***CONSULTATION***

**PRE-SCHOOL EDUCATION**

**REVIEW OF THE**

**STATUTORY ADMISSIONS CRITERIA**

***Department of Education***

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**FOREWORD**

Pre-school education is an important, non-compulsory stage of education that helps contribute to a child’s overall development. The Department of Education is committed to providing a funded pre-school education place for all children in their immediate pre-school year whose parents want it.

Pre-school children access funded pre-school education places through an admissions process which is set out in legislation. This consultation is seeking views on reviewing one element of the current admissions process; that pre-school education settings must prioritise children from ‘socially disadvantaged circumstances’ in their admissions criteria. The legislation regarding this criterion was first introduced in 1998 in order to ensure that the children considered to be most in need could access a pre-school education place at a time when there were a limited number of pre-school education places available. 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.

Over twenty years later, much has changed and I am reviewing the continued need for a legislative requirement that pre-school education settings prioritise children from ‘socially disadvantaged circumstances’ in their admissions criteria, and considering, if the criterion is to remain, which children should be prioritised. I am keen to ensure that, regardless of which admissions criteria are used, that all children in their immediate pre-school year continue to have access to a funded pre-school education place if their parents want it.

Over 23,000 children participate in the pre-school admissions process each year. Legislative requirements relating to admissions criteria affect all the children who apply for a funded pre-school education place, not just those who are prioritised. The roll out of Universal Credit necessitates a change to the current criterion, but plans to standardise the length of pre-school education sessions also present an opportunity to review the criterion in the modern policy context.

I am keen to receive as many views as possible on potential options for revising the statutory criterion. Responses are particularly welcome from parents and carers, early years sectoral bodies and providers of pre-school education, including nursery schools, primary schools with nursery units and voluntary and private pre-school education settings participating in the Pre-School Education Programme.

Peter Weir

Minister for Education

**Background**

A child’s success in school and life is significantly influenced by their life experiences at a very young age, including before they start school. High quality early learning opportunities can equip children to develop improved cognitive, social and emotional skills and lay important foundations for future learning and development. It is for this reason that the Department of Education (the Department), through the Pre-school Education Programme, aims to provide a year of funded pre-school education for every child in their immediate pre-school year whose parents want it.

Children access pre-school education places funded by the Department through an admissions process. All pre-school settings are required to draw up and publish admissions criteria. Where the number of applications for a pre-school education setting exceed the number of places available, the setting is required to apply admissions criteria.

This consultation is seeking views on reviewing the current requirement established in law that all pre-school education settings must prioritise children from ‘socially disadvantaged circumstances’ in their admissions criteria.

**Pre-school Education Programme**

The Pre-school Education Programme is a universally available non-compulsory early education service targeted at children in their immediate pre-school year. All parents or guardians (hereafter referred to as ‘parents’) who wish their child to avail of a funded pre-school education place apply through an admissions process administered by the Education Authority (EA), except those parents whose child is in receipt of a Statement of Special Educational Needs.

**Children with a statement of Special Educational Needs**

Children who have a statement do not need to submit an application as their early years education placement will be managed by the Special Education section of the Education Authority. The priority admissions criteria for children from ‘socially disadvantaged circumstances’ does not apply to children with a statement of Special Educational Needs.

**Pre-school Education Programme - Admissions**

The Pre-school Education Programme has a two-stage admissions process. At Stage 1, parents are asked to express preferences for pre-school education settings. If a child is not offered a place at Stage 1 of the process, the EA invites parents to make further preferences at Stage 2. In each of the last seven years, at least 99.8% of children whose parents stayed with the admissions process to the end received the offer of a funded pre-school education place in a setting of their parents’ preference.

A significant proportion of children are offered places in a preferred setting at Stage 1 of the process. For example, in 2020/21, 97% of parents secured a place for their child at Stage 1 of the process, and 88% of parents secured a place in their first preference setting.

**Admissions Criteria**

Pre-school education settings are required to admit all children who apply for a pre-school education place, as long as the number admitted does not exceed their approved admission number[[1]](#footnote-1). Where the number of applications is more than the admission number, the setting is required to apply its published admission criteria. This ensures that settings can distinguish between applicants and allocate places in a fair and transparent way, to the last available place.

Since 1998, the Department has required, by law,[[2]](#footnote-2) that pre-school education settings give priority in their admission criteria to children from socially disadvantaged circumstances (SDC). The reason for establishing the priority criterion was the availability of 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. The Department sought at that time to prioritise access to these limited number of places for those children considered to be most likely to benefit from a pre-school experience.

