those of different cultures and religious beliefs and of none, including reasonable numbers of both Protestant and Roman Catholic children or young persons;
- those who are experiencing socio-economic deprivation and those who are not; and
- those of different abilities.

To provide such education, integrated schools may include measures in their published admissions criteria that differ from those that would be appropriate for settings of other management types. In relation to pre-school admissions, the Boards of Governors of integrated schools may publish criteria that seek to balance their duties to prioritise children from socially disadvantaged circumstances under the 1999 Regulations with their duties to educate together those who are experiencing socio-economic deprivation and those who are not.

5.21 As the Board of Governors of a school is that school's admissions authority, Boards of Governors of integrated schools should be cognisant of all 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 their criteria for admissions is in line with these. Under the law, this is a matter for individual Boards of Governors to determine and cannot be prescribed by the Department.

Other Criteria

5.22 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 (Northern Ireland) Order 1998**, whereby 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.

5.23 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 (Northern Ireland) 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.

Further advice on issues to consider when formulating criterion is included at Annex 1

5.24 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;
- are listed in priority order;
- be capable of verification; and,
- **be capable of distinguishing between children down to the last available place**.

5.25 Boards of Governors should ensure that there is an objective basis on which such decisions can be taken. 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 2. 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 and where the geographical location of the child's home relative to the school must be ascertained, the school should declare by what means the calculation will be measured, for example by Google Maps as walking distance. Boards of Governors should endeavour, where the means of calculation is not publicly available, to make it available to parents.

5.26 Boards of Governors must ensure that their published admissions 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 (i.e. at the last

criterion that can be applied or the last **sub-criterion** that can be applied) must be made clear.

5.27 Taking due regard of the guidance outlined in this Circular, all Admissions Criteria drawn up **must** be clear, concise and **must** be applied literally as published according to the wording in order to select pupils down to the last available place. It is the literal content of the criteria which parents of applicant pupils absorb and on which they assess how their child may meet the Admissions Criteria as published. The introduction of any variation to the Admission Criteria as published, even if considered to be reasonable for administrative purposes, may be construed as an incorrect application of criteria and therefore open to challenge by an Admissions Appeal Tribunal. This guidance is also applicable in relation to the literal application of any distance measurement tool or random selection a Board of Governors decides to publish in their Admissions Criteria and use if oversubscribed with applications for available places.

First Preference Applications

5.28 **Pre-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. Pre-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

5.29 Where a child in their penultimate pre-school year is admitted to a pre-school, there is no automatic entitlement to a second year's pre-school education at that pre-school. Parents will be required to make a new application in Stage Two of the of the pre-school admissions procedure. for a further year's pre-school education which will be considered along with all other applications. Applicants of penultimate age children will only be able to apply to statutory Nursery Schools / Primary School with Nursery Units in line with the admissions procedure. In Stage Two a list of pre-school settings with funded places available will be published for applicants to consider.

Deferral of School Starting Age

5.30 Pre-schools should differentiate within their criteria between **deferral** and **late deferral**. The EA will confirm the deferral status of all relevant children.

5.31 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 and the published timetable will outline when parents can apply for pre-school. Their application will not be prioritised as a target or 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.

Non-Enrolment of a Child

5.32 When an application has been made to a pre-school and the child has been accepted but does not attend at the start of the academic year i.e. due to a dual application, accepting a place at another pre-school, medical reasons etc. this is considered as non-enrolment.

5.33 Where a pre-school is undersubscribed with applications, there is no specific guidance in place to determine how long a pre-school should hold a place where a child has not enrolled and no update has been received from parents, however, in accordance with Common Funding Formula 2027 (Annex B), pupils should be counted as follows for funding purposes:

Definition of Enrolment

> *2. Enrolment is defined as having occurred when the school has accepted an application for admission and the child in question has attended the school for at least one day on or before the census date.*
>
> *3. In the case of pupils in nursery schools, pupils in approved nursery classes and reception classes in primary schools, and pupils in reception classes* in preparatory departments in grammar schools, if a school has accepted an application for enrolment but the child has not attended in the current school year, they should be included in the census return only if the school has documentary evidence of an intention to attend before 31st October i.e. a letter from the parent/guardian of the pupil agreeing with the school that the pupil will be in attendance on or before 31st October. Funding will be removed if the pupil has not attended on or before the 31st October.* ***Note: * whilst reception pupils within preparatory departments are not formula funded, they must still be recorded on the annual census return.***

4. Other pupils who were expected to have enrolled i.e. the school had accepted the application for admission but have not yet attended, may only be included in the census return if there is documentary evidence to explain their absence i.e. a medical certificate or a letter from their parent/guardian. If a pupil does not attend during the academic year funding will be removed'.

