

COPY OF DEVELOPMENT PROPOSAL SUBMISSION

Cover Note

DP No.	DP 664
School	Enniskillen Integrated Primary School
Proposal	<i>Pre-school provision is expanded at Enniskillen Integrated Primary School through the establishment of a single pre-school afternoon session to provide 26 part-time places with effect from 1 September 2022, or as soon as possible thereafter.</i>
Permanent Secretary's Decision	Approve DP 664 (with a modification to the implementation date) that: <i>Pre-school provision is expanded at Enniskillen Integrated Primary School through the establishment of a single pre-school afternoon session to provide 26 part-time places with effect from <u>1 September 2023</u>, or as soon as possible thereafter.</i>
Date of Decision	8 June 2023
Permanent Secretary's Comments	<p><i>Having read all of the information, evidence and letters of support and objection provided to me in the submission from officials, I have carefully considered this Development Proposal in respect of Enniskillen IPS and I would make the following comments:</i></p> <p><i>In the absence of a Minister for the Department, The Northern Ireland (Executive Formation etc) Act 2022 enables me to make a decision with regard to this development proposal and I am satisfied that it is in the public interest to do so.</i></p> <p><i>The Department has a statutory duty to encourage and facilitate the development of Integrated Education. The new Integrated Education Act (2022) amends and extends the current duty on the Department under Article 64 of the Education Reform (NI) Order 1989 to include "support" as defined in the Act. The 2022 Act states that support for Integrated education involves providing sufficient places in Integrated schools to aim to meet the demand for Integrated education within the context of area planning and the overall sustainability of the school estate.</i></p> <p><i>While existing pre-school provision in the Enniskillen area is sufficient to meet demand, assessment shows that this is not the case for pre-school provision in an Integrated setting. It further shows however, if approved, the proposal would have the potential to displace other good quality pre-school provision.</i></p>

There is therefore a finely balanced consideration with this proposal between creating provision that is surplus to demand in the area and being perceived to be erecting a barrier to the development of Integrated education. I am also conscious of the additional Departmental duty in the Integrated Education Act (2022) to support Integrated Education and aim to meet the demand for Integrated Education.

I am aware this is the third proposal brought forward by the Board of Governors and the reasons why they had previously been turned down. However, the evidence in this submission clearly demonstrates that the degree of parental demand for Integrated pre-school education continues to grow successfully; and approval will enable a greater number of children to access Integrated pre-school education in line with the NI Executive's policy to develop Integrated education.

In terms of affordability I note that this is a relatively low-cost proposal – there are no associated capital or transport costs and any additional salary and overhead costs would be met from the school's budget. I acknowledge, there would be an additional cost to the Aggregated Schools Budget, but Enniskillen IPS is a Grant Maintained Integrated School and bears its own financial responsibilities and I note the school does not predict major resource implications for operating a dual day.

Having carefully considered all of the information, evidence, views for and against this proposal, I agree with the points made in the conclusion, summarised in paragraphs 218 and 219.

I am content to approve DP 664 (with a modification to the implementation date) in line with the recommendations set out in the submission and am also content that approval is in line with the Department's duty to support Integrated Education in aiming to meet the clearly demonstrated demand.

Additional notes

Information redacted

Some information and personal data may have been removed in line with the principles of the Freedom of Information and Data Protection Act.

Key	Details
■	redaction
*	refers to less than five cases where data is considered sensitive
#	means figure has been suppressed to prevent disclosure of sensitive information under rules of disclosure

From: EAMONN BRODERICK
Area Planning Team (South-West Region)
(Cleared by Janis Scallon – 7 June 2023)

Date: 7 June 2023

To: Dr Mark Browne
Permanent Secretary

Copy distribution below

DEVELOPMENT PROPOSAL (DP) 664 – ENNISKILLEN INTEGRATED PRIMARY SCHOOL (IPS), CO FERMANAGH - PROPOSED EXPANSION OF PRE-SCHOOL PROVISION

Issue: To decide on Development Proposal (DP) 664:

Pre-school provision is expanded at Enniskillen Integrated Primary School (IPS) through the establishment of a single pre-school afternoon session to provide 26 part-time places with effect from 1 September 2022, or as soon as possible thereafter.

The Northern Ireland (Executive Formation etc) Act 2022 enables you to make a decision with regard to this DP.

Timescale: Routine.

Financial /Resource Implications: Capital: No capital expenditure is required as a result of DP 664.

Resource: Additional funding would be required for salaries and overhead costs, but this would be met from the school's budget.

Transport: There are no additional transport costs as the proposal relates to pre-school.

ASB: There would be an additional cost to the Aggregated Schools Budget (ASB) as the Playgroup is currently funded by the Integrated Education Fund (IEF).

FOI Implications: The content of this submission is likely to be fully disclosable.

Statutory Duty Implications: Article 64 of the Education Reform (NI) Order 1989, to encourage and facilitate the development of Integrated Education.

The Integrated Education Act (NI) 2022 which extends the Article 64 duty and includes 'support'.

Article 44 of the Education and Libraries (NI) Order 1986.

The Rural Needs Act (NI) 2016

The Shared Education Act (NI) 2016

Presentational Issues: Your decision is likely to generate local political and media interest. Enniskillen IPS is also one of the Integrated DPs a number of MLAs recently wrote to you about. Should any media queries arise, Press Office will liaise with officials as required. *(Cleared with Press Office).*

Recommendation: It is recommended that you:

- (i) Approve DP 664 with a modification to the implementation date that:

Pre-school provision is expanded at Enniskillen IPS through the establishment of a single pre-school afternoon session to provide 26 part-time places with effect from 1 September 2023, or as soon as possible thereafter.