**The Case for Change**

In the twenty plus years since the priority criterion was first introduced, much has changed and there are now a number of reasons for reviewing the SDC priority criterion, including:

* + Changes in welfare benefits
  + Changes in pre-school education provision
  + Reviews of pre-school education and admissions arrangements
  + Policy and practice in primary and post-primary admissions
  + Feedback from stakeholders

**Changes in Welfare Provision**

The Regulations currently define a child from ‘socially disadvantaged circumstances’ as *‘a child whose parent is in receipt of income support or income-based jobseeker’s allowance’.* Changes to welfare benefits have or will result in the current definition of SDC becoming outdated.

Employment and Support Allowance (ESA) was introduced as the benefit for new customers with a health condition or disability from October 2008, and some parents who were previously in receipt of income support had their claim converted, and instead receive ESA. As a result, the pre-school admissions process includes children with a parent who is in receipt of ‘*Employment and Support Allowance where an award of income support has been converted and the amount of the award remains unchanged’* within the definition of SDC.

Universal Credit was introduced in Northern Ireland for new claims, on a phased geographical basis, in the period from September 2017 to December 2018, replacing six current benefits and credits, including Income Support (IS) and Income-Based Job Seeker’s Allowance (IBJSA). As a temporary measure, the pre-school admissions process therefore includes children with a parent who is in receipt of “*Universal Credit”* within the definition of SDC.

In practice, this means that pre-school education settings currently prioritise children whose parents are in receipt of any one four benefits - Income Support, Income-Based Jobseeker’s Allowance, Employment and Support Allowance[[3]](#footnote-3) or Universal Credit. The remaining admissions criteria for pre-school education settings are determined by each setting’s Board of Governors or Management Committee as appropriate, taking into account guidance provided by the Department.

In 2020/21, it is estimated that approximately 3,751 (16%) of pre-school children in their immediate pre-school year met the ‘socially disadvantaged circumstances’ criterion.

Pre-school education settings cannot opt out of the requirement to prioritise children from ‘socially disadvantaged circumstances’ and this requirement cannot be removed or amended without a change to the relevant legislation[[4]](#footnote-4). The legislative requirement therefore affects all the children who apply for a funded pre-school education place, not just those who are prioritised.

‘Move to Universal Credit’ is the process that will be used to support claimants currently receiving one or more of the relevant benefits or payments to make a new Universal Credit claim. The Department for Communities (DfC) will move existing benefit claimants to Universal Credit over a period of time. In terms of the pre-school admissions process, this means that within a few years, none of the benefits currently listed in the SDC Regulations may remain in place, and the legislation must be updated to take account of this change if children from SDC are to continue to receive priority in the pre-school admissions process.

Universal Credit encompasses a wider range of legacy benefits than those covered by the current definition of SDC, which means that the current arrangements include children within the priority criterion who were not within the scope of the original legislation, including children from lower paid working families. Children whose parents remain on Universal Credit legacy benefits however are not currently prioritised and cannot be included without a change to the legislation.

**Changes in Pre-school Education Provision**

The Department’s pre-school education programme was targeted initially on the most socially disadvantaged children, who are more likely to experience difficulty at school and who are known to benefit to a greater degree from pre-school education, as well as the oldest children in the pre-school cohort.

The policy intention of prescribing priority admission criteria in 1998 was to ensure that children from socially disadvantaged circumstances had priority access to a limited number of pre-school education places, as provision had stood at approximately 45%.

The Pre-school Education Expansion Programme, launched in April 1998, was initially intended to create over 9,000 new high quality funded pre-school places by 2002.  In the longer term, the aim was to provide a full year of pre-school education for every child whose parents wish it. By 2008-09 provision of funded pre-school places covered 97 per cent of children in their immediate pre-school year.  Since 2012/13, the Department has been committed to ensuring that ‘all children whose parents want it can access a year of funded pre-school education in their immediate pre-school year’. This commitment has been met in each of the last eight years for at least 99.8% of children whose parents stayed with the admissions process to the end.

In 2020/21 more than 99.9% of those children whose parents stayed with the admissions process to the end were offered a funded pre-school education place, indicating that there are now sufficient places for every target age child whose parents want it.

**Reviews of Pre-school Education and Admissions**

Pre-school education provision, including the admissions process, has been subject to review several times. 95.5% of respondents who answered the relevant question in the 2004 ‘Review of Pre-School Education in Northern Ireland’, stated that the definition of SDC was not suitable.

A Review[[5]](#footnote-5) of the Pre-school Admissions Arrangements published in 2012 considered that any definition of ‘disadvantage’ should be consistent with those used elsewhere within the education system. The review recommended at that time that the definition prescribed in legislation ‘is examined with a view to mirroring the relevant economic elements of the definition of Free School Meal Entitlement.’