5.34 Where a pre-school is oversubscribed with applications, the parents of any child who does not present at the start of term should be contacted, in writing if possible, to seek confirmation of a start date for the child or a reason why they are unable to attend. This correspondence should explain that a place cannot be reserved indefinitely and that the child's place will be allocated to another child if no response is received. It is suggested that a two-week deadline for response be provided. If no response has been received within the two weeks, further correspondence should issue, which should also indicate that if no response is received within two weeks, the child's offer of a place **will** be rescinded. If, following the conclusion of this further two-week period, there has been no response from the parents, the child's offer of a place may be revoked and the place offered to the next child on the pre-school's waiting list.

6. WAITING LISTS

6.1 It is essential that all pre-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. It is essential, however, that **all pre-schools publicise their waiting list policy, whatever it may be**. Even where no waiting list is maintained, this information should be publicly available. Further advice on this issue can be found in Circular 2012/10.

7. TIMETABLE

7.1 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.



CRAIG BOYD
School Admissions Team

ANNEX 1

ADMISSIONS CRITERIA FORMULATION ADVICE

	Notes
Sibling	1. This criterion relates to children who are applying to a nursery unit of a primary school and is to be defined as "Children who, at the date of their application, have a child of the family currently enrolled at the nursery unit or school". 2. The Department considers that "child of the family" covers: A child born to a married couple or to a couple in a civil partnership; • a child born to a married couple or to a couple in a civil partnership; • a child born to a co-habiting couple; • a child born to a single parent; • a child of either/any of those people by a previous marriage, civil partnership or relationship; • a child living with a couple who has been treated as a "child of the family" whether there is a marriage or a civil partnership or not; • a child living with an individual, who has been treated as a "child of the family"; • an adopted or fostered child; • a situation where for example an orphaned cousin is being brought up with a family or individual; 3. The child should be a child of the family as at the date of application.
Geographically defined/catchment area (with nearest pre-school setting)	1. This criterion to be defined as 'children who reside in the named catchment area of the pre-school'. A catchment area can be defined as 'a geographical area served by a school which is defined by the Board of Governors'. 2. Catchment area criteria should only be used in combination with the 'Nearest Pre-School Setting' criterion. So, for instance, the recommended use of the catchment area criterion by a pre-school would be 'Children who reside in the catchment of [named] and children for whom [pre-school setting name] is the nearest pre-school setting'. The purpose of this is to ensure that outlying and rural applications are treated with equal priority within admissions as those whose address qualifies them for a pre-school's geographical criteria. 3. Boards of Governors must ensure that the boundary lines of the Catchment area are clear and to this end should have a map of the Catchment area available for

	parents to view as required.
Nearest pre-school setting	This criterion is defined as 'children for whom the pre-school is the nearest pre-school setting'. The relevant definition would be: 'nearest to the child's normal place of residence'. It is a matter for the Board of Governors to decide whether or not there is another pre-school setting which is nearer to the child's address.
Child Looked After	1. Child Looked After is defined by the Children (Northern Ireland) Order 1995 as children 'who are in the care of a Trust or who are provided with accommodation by a Trust.' 2. Accommodation may be in a residential home, residential school, foster placement or in a family placement with a relative or occasionally at home.
Tie-breaker	1. Boards of Governors must have admissions criteria that are capable of identifying for admission the exact number of children equivalent to their admissions number. This is a long-standing and continuing legal obligation. A tie-breaker is an admissions criterion that will distinguish between individual children in the event of a tie for the last available place. Boards of Governors should consider the impact of their proposed tie-breaker criteria on twins or multiple birth applicants. 2. For detailed guidance on which tie-breakers should be used and how – see Annex 2.

Eldest Child	1. This criterion to be defined as 'children who, at the date of their application, are the eldest child of the family to be eligible to apply for admission to the pre-school'. This wording covers only children and is also intended to treat twins (or other multiples) as joint eldest. 2. A Board of Governors may wish for this criterion to cover other circumstances where a family has not, in the opinion of the Board of Governors, had the opportunity to have an elder child already and currently enrolled such as cases where the eldest sibling is not eligible to attend mainstream school (for example they may attend a special school or where a family has moved residence). It is for a Board of Governors to conceive of the circumstances that they wish this criterion to cover and to ensure that these and their precise limits are described clearly and fully in their published criteria.

	3. Boards of Governors should note the importance of using the phrase ‘child of the family’ in whatever formulation of this criterion that they use. (See notes under Sibling).

ANNEX 2

THE TIE-BREAKER CRITERION – SUGGESTED METHODS

- **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 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."

  NB It is strongly recommended that Boards of Governors should outline within their published criteria, the tiebreaker details i.e. the order of the letters where a random selection of letters is used to distinguish between applicants.

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

  NB When using Random Selection, Boards of Governors should be mindful that it is the letter of the criteria which is published and communicated to parents that may be subject to challenge at Admission Appeal Hearings. It is the literal content of the criteria which parents of applicant pupils absorb and on which they assess how their child may meet the admissions criteria as published. Each stage of the random selection being used as a tiebreaker must be set out clearly and concisely in the school's published admissions criteria. Boards of Governors should not introduce any additional steps, when applying random selection criterion, which are not explicitly set out in the published admissions criteria.

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 is 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 "Random 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