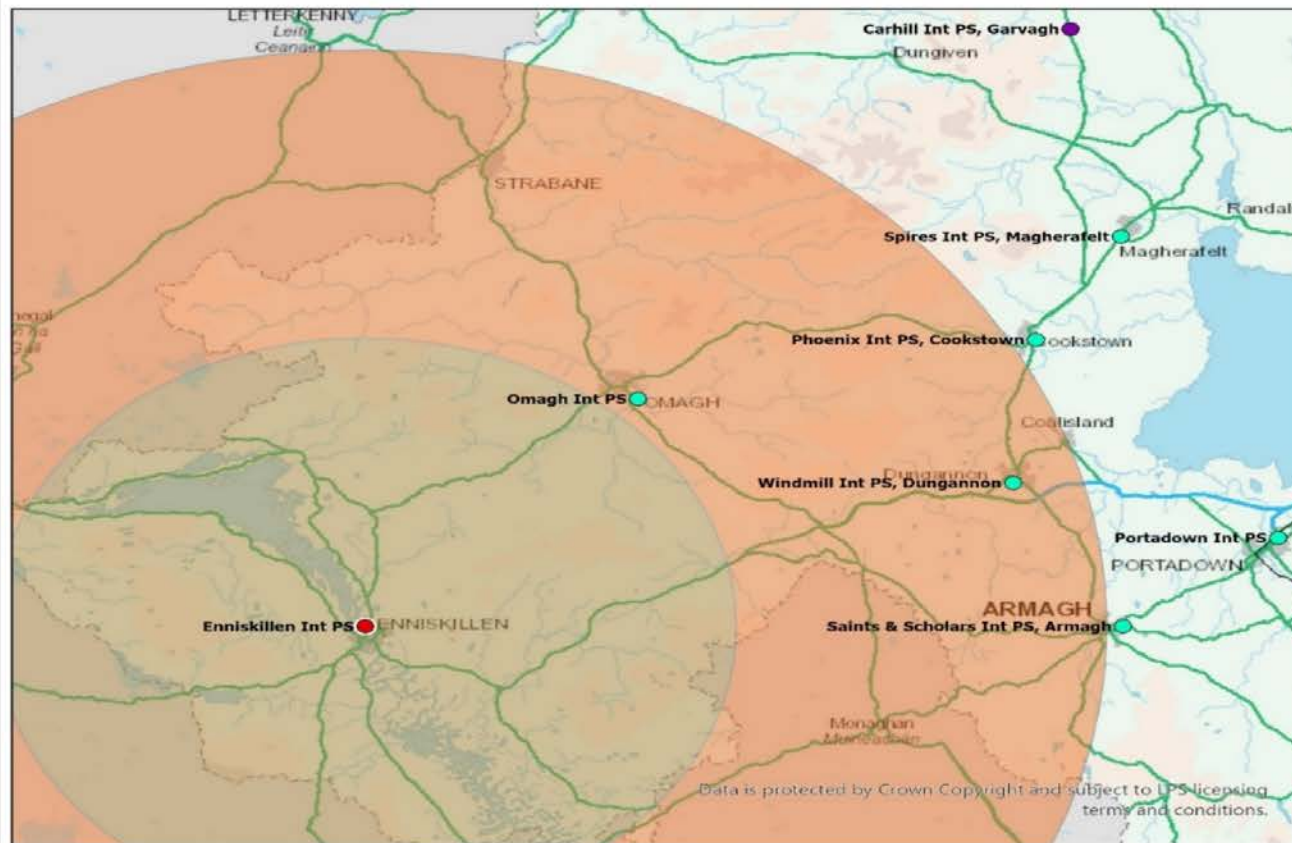
- (ii) Ask officials to write to the Education Authority (EA)/PEG requesting they should now give consideration to determine what adjustments are required in this area and to review the planning for other areas to determine the appropriate level of provision.

- (iii) Agree that this submission (with any appropriate redactions) will be published on the Department's website once the school and the EA have been informed of your decision.

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Enniskillen IPS - Integrated Primary Provision



NI Overview

- Enniskillen IPS
- Controlled Integrated
- GMI

Distance

- 20 miles
- 40 miles

Supporting Information

Base mapping was derived from OSNI Fusion. NISRA/DENI School Census Datasets 21/22

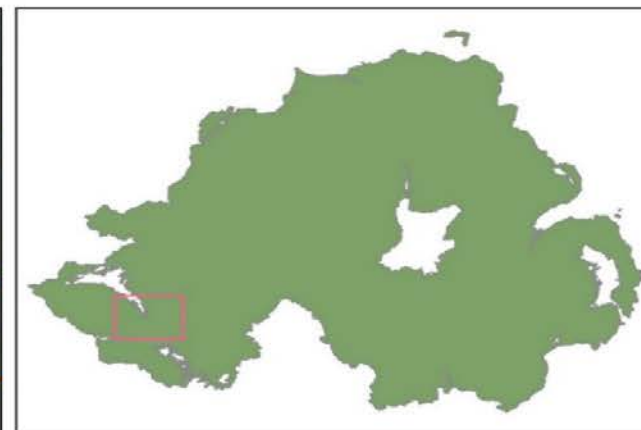
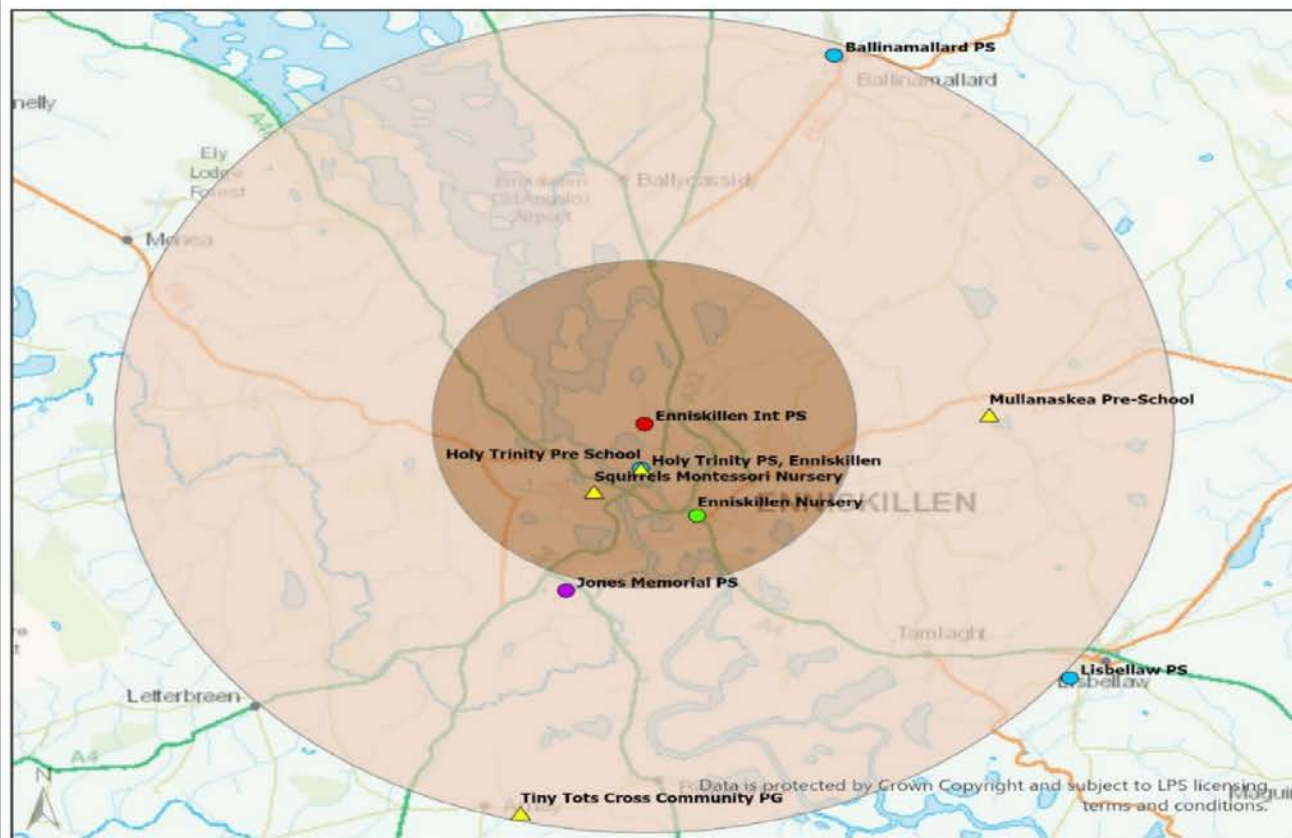