This recommendation was not implemented, pending changes to the Free School Meals (FSM) criteria as a result of the introduction of Universal Credit (UC). To ensure that those pupils most in need would continue to qualify for free school meals when UC was introduced, the Department revised the FSM criteria in September 2017 to include where a pupil or parent is in receipt of UC and has net earnings not exceeding £14,000 per annum’.

A change to the pre-school legislation would be required if the definition of SDC were to be amended to reflect the FSM criteria.

**Policy and Practice - Primary and Post-Primary Admissions**

The Department does not prescribe any legislative requirement to prioritise particular groups of children in admissions criteria for either primary or post-primary schools. This is because the original policy rationale for prescribing the priority criterion for pre-school admissions was the limited availability of pre-school education places at the time, whereas primary and post-primary provision is universal, so prescribed prioritisation by the Department is not considered necessary.

In primary and post-primary admissions, individual schools choose which criteria to prioritise, taking into consideration guidance provided by the Department, local need and the provision available at the school.

In pre-school education settings, the Department prescribes the priority criterion for SDC and settings determine the remaining admissions criteria, taking into account guidance provided by the Department, local need and the provision available at the setting in the same way as primary and post-primary schools.

A change to the legislation would be required if pre-school admissions were to be aligned with other stages of education i.e. by removing the prescribed criterion.

**Learning to Learn**

The pattern of provision for pre-school education and the duration of session time can range from 2.5 hours to below 4.5 hours (part-time, with no meal) and 4.5 hours or over (full-time, with a meal) per day[[6]](#footnote-6).

The Department’s framework for early years, Learning to Learn[[7]](#footnote-7), included an action that DE will ‘over time standardise patterns of attendance as part of the Pre‑School Education Programme’. Available evidence from the Effective Pre-School Provision in NI (EPPNI) found no discernible difference in children’s cognitive development at the start of primary school between those who attended full-time and those with part-time attendance. However, it is also recognised that a longer pre-school education session may have other benefits in terms of opportunities for socialisation, child development and increased engagement with parents.

In 2020/21, it is estimated that approximately 16% of all pre-school children in their immediate pre-school year met the ‘socially disadvantaged circumstances’ criterion. Of the estimated children prioritised under this criterion, 68% accessed a full-time pre-school education place, 28% of all the full-time places available. Although proportionately more children from SDC do access full-time pre-school provision, because the majority of full-time provision is located in disadvantaged areas, a higher proportion of children from SDC could be expected to attend this provision, regardless of the operation of any priority criterion.

**Feedback from Stakeholders**

The current priority criterion is aimed at ensuring children who are disadvantaged have access to a pre-school education place, not necessarily a *specific* pre-school education provider or session.

The Department has received significant correspondence over the years highlighting concerns about the continued application of a priority admission criterion for children from ‘socially disadvantaged circumstances’ when the children of working parents or those entitled to other welfare benefits are not prioritised. There has also been feedback from stakeholders asking why it is necessary to continue to have a priority admission criterion in the context of universal availability of pre-school education places.

The current arrangements are considered inequitable by some parents and practitioners who consider that the continued application of the priority criterion (when there are sufficient places available to accommodate every child whose parents want one) results in a higher proportion of children from SDC being offered their first preference pre-school place, often in a full-time session. Overall, stakeholders appear to mainly suggest that the current priority criterion should either be removed or widened to include the children of parents in receipt of other benefits, including lower paid working parents.

**Options for Reviewing the Priority Criterion**

The Department has considered the contextual changes since 1998, as well as the views expressed by parents and other key stakeholders in recent years to develop three potential options for reviewing the current priority criterion.

The Department is keen to gather views on each of the options presented, as well as the Department’s consideration of the implications of standardising pre-school education sessions. Any alternative options or issues that stakeholders think should be considered are also welcome.

The options identified as set out below:

**Option 1**  Retain the statutorycriterion and amend the definition of ‘socially disadvantaged circumstances’ to mirror the relevant economic elements of the definition of free school meals entitlement.

**Option 2** Remove the statutorycriterion for ‘socially disadvantaged circumstances’ prescribed in legislation.

**Option 3** Extend thestatutorycriterion and amend the definition of ‘socially disadvantaged circumstances’ to include all children with parents in receipt of Universal Credit or one if its legacy benefits.

The following section sets out some of the advantages and disadvantages of the proposed options for reviewing the priority criterion. These are not intended to be exhaustive and stakeholders are invited to comment on these in their response.