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Enniskillen IPS - Alternative Pre School Provision



NI Overview

- Enniskillen IPS
- Nursery Schools
- ▲ Vol / Private PreSchool
- Primary with NU
- Primary with Reception

Buffer Distance

- 2 miles
- 5 miles

Supporting Information

Base mapping was derived from OSNI Fusion. NISRA/DENI School Census Datasets 21/22

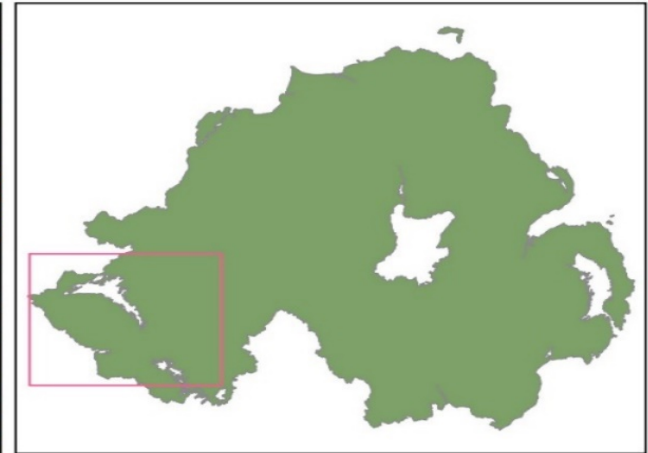
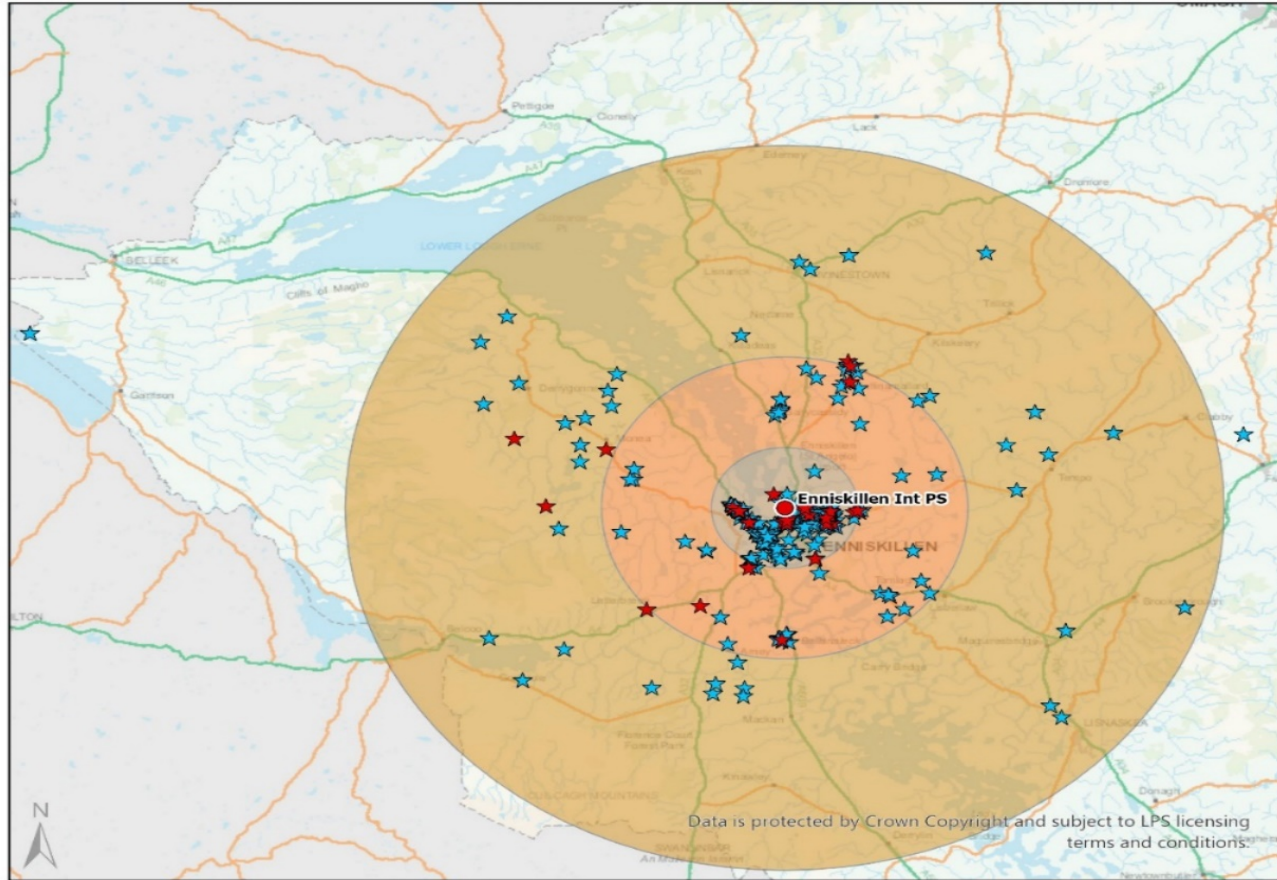


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Enniskillen IPS - Pupil Locations



NI Overview

- Enniskillen IPS
- ★ Enniskillen IPS Primary Pupils
- ★ Enniskillen IPS NU Pupils

Buffer Distance

- 2 miles
- 5 miles
- 12 miles

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Supporting Information

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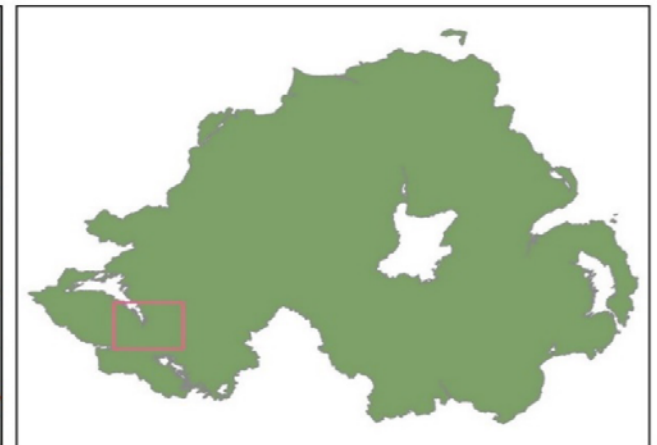
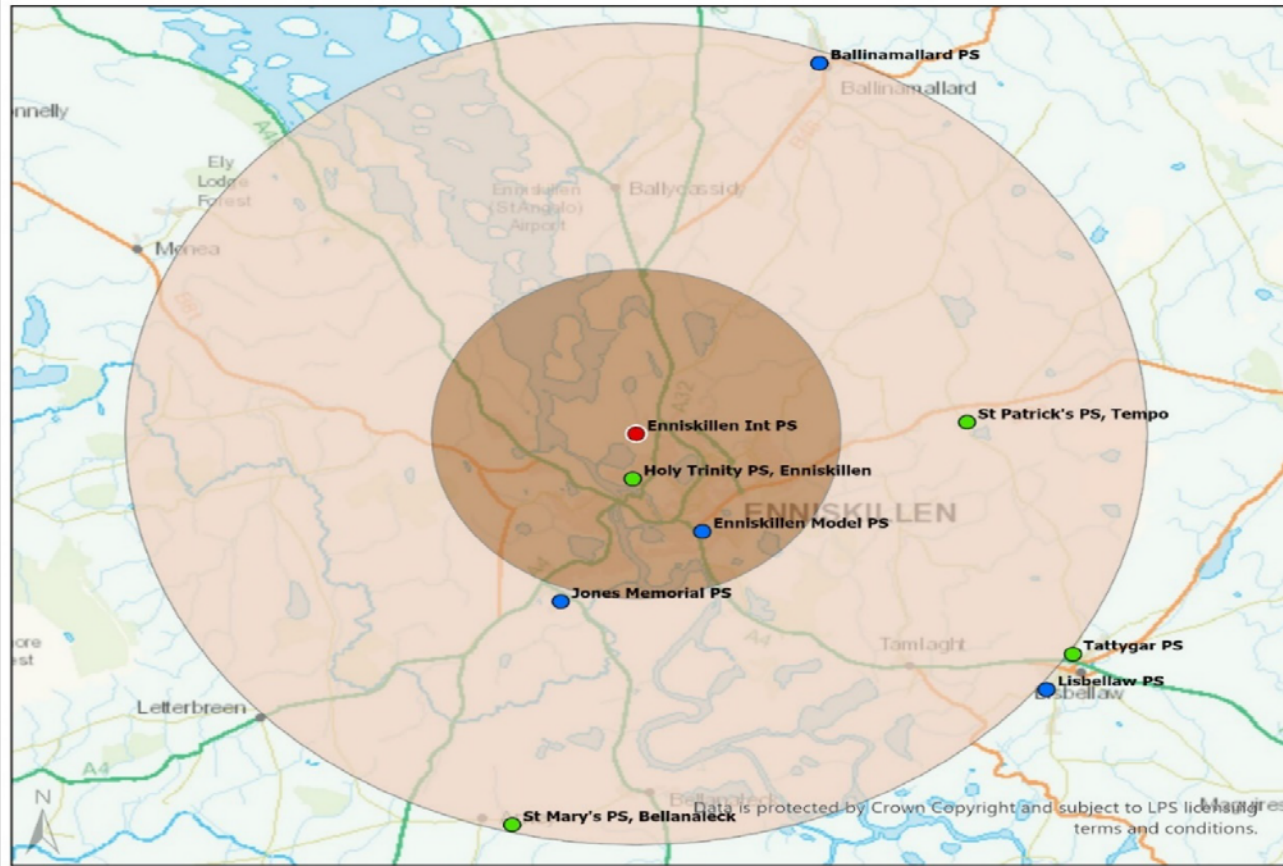


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Enniskillen IPS - Alternative Primary Provision



NI Overview

- Enniskillen IPS
- Catholic Maintained
- Controlled
- Controlled Integrated
- GMI
- Other Maintained
- Voluntary

Buffer Distance

- 2 miles
- 5 miles

Supporting Information

Base mapping was derived from OSNI Fusion, NISRA/DENI School Census Datasets 21/22