**OPTION 1 – RETAIN THE STATUTORY CRITERION AND AMEND THE CURRENT DEFINITION OF ‘SOCIALLY DISADVANTAGED CIRCUMSTANCES’ TO MIRROR THE RELEVANT ECONOMIC ELEMENTS OF THE DEFINITION OF FREE SCHOOL MEALS ENTITLEMENT.**

There is a strong correlation between children entitled to free school meals and children at risk of underachievement. Under this option, priority would be given to a group of children who may be at risk of underachievement and would provide a consistent definition of social disadvantage as used elsewhere within the education system.

The current definition of ‘socially disadvantaged circumstances’ relates to parents in receipt of Income Support and Income-Based Jobseeker’s Allowance. The economic elements of the free school meals criteria, in addition to these two benefits, also includes: Income-Related Employment and Support Allowance; Child Tax Credit or Working Tax Credit with an annual taxable income of £16,190 or less; Guarantee Element of State Pension Credit; Universal Credit and have net earnings not exceeding £14,000 per year.

It is estimated that amending the Socially Disadvantaged Circumstances (SDC) criterion to mirror the relevant economic elements of the definition of free school meals (FSME) would potentially increase the overall proportion of pre-school children to be prioritised in the pre-school admission process from 16% to 30%.

By illustration, if this option had been in place in 2020/21, it is estimated that the number of children prioritised could have increased by 14% from 3,751 to 6,880 children. In disadvantaged areas, the proportion of children prioritised could be higher.

Currently, no income threshold can be applied to the admissions criteria, unlike FSME. This means that, in terms of children whose parents are in receipt of UC, some children who are currently prioritised under the SDC criterion would no longer be eligible for priority if this option was implemented.

**Advantages**

1. Children who may be at risk of underachievement and who would benefit from a pre-school education experience would be prioritised for a funded pre-school education place and more likely to be offered a place in a preferred setting including, where available, a full time session and where a school meal is provided.
2. As the expanded criterion would include additional welfare benefits, it is likely that a greater number of children, including those from low income working families would be given priority in the admission process.
3. It could help to support the DE corporate goal of ‘Closing the performance gap, increasing access and equality’ by prioritising those children most likely to benefit from a pre-school experience (i.e. those children entitled to Free School Meals (FSM)), although there are sufficient pre-school education places for all children.
4. It would align the definition of SDC with FSM eligibility, making the process easier for parents and providers to understand.

**Disadvantages**

1. Some children who are currently prioritised under the SDC criterion would no longer be eligible for priority.
2. Retaining the statutory criterion and expanding the definition of ‘socially disadvantaged circumstances’ would increase the number of children to be prioritised and reduce the impact of other admissions criteria set by individual settings. This could impact children living in disadvantaged areas more than others, as more children in these areas may be entitled to free school meals.
3. Expanding the definition of the statutory criterion and increasing the number of children to be prioritised would increase administration in terms of a greater number of parents having to provide additional documentation in support of their claim for priority.
4. Parents would be required, in addition to providing proof of benefits, to provide proof of income in some cases.
5. With a greater proportion of children prioritised, some settings which are oversubscribed with children from ‘socially disadvantaged circumstances’ may have to apply other criteria to determine which ‘socially disadvantaged’ children should be admitted.
6. The definition would not include other children who do not meet the free school meals criteria (for example, care experienced children) but who may be considered socially disadvantaged for non-economic reasons.
7. Changing the criterion to mirror the economic elements of the free school meals criteria could suggest to some parents that their child would receive a free school meal, which is not the case in all settings, as only children in full-time provision can currently access a meal.
8. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, despite there being sufficient provision to provide a place for every child whose parents want it.
9. The Department does not define a statutory admissions criterion in the primary and post primary admissions process, therefore, retaining the criterion for pre-school admission arrangements is inconsistent with the admission arrangements in primary and post primary education.
10. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, instead of individual pre-school education settings determining their own priority admissions criteria in line with guidance.
11. It could limit the benefits to SDC of attending pre-school provision. Research[[8]](#footnote-8) suggests that 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 option could result in some settings enrolling a higher proportion of children from SDC, particularly in more disadvantaged areas.
12. Some of the data used to inform the 2012 Review has changed and/or improved which could suggest that the implementation of the 2012 actions, as proposed, may no longer be appropriate and should be reconsidered. Parents are more likely to avail of a pre-school education place now than they were in 2012. Expanding the criterion is unlikely to significantly impact on the overall take-up of places as the majority of children access a pre-school education place whether or not they are prioritised.

**OPTION 2 - REMOVE THE STATUTORY CRITERION FOR ‘SOCIALLY DISADVANTAGED CIRCUMSTANCES’ AS PRESCRIBED IN LEGISLATION.**

With universal availability of pre-school education places for children in their immediate pre-school year and the Department’s commitment to ensure that a pre-school education place is available for every target age child whose parents want one, the context for the original policy has changed.