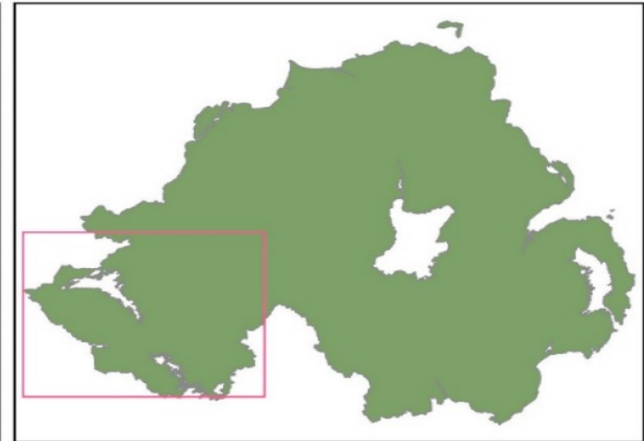
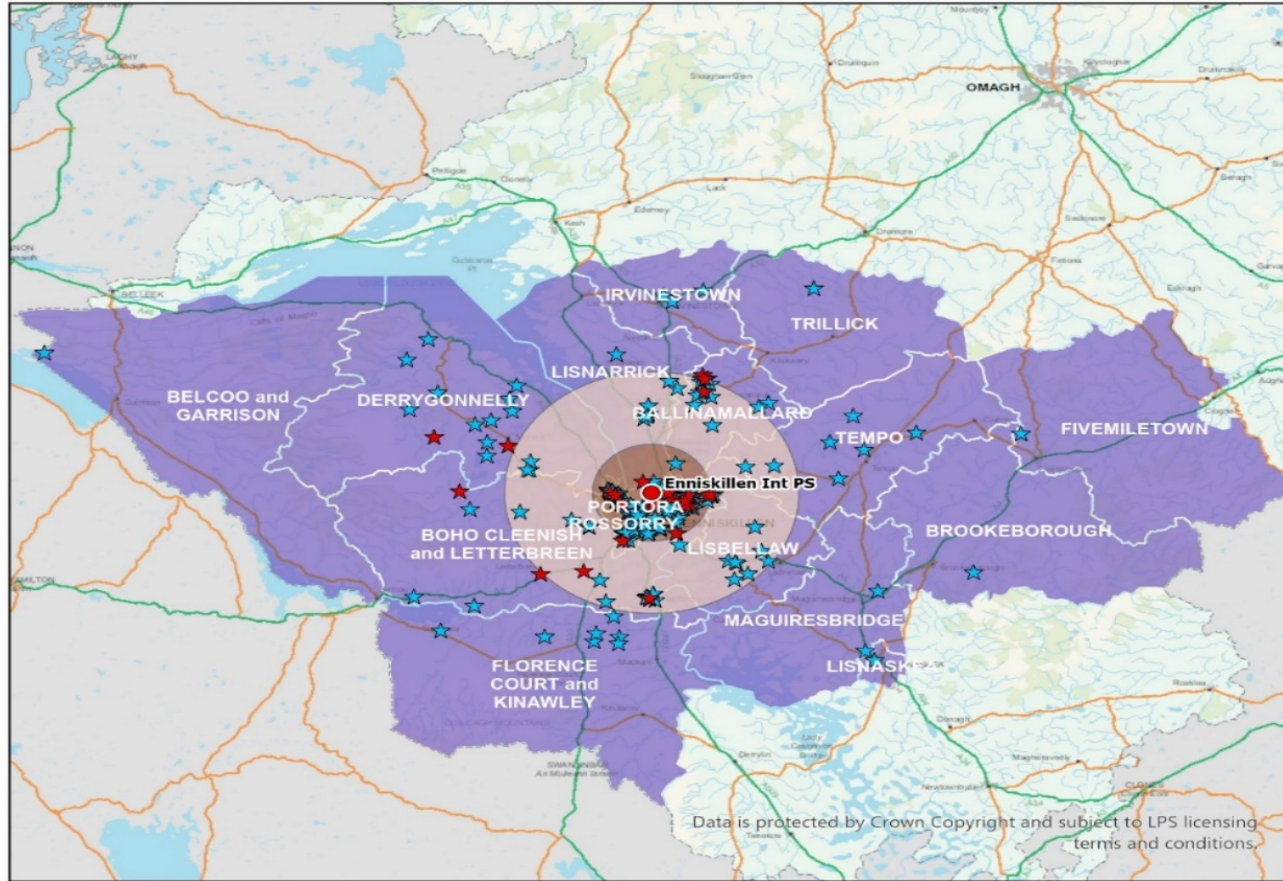


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Enniskillen IPS - Pupil Locations (Wards)



NI Overview

- Enniskillen IPS
 - ★ Enniskillen IPS Primary Pupils
 - ★ Enniskillen IPS NU Pupils
 - Wards that intersect EIPS & NU Pupils
- Buffer Distance**
- 2 miles
 - 5 miles

WARDNAME
BELCOO and GARRISON
BOHO CLEENISH and LETTERBREEN
DERRYGONNELLY
FLORENCE COURT and KINAWLEY
MAGUIRESBRIDGE
ROSSORRY
FIVEMILETOWN
TEMPO
BROOKEBOROUGH
LISNASKEA
LISBELLAW
TRILICK
BALLINAMALLARD
IRVINESTOWN
LISNARRICK
CASTLECOOLE
PORTORA
ERNE

Supporting Information

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INTRODUCTION

1. On 29 September 2021, the Education Authority (EA) published Development Proposal (DP) 664 on behalf of the Board of Governors (BoG) of Enniskillen Integrated Primary School (IPS) proposing that:

Pre-school provision is expanded at Enniskillen Integrated Primary School through the establishment of a single pre-school afternoon session to provide 26 part-time places with effect from 1 September 2022, or as soon as possible thereafter.

2. The statutory two-month objection period for this proposal commenced on the date of publication and ended on 29 November 2021. A copy of the published DP and the proposer's Case for Change (CfC) are reproduced at Appendices A and B respectively.

BACKGROUND

3. Enniskillen IPS is a Grant-maintained Integrated (GMI) primary school located in Drumcoo, Enniskillen Co Fermanagh, as illustrated on Map 1. The school currently has an existing statutory Nursery Unit (NU) which offers 26 statutory part-time (morning) places. The CfC states that the NU is in the unique position of being on the same campus as both the primary school and Erne Integrated College (IC).
4. Since 2016, the school has provided an afternoon Playgroup session which has been funded by the Integrated Education Fund (IEF).