This option would remove the requirement for pre-school education settings to prioritise children from ‘socially disadvantaged circumstances’. Individual settings would determine their own criteria in line with the Department’s admission arrangements guidance.

**Advantages**

1. Pre-school education admissions would be brought into line with primary and post primary admission arrangements.
2. Individual settings would be free to choose which children to prioritise in their admissions criteria, taking into consideration DE guidance, local need and the provision available at the setting.
3. It would update the policy to reflect the change in level of provision (i.e. that priority is no longer required to access a limited number of pre-school education places, as provision is now universal).
4. Statistical evidence suggests that the proximity of full-time places to disadvantaged areas has a more significant impact on the high proportion of children from SDC accessing these places than the priority criterion. Therefore, removal of the priority criterion is unlikely to negatively impact on children who may have been prioritised.[[9]](#footnote-9)
5. Parents are more likely to avail of a pre-school education place now than they were in 2012. Therefore expanding the criterion is unlikely to significantly impact on the overall take-up of places as the majority of children access a pre-school education place whether or not they are prioritised.
6. Administration and information requirements for parents and settings would be reduced as parents currently are required to submit documentary evidence to demonstrate benefit entitlement to support their claim for priority.

**Disadvantages**

1. Removing the statutory admissions criterion may be perceived by some as the Department no longer supporting children who may be at risk of underachievement.
2. Some parents may perceive any removal of the priority criterion as a barrier to accessing a pre-school education place, despite there being sufficient pre-school education places overall to provide a place for every child whose parents want one.
3. Children who meet the criteria for free school meals cannot avail of a free meal in part-time pre-school provision. Prioritising some or all of these children may increase the proportion who are able to access full-time provision, where a free school meal is available for them.
4. Home to school transport assistance is not available for mainstream pre-school education. Prioritising children from lower income backgrounds may assist children in accessing provision close to home, thus removing a potential barrier to their participation.

**OPTION 3 – RETAIN THE STATUTORY CRITERION AND AMEND THE CURRENT DEFINITION OF ‘SOCIALLY DISADVANTAGED CIRCUMSTANCES’ TO INCLUDE UNIVERSAL CREDIT AND ALL ITS LEGACY BENEFITS.**

There is a correlation between children from disadvantaged backgrounds and children at risk of underachievement. Under this option, priority would be given to a group of children who may be at risk of underachievement and would provide a wide definition of social disadvantage.

The current definition of ‘socially disadvantaged circumstances’ is now interpreted as including children of parents in receipt of Universal Credit. This has led to criticism from parents in receipt of UC legacy benefits such as tax credits, who consider that they should be similarly prioritised.

Currently, no income threshold can be applied to the admissions criteria, unlike FSME. This means that, in terms of UC, there are more children currently prioritised than would be the case under a FSME criterion.

It is estimated that amending the Socially Disadvantaged Circumstances (SDC) criterion to include UC and its legacy benefits would potentially increase the overall proportion of pre-school children to be prioritised in the pre-school admission process from 16% to greater than 33%.

By illustration, if this option had been in place in 2020/21, it is estimated that the number of children prioritised would have increased by at least 3,816 to at least 7,567 children. In disadvantaged areas, the proportion of children prioritised could be higher.

**Advantages**

1. All children who were eligible to be prioritised under the current arrangements would continue to be prioritised.
2. Children who may be at risk of underachievement and who would benefit most from a pre-school education experience would be prioritised for a funded pre-school education place and more likely to be offered a place in a preferred setting including, where available, a full time session and where a school meal is provided.
3. As the expanded criterion would include additional welfare benefits, it is likely that a greater number of children, including those from working families, would be given priority in the admission process.
4. The process of claiming priority would not require parents to provide proof of income.
5. It could help to support the DE corporate goal of ‘Closing the performance gap, increasing access and equality’ by prioritising those children most likely to benefit from a pre-school experience (i.e. those children entitled to Free School Meals (FSM)), although there are sufficient pre-school education places for all children.

**Disadvantages**

1. Retaining the statutory criterion and expanding the definition of ‘socially disadvantaged circumstances’ would increase the number of children to be prioritised and reduce the impact of other admissions criteria set by individual settings. This could impact children living in disadvantaged areas more than others, as more children in these areas may be entitled to free school meals.
2. Expanding the definition of the statutory criterion and increasing the number of children to be prioritised would increase administration in terms of a greater number of parents having to provide additional documentation in support of their claim for priority, although potentially this option would involve less administration than mirroring the economic elements of Free School Meals, which includes verification of income in some cases.
3. With a greater proportion of children prioritised, some settings which are oversubscribed with children from ‘socially disadvantaged circumstances’ may have to apply other criteria to determine which ‘socially disadvantaged’ children should be admitted.
4. Working parents not in receipt of benefits would not welcome the change, as it would decrease their chances of securing their first preference setting for their children, and would decrease their chances of securing a full time place, which could factor in their childcare arrangements.
5. The definition would not include other children (for example, care experienced children) but who may be considered socially disadvantaged for non-economic reasons.
6. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, despite there being sufficient provision to provide a place for every child whose parents want it.
7. The Department does not define a statutory admissions criterion in the primary and post primary admissions process, therefore, retaining the criterion for pre-school admission arrangements is inconsistent with the admission arrangements in primary and post primary education.
8. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, instead of individual pre-school education settings determining their own priority admissions criteria in line with guidance.
9. It could limit the benefits to SDC of attending pre-school provision. Research[[10]](#footnote-10) suggests that 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 option could result in some settings enrolling a higher proportion of children from SDC, particularly in more disadvantaged areas.
10. Some of the data used to inform the 2012 Review has changed and/or improved which could suggest that the implementation of the 2012 actions, as proposed, may no longer be appropriate and should be reconsidered. Parents are more likely to avail of a pre-school education place now than they were in 2012. Expanding the criterion is unlikely to significantly impact on the overall take-up of places as the majority of children access a pre-school education place whether or not they are prioritised.

**Emerging preferred option**

Taking into consideration the advantages and disadvantages of each of the options presented, the current context for pre-school education, the wider policy remit for the Department (which now includes policy responsibility for leading on the Executive’s Childcare Strategy), the level of uptake of pre-school education places, the progress made in recent years in improving the admissions process, and plans to standardise pre-school sessions lengths, the Department considers that the revision of the statutory criterion should be a two-stage process.

In the short term, the Department suggests that ***Option 3: Retain the statutory criterion and amend the current definition of ‘socially disadvantaged circumstances’ to include universal credit and all its legacy benefits*** is most suitable. Once pre-school education session times are standardised, the Department considers that there would no longer be sufficient reason to retain a statutory priority criterion, and thus would suggest that ***Option 2 – Remove the statutory criterion for ‘socially disadvantaged circumstances’ as prescribed in legislation*** is implemented at that point.

**Rationale for implementation of Option 3 as an interim measure prior to the implementation of Option 2 following the standardisation of pre-school session lengths:**

* + 1. Although no intended to prioritise access to a particular setting or session length, the priority criteria may mean that children facing potential barriers to learning have greater access to their first preference setting and the social benefits of a longer pre-school session (and meal) where it is available.
    2. All children whose parents are currently entitled to priority under the existing SDC arrangements would continue to be eligible for priority in the admissions process.
    3. It would not require parents to provide proof of income, ensuring that the pre-school application process is easy for parents and providers to understand.
    4. It would not create an expectation by linking free school meals eligibility to the prioritisation of pupils applying for part-time pre-school education provision where no meal is available.

**Responding to this consultation**

You can respond electronically to this consultation [here](https://consultations.nidirect.gov.uk/de-early-years-group/pre-school-education-review-of-the-statutory-admis)

Alternatively, comments using the response form below can be sent by email or posted to the address below. Responses should be submitted to arrive no later than 11.59pm on Friday 16 July 2021.

Email to: de.earlyyears@education-ni.gov.uk

By post to: Pre-School Education Team

Department of Education

4th Floor

Rathgael House

43 Balloo Road

Rathgill

Bangor

BT19 7PR

**Confidentiality of Consultations**

The information you provide in response to this consultation may be passed to colleagues within the Department of Education. DE may also publish a synopsis of responses to the consultation.

Information provided, including personal information, may be subject to publication or disclosure in accordance with the access to information legislation, primarily the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations (EIR) 2004. DE will process your personal data in accordance with the UK General Data Protection Regulation (UKGDPR) and the Data Protection Act 2018 (DPA) and, in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

DE cannot automatically consider information supplied to it in response to a consultation to be confidential. However, under the FOIA/EIR, there is a statutory code of practice with which public authorities must comply and which deals, among other things, with obligations of confidence. DE has a duty to decide whether any information provided by you, including information about your identity, should be made public or be treated as confidential.

In view of this, it would be helpful if you could explain to us why you regard the information you have provided as confidential. Should we receive a request for disclosure of the information, we will take full account of your explanation, however we cannot give an assurance that confidentiality can be maintained in all circumstances.

An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on DE.