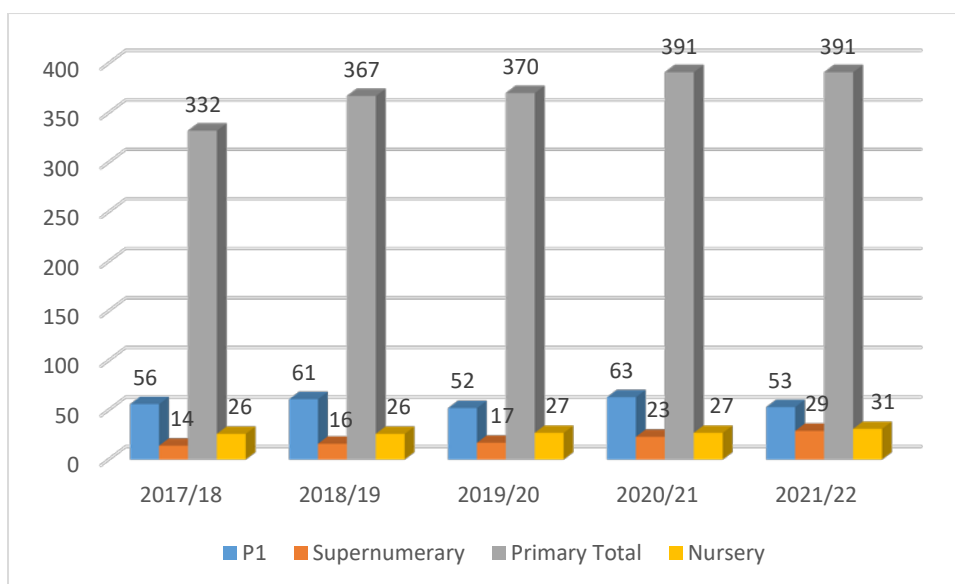
Admissions and Enrolment

5. Enniskillen IPS has approved admissions and enrolment numbers of 56 and 392 respectively. In 2021/22, there were 391 pupils enrolled at the school in Years 1-7, including 26 pupils with a Statement of Special Educational Needs (SEN) at school census date. There were 27 available places. A further 31 pupils were enrolled in the school's existing NU.
6. Chart 1 below illustrates Enniskillen IPS' admissions and enrolment trends over the last five years and shows that the school's admissions have ranged between 52 and 63 pupils. The school's total enrolment for Years 1-7 has increased from 332 pupils in 2017/18 to 391 in both 2020/21 and 2021/22. These figures include pupils with Statements of SEN. Enniskillen IPS' actual enrolment is significantly above the Schools for the Future: A Policy for Sustainable Schools (SSP) recommended minimum enrolment of 140 pupils for a sustainable urban primary school¹. Provisional census data for 2022/23 (which may be subject to change) show 394 pupils enrolled, with 32 pupils with a statement of SEN.

¹ From September 2022, the urban/ rural definitions used in the SSP reflect those used by the Northern Ireland Statistics and Research Agency (NISRA) and under the NISRA definition, Enniskillen IPS is located in an urban area. **Urban:** schools are defined as urban if they are located in settlements with a population greater than or equal to 5,000 people (NISRA Bands A-E); and **Rural:** schools are defined as rural if they are located in settlements with less than 5,000 people (NISRA Bands F-H).

7. The enrolment in the existing NU has been consistently 26 or 27 pupils but 31 pupils were enrolled in 2021/22 and in 2022/23 (per provisional census data).

Chart 1 –Enniskillen IPS – Historical Admissions and Enrolments*



*Includes pupils with Statements of SEN

Previous Proposals

8. There have been two previous DPs to establish an additional afternoon pre-school session at Enniskillen IPS.
- (i) **DP 543 - It is proposed to establish an additional 26 part-time nursery places at Enniskillen Integrated Primary and Nursery School with effect from 1 September 2018 or as soon as possible thereafter.**
9. DP 543 was published on 16 May 2018 but was not approved by the then Permanent Secretary on 2 April 2019.
- (ii) **DP 488 - To establish a single pre-school afternoon session, for 26 children (part-time places) at Enniskillen Integrated Primary School and Nursery Unit, from 1 September 2017, or as soon as possible thereafter. This Proposal will expand the current single pre-school morning session, for 26 children (part-time places) at Enniskillen Integrated Primary School and Nursery Unit.**
10. DP 488 was published on 21 December 2016 but was not approved by the then Permanent Secretary on 11 May 2017.
11. This submission assesses DP 664 against the current context and so reflects any changes since DPs 488 and 543, including any changes to the pattern of pre-school applications and the level of provision in the area.

Enniskillen IPS Nursery Unit

12. The existing statutory NU of Enniskillen IPS opened in temporary premises in 1997 before moving to a permanent building on the same campus as both the primary school and Erne IC in 1998. The NU currently offers 26 statutory part-time (morning) places. The CfC states that *'Since 2016 the school has provided an afternoon Playgroup session to meet parental demand for integrated pre-school provision which was funded by The Integrated Education Fund'*.
13. The CfC advises that the pre-school is being registered with Social Services and that *'This registration is causing [an] unnecessary burden to the school'*. The CfC states that in 2017/18 there were 16 places provided at the playgroup session to meet parental demand for Integrated pre-school provision. In 2019/20, this was extended to 26 places to meet demand. In 2021/22, the school and the Northern Ireland Council for Integrated Education (NICIE) have confirmed that 16 pupils were enrolled.

AREA CONTEXT

14. On the Northern Ireland Multiple Deprivation Measure 2017, the Devenish Super Output Area (in which Enniskillen IPS is located) is placed 44 out of 890 (1 being most deprived and 890 least deprived). In 2021/22, 21% (82 pupils) at Enniskillen IPS were entitled to Free School Meals (FSM).
15. Northern Ireland Statistics and Research Agency (NISRA) projections for the former Fermanagh LGD, the smallest geographical area breakdown available in which Enniskillen IPS is located, provides an estimate of population numbers as set out in Table 1 below. The table shows the predicted increases and decreases at age 3 and other age groups for the periods 2018-2028 and 2018-2043. Table 2 shows a reduction of 12.8% at age 3 to 2028 and 13.3 % to 2043. The overarching 0-4 age group also shows reductions of over 14% to both 2028 and 2043.

Table 1 – 2018-Based Population Projections for the former Fermanagh LGD

Age	2018	2019	2020	2028	2043
3	842	911	825	734	730
00-04	4,214	4,221	4,157	3,592	3,613
05-09	4,464	4,432	4,386	3,993	3,680
10-14	4,182	4,288	4,447	4,495	3,788

Source: <https://www.nisra.gov.uk/publications/2018-based-population-projections-areas-within-northern-ireland>

Table 2 - Population Change by Age Group

Age	2018 to 2028		2018 to 2043	
	Individuals	Percentage	Individuals	Percentage
3	-108	-12.82	-112	-13.3%
00-04	-622	-14.76	-601	-14.26
05-09	-471	-10.55	-784	-17.56
10-14	313	7.48	-394	-9.42

Source: <https://www.nisra.gov.uk/publications/2018-based-population-projections-areas-within-northern-ireland>