**Equality Screening and Rural Needs Impact Assessment**

Section 75 of the Northern Ireland Act 1998 requires all public authorities in carrying out their functions relating to Northern Ireland, to have due regard to the need to promote equality of opportunity between:

* persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
* men and women generally;
* persons with a disability and persons without; and
* persons with dependants and persons without.

In addition, without prejudice to the above obligation, public authorities must also, in carrying out their functions, relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

The Rural Needs Act places a duty on public authorities, including government departments, to have due regard to rural needs when developing, adopting, implementing or revising policies, strategies and plans and when designing and delivering public services.

Questions have been included in the consultation questionnaire to inform the Equality Screening and Rural Needs Impact Assessment.

**What happens next?**

The purpose of this consultation is to assess stakeholder opinion on the proposed options for reviewing the statutory criteria for pre-school education admissions. We are interested in the views of parents, carers, teachers and practitioners on these important aspects of pre-school education.

After the close of the consultation period, all responses received will be analysed and a report prepared, summarising the findings.

**CONSULTATION QUESTIONNAIRE**

**REVIEW OF THE STATUTORY CRITERIA**

**FOR PRE-SCHOOL EDUCATION ADMISSIONS AND**

**PRE-SCHOOL SESSION TIMES**

This consultation invites views on the current legislative requirement that all pre-school education settings must prioritise children from ‘socially disadvantaged circumstances’ in their admission criteria. It also invites views on the implications of standardising pre-school education session times.

Legislative requirements relating to admissions criteria affect all the children who apply for a funded pre-school education place, regardless of whether the priority criterion applies to them or not.

The Department of Education has identified the following options for reviewing the statutory criteria for pre-school education admissions:

**Option 1**  Retain the statutorycriterion and amend the definition of ‘socially disadvantaged circumstances’ to mirror the relevant economic elements of the definition of free school meals entitlement.

**Option 2** Remove the statutorycriterion for ‘socially disadvantaged circumstances’ prescribed in legislation.

**Option 3** Retain the statutory criterion and amend the current definition of ‘socially disadvantaged circumstances’ to include Universal Credit and all its legacy benefits.

**Preferred approach:**

In the short term, the Department suggests that ***Option 3; Retain the statutory criterion and amend the current definition of ‘socially disadvantaged circumstances’ to include universal credit and all its legacy benefits*** is the most suitable.

The Department however intends to standardise pre-school education session times, and considers that, when this is done, there would no longer be sufficient reason to retain a statutory priority criterion, and thus would suggest that ***Option 2 – Remove the statutory criterion for ‘socially disadvantaged circumstances’ as prescribed in legislation*** should be implemented at that point.

**QUESTIONS**

1. In the short term, the Department suggest that *Option 3; Retain the statutory criterion and amend the current definition of ‘socially disadvantaged circumstances’ to include universal credit and all its legacy benefits* should be implemented, and when pre-school education session times have been standardised, *Option 2 – Remove the statutory criterion for ‘socially disadvantaged circumstances’ as prescribed in legislation* should be implemented.

Do you agree with the approach set out above?

**Tick one option only**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

1. Do you consider it currently necessary to retain a **statutory** priority criterion for pre-school admissions?

**Tick one option only**

|  |  |
| --- | --- |
| Yes |  |
| No |  |

If Yes – please set out the rationale for maintaining a **statutory** priority admission criterion.

|  |
| --- |
|  |

1. Which **one** (if any) of the following options should the Department adopt when reviewing the statutory criterion for pre-school admissions for children in their immediate pre-school year (if you think the Department should amend the criteria again when pre-school sessions are standardised, please indicate what option you think should be in places **until this happens**):

**Tick one option only**

|  |  |  |
| --- | --- | --- |
| **Option 1** | Statutory criteria that prioritise children eligible for **free school meals**  Retain the statutorycriterion and amend the definition of ‘socially disadvantaged circumstances’ to mirror the relevant economic elements of the definition of free school meals entitlement. |  |
| **Option 2** | **Remove the statutory criterion**  Remove the existing statutorycriterion for ‘socially disadvantaged circumstances’ prescribed in legislation. |  |
| **Option 3** | Statutory criteria that prioritise children whose parents receive **Universal Credit or a legacy benefit**  Retain the statutorycriterion and amend the definition of ‘socially disadvantaged circumstances’ to include children with a parent in receipt of Universal Credit and all its legacy benefits. |  |
| **None of the the above** | Please select this option if there is **another option** you think should be considered. There is space provided below to explain the alternative option you would prefer. |  |

Please give the reason/s for your response

|  |
| --- |
|  |

1. The pattern of provision for pre-school and the duration of session time currently ranges from 2.5 hours to below 4.5 hours (part-time, with no meal) and 4.5 hours or over (full-time, with a meal) per day.