16. Birth statistics by academic year for all wards which fall at least partially within a 5 mile radius of Enniskillen IPS indicate a small decrease of 9 (2.3%) in the pre-school cohort between September 2020 admissions and September 2022 admissions (391 to 382). The EA's recently published Operational Plan 1 2022-24 (OP1) states that the downward trend in births in the Fermanagh and Omagh LGD is projected to continue.
17. Enniskillen IPS did not feature in the EA's extended Annual Action Plan (AAP) for April 2019 to August 2022. A DP for Enniskillen IPS was originally included in the EA's Action Plan for December 2015 to March 2017 which stated "*The Managing Authority to consult on options for future pre-school provision at Enniskillen IPS by March 2017 (Fresh Start funding announced March 2016).*"
18. On 29 June 2022, the EA in partnership with the Council for Catholic Maintained Schools (CCMS), the Catholic Schools' Trustee Service (CSTS), Comhairle na Gaelscolaíochta (CnaG), the Controlled Schools' Support Council (CSSC), the Governing Bodies Association (GBA), NICIE and Transferor Representatives' Council (TRC) published a new Strategic Area Plan 2022-27 – Planning for Sustainable Provision (the Area Plan). The Area Plan states that '*The managing authorities and sectoral bodies in their statutory duty will seek to identify, explore and bring forward proposals to encourage and facilitate both Irish Medium and Integrated education to provide sustainable education for an area. Both Comhairle na Gaelscolaíochta and the Northern Ireland Council for Integrated Education will provide guidance on innovative sustainable provision, working with all education partners in achieving Area Planning solutions, including the option for individual schools to transform to integrated status.*'
19. Enniskillen IPS does not feature in the associated EA's published OP1.

Alternative Integrated Education Provision

20. Map 1 illustrates the distance to other alternative Integrated primary provision and evidences that the closest is at Omagh IPS, 27.3 miles away. Omagh IPS has approved admissions and enrolment numbers of 55 and 385 respectively. In 2021/22, at school census date, the school had 272 pupils enrolled including 10 pupils with a statement of SEN and a further 26 pupils enrolled in its NU which provides 26 part-time places. Provisional census data for 2022/23 (which may be subject to change) show 274 pupils enrolled, with 11 pupils with a Statement of SEN and 26 pupils in the NU. DP 682 to expand the pre-school provision at the school through an afternoon session providing 26 part-time places from September 2023 was published on 29 September 2022 and the two-month statutory objection period ended on 29 November 2022. It is currently being processed by the Department.
21. Map 1 shows that Windmill IPS in Dungannon would be the next closest Integrated primary school at 41.2 miles away. Windmill IPS has approved admissions and enrolment numbers of 30 and 210 respectively. In 2021/22, it had 206 pupils enrolled including 13 pupils with a Statement of SEN and a further 27 pupils enrolled in its NU which offers full-time places. Provisional census data for 2022/23 (which may be subject to change) show 221 pupils enrolled, with 13 pupils with a statement of SEN and 27 pupils in the NU.

Alternative Pre-School Provision

22. Map 2 illustrates the alternative pre-school provision within a 5-mile radius including nursery schools, primary schools with NUs and playgroups. As illustrated on Map 1, there is no alternative Integrated provision within a 20-mile radius. Further details are set out in Tables 3 and 4 below.
23. Table 16 in the CfC also includes Bo Peeps Playgroup, but it is outside the 5-mile radius. Holy Trinity Pre-School, located with the primary school, was not in the Pre-School Education Programme (PSEP) in 2020/21 but returned for 2021/22. Ballinamallard NU, although not included in the table in the CfC does fall into the 5 mile radius although it is more than 5 miles by road and is, therefore, included in Table 4 below.

Table 3: Alternative Pre-school Provision

Ref No		Postcode	Distance in miles by Road	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23*
	Pre-School			T F	T F	T F	T F	T F	T F
2BB0589	Holy Trinity Pre-school	BT74 6AZ	1.2	16 16	16 16	16 16	0 0	16 8	16 16
2AA0348	Squirrels Montessori Nursery	BT74 4HB	2	30 28	31 31	31 30	30 30	31 31	23 23
2BB0062	Mullanaska Pre-school	BT74 4FD	4.3	25 25	26 25	26 26	23 23	22 22	22 22
2AB0446	Tiny Tots Cross Community PG	BT92 2AB	7.2	20 20	24 24	26 26	19 19	24 24	16 15
Total				91 89	97 96	99 98	72 72	93 85	77 76

F = Funded T = Total * Provisional Census data (which may be subject to change)

Table 4: Alternative Nursery Provision

Ref No		Postcode	Distance in miles by Road	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23*
	Nursery School			f/t p/t	f/t p/t	f/t p/t	f/t p/t	f/t p/t	f/t p/t
2116608	Enniskillen Nursery	BT74 6HH	1.8	27 53	26 52	28 52	27 52	26 52	27 52
	Nursery Unit								
2066549	Enniskillen IPS NU	BT74 4FH	-	0 26	0 26	0 27	0 27	0 31	0 31
2036632	Holy Trinity PS NU	BT74 6AZ	1.2	54 0	53 0	53 0	52 0	53 0	52 0
2011893	Ballinamallard PS NU	BT94 2NY	5.5	0 20	0 25	0 26	0 26	0 26	0 26
Total				81 99	79 103	81 105	79 105	79 109	79 109

f/t = full-time p/t = part-time * Provisional Census data (which may be subject to change)

24. Table 3 shows a dip in the number of pupils enrolled in pre-schools in the area in 2020/21; however, this recovered again for 2021/22. Provisional census data for 2022/23 (which may be subject to change) show that numbers have again dipped. As would be expected, numbers enrolled in the statutory nursery provision have remained relatively static.

Reception Provision in the Area

25. Jones Memorial PS is the only setting in the area that provides reception places. It provided reception places for *, nine, * and * children in the 2018/19, 2019/20, 2020/21 and 2021/22 academic years respectively. It does not have a statutory NU. Provisional census data for 2022/23 show nine pupils enrolled.