The Department’s framework for early years, Learning to Learn (2013), included an action that DE will ‘over time standardise patterns of attendance as part of the Pre‑School Education Programme’.

The Department of Education is currently developing a new Childcare Strategy and it is considered that as part of the implementation of this strategy that pre-school entitlement provision should be standardised for all pupils. That is, that all pre-school education sessions would be the same length.

Please provide any comments that you have in relation to this action, including any opportunities or risks that you think the Department should consider when assessing the implications of, and options for, standardising pre-school education session times.

1. If the all pre-school education sessions were the same length, would your opinion on the SDC criterion change?

**Choose one option only**

|  |  |
| --- | --- |
| **My answers at questions 2 and 3 would be the same** |  |
| **My answer to question 2 and/or 3 may change** |  |

Please give the reason/s for your response

Please provide any other comments you have in relation to the statutory admissions criterion for pre-school, including any alternative options the Department could consider.

|  |
| --- |
|  |

**INFORMATION TO INFORM AN EQUALITY SCREENING AND RURAL NEEDS IMPACT ASSESSMENT**

1. Have you any comments on the needs, experiences and priorities of the following equality categories in relation to any (or all) of the potential options for review of the priority admissions criterion and/or the implications of standardising pre-school session time?

|  |
| --- |
| Religious belief  Political opinion  Racial group  Age  Marital status  Sexual orientation  Men and women generally  Disability  Dependants |

1. Will any (or all) of the potential options, or the standardisation of pre-school session times be likely to impact on equality of opportunity for any (or all) of the following equality categories?

If so, please describe any such impact.

|  |
| --- |
| Religious belief  Political opinion  Racial group  Age  Marital status  Sexual orientation  Men and women generally  Disability  Dependants |

1. Will any (or all) of the potential options or the standardisation of pre-school session times afford opportunity/opportunities to better promote equality of opportunity or good relations? If so, how?

|  |
| --- |

1. Will any (or all) of the potential options or the standardisation of pre-school session times be likely to impact on people in rural areas, if so what would be the likely impact(s) and would this/these be different from the impact(s) in urban areas?

|  |
| --- |
|  |

Name (capitals): \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_

Completed as an individual

Completed on behalf of an organisation

Name of organisation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

RETURN COMPLETED FORM

Email to: de.earlyyears@education-ni.gov.uk

By post to: Pre-School Education Team, Department of Education, 4th Floor, Rathgael House, 43 Balloo Road, Rathgill, Bangor, BT19 7PR.

**PRE-SCHOOL ENROLMENTS 2020/21**

**KEY STATISTICS**

|  | **Full-time** | **Part-time** | **Total** |
| --- | --- | --- | --- |
| Enrolments | 9056  (39%) | 13876  (61%) | 22932 |
| Pupils given priority in admission process\* | 2,541  (28%) | 1,210  (9%) | 3,751  (16%) |
| Pupils entitled to FSM | 3911  (43%) | 1242  (9%) | 5153  (22%) |
| Enrolment in 20% most deprived areas (SOAs) | 4493 | 1994 | 6487 |
| Pupils given priority in admission process in 20% most deprived areas (SOAs)\* | 1493  (33%) | 323  (16%) | 1816  (28%) |
| Pupils entitled to FSM located in 20% most deprived areas | 2328 | 328 | 2656 |

Source: DE Statistics, DE School Census

1. Or, in the case of non-statutory pre-school providers, the number of funded places available [↑](#footnote-ref-1)
2. *Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999, and as a requirement of funding for non-statutory pre-school education providers* [↑](#footnote-ref-2)
3. *Employment and Support Allowance where an award of income support has been converted and the amount of the award remains unchanged* [↑](#footnote-ref-3)
4. *Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999* [↑](#footnote-ref-4)
5. *Department of education Review of the Pre-school Admissions Arrangements 2012* [↑](#footnote-ref-5)
6. Education (Northern Ireland) Order 1998 Article 22(4) [↑](#footnote-ref-6)
7. Learning to Learn, A framework for early years education and learning – DE, October 2013 [↑](#footnote-ref-7)
8. *EPPNI 2006* [↑](#footnote-ref-8)
9. *Research suggests that there is no discernible difference in children’s cognitive development at the start of primary school between those who attended full-time and those with part-time attendance and Inspection findings have highlighted that the majority of settings, whether statutory or voluntary, provide a good or better quality pre-school experience.*  [↑](#footnote-ref-9)
10. *EPPNI 2006* [↑](#footnote-ref-10)