SPECIAL CONSIDERATIONS

Statutory duty in relation to Integrated Education

26. There is a statutory duty on the Department under Article 64 of the Education Reform (Northern Ireland) 1989 Order, '*to encourage and facilitate the development of Integrated education, that is to say the education together at school of Protestant and Roman Catholic pupils*'.
27. The Integrated Education Act (NI) 2022 came into operation on 26 October 2022. This amends the definition of Integrated Education and what it means to be an Integrated school. Legal advice on the totality of the Act continues to be sought; however, advice received to date includes that its provisions apply at pre-school. Previous case law has confirmed that the existing statutory duty applies at pre-school stage and ongoing legal advice on the Act will not alter that fact.
28. The new Act amends and extends the current duty on the Department under Article 64 of the Education Reform (NI) Order 1989 to include "support" as defined in the Act. Enniskillen IPS was given the opportunity to provide any further commentary and/or supplementary information in relation to DP 664 and the outworkings of the Act. Further information on this is provided at paragraph 100.

Effective and Efficient Use of Public Funds

29. The Department of Education (the Department) must be mindful of its duty under Article 44 of the Education and Libraries (NI) Order 1986 and under Managing Public Money to ensure effective and efficient use of public funds.
30. More detail on the financial implications associated with the proposal are included at paragraphs 203-205 below.

Rural Needs Act (NI) 2016

31. Rural proofing has been a requirement for all Government departments in Northern Ireland since 2002 and has been an integral part of the policy development process. In 2016, the commitment to rural proofing was strengthened with the introduction of the Rural Needs Act (NI) 2016, 'The Act'. The Act places a duty on 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. It came into operation for Government departments and District Councils on 1 June 2017 and applied to public authorities from 1 June 2018.
32. Enniskillen IPS is located in Enniskillen and under the NISRA definitions, as now used in the SSP, the school is situated in the Devenish Super Output Area and is classified as urban.

Shared Education Act (NI) 2016

33. The Shared Education Act (NI) 2016 makes legislative provision in relation to Shared Education. It provides a definition of Shared Education and confers a duty on the Department to encourage, facilitate and promote Shared Education and a power on relevant arms-length bodies to encourage and facilitate Shared Education.
34. Shared Education is not a type of school; rather it encourages all types of schools to collaborate with other schools to provide opportunities for pupils from different religious and socio-economic backgrounds to be educated together. Schools retain their individual ethos collaborating together in partnership for the benefit of their pupils.
35. While any Shared Education programme must initially meet the Shared Education definition² set out in the Shared Education (NI) Act 2016, each programme is unique to the needs of the partner schools. Hence Shared Education provision in partnerships in a local geographical area can differ across partnerships.
36. Enniskillen Integrated NU, in partnership with Holy Trinity Nursery School (NS) and Enniskillen NS, was initially engaged in the funded Shared Education Signature Project (SESP) Transition Phase.
37. Enniskillen IPS is the Lead school in the (DE) Pilot Early Years Cluster. It is also the lead school in the annual joint staff CPD (Continuing Professional Development) – reaching out to local schools to share good practice and has been a partner school in the Fermanagh Shared Education programme.
38. The NU and Playgroup initially participated in The Shared Education Programme.

CASE FOR CHANGE (CfC)

39. The CfC sets out the Board of Governors' (BoG) rationale for the proposal, as follows:
 - The desire for this DP has in part been led by parents of children attending Enniskillen IPS as they want local, accessible Integrated pre-school education for their children;
 - There has been significant over-subscription for the existing NU;
 - There is no other Integrated provision in the immediate area;
 - Given that the Programme for Government (PfG) Outcome 12 is targeting this area, it would seem that 'getting a good start' through high quality pre-school would be particularly important. Outcome 12 aims to improve the quality of education as well as improving educational attainment;
 - The school wants to provide a service to those children who are already disadvantaged with regards to services because of where they live;

² The education together of (a) those of different religious belief, including reasonable numbers of both Protestant and Roman Catholic children or young persons and (b) those experiencing socio-economic deprivation and those who are not.

- Enniskillen Integrated NU currently has children from 12 wards across County Fermanagh therefore the school is fulfilling a need;
 - The school had to refuse places in the NU to families who have siblings in the primary school;
 - Approval would support families and parents who wish to access the highly sought after integrated provision from age three to 11 years in County Fermanagh;
 - Only a small negative impact on local provision;
 - The governors and staff recognise the desirability of educating children from all backgrounds together in a culture of respect and mutual understanding;
 - Enniskillen IPS and NU are 'Outstanding';
 - The school agrees with the argument all pre-school education should be 'Integrated'; and
 - Approval for this additional provision will assist the Department of Education in meeting its duty to encourage and facilitate Integrated education.
40. As stated above, the CfC also specifies that the registration of the playgroup with social services is causing an unnecessary burden to the school for the following reasons:
- Separate policies for the morning and afternoon session;
 - Separate financial arrangements;
 - Separate Management Committee;
 - Two different inspection processes, ETI for the Nursery Unit, Social Services for The Playgroup;
 - Interview process for The School Principal, Playgroup Leader and assistant by Social Services;
 - Additional paperwork as required by Social Services; and
 - Additional training for the nursery assistant to satisfy Social Services standards.
41. The CfC is reproduced in full at Appendix B.

STATUTORY DP PROCESSES

Pre-publication Consultation

42. The CfC confirms that consultation was undertaken with the BoG, staff and parents.

43. In accordance with Article 14 of the Education and Libraries (Northern Ireland) Order 1986, a copy of the proposal was sent on 5 May 2021 to schools which, in the opinion of the EA, might be affected by the proposal. A total of 21 local schools were consulted with responses to be returned by 3 June 2021. Five responses were received from affected schools, one response was received from a local politician and one response was also received from the CSSC. Enniskillen NS, Enniskillen Model PS, Holy Trinity PS and Jones Memorial PS do not support the proposal. Former First Minister and MLA for Fermanagh and South Tyrone Arlene Foster and the CSSC also do not support the proposal. Erne IC has conveyed support for the proposal.
44. A summary of the emerging themes is set out in the CfC reproduced at Appendix B. It was pointed out that cognisance should be given to the uniqueness of the area, that there is continued demand for Integrated pre-school education and the next nearest Integrated NU is Omagh. Others in objection stated that it is not warranted and there is over-provision in the area. It was asserted that some pupils attending Enniskillen NS in the morning also attend the afternoon session in the pre-school provision currently at Enniskillen IPS and that *'Nothing demographically has changed since 2017 and 2018 when previous development proposals were declined'*.

Education Authority (EA) Comments

45. The EA's comments on the proposal advise that the proposal to expand pre-school provision at Enniskillen IPS was discussed by the Pre-school Education Group (PEG)³ at its meeting on 1 April 2021. PEG considered the proposal from Enniskillen IPS for comment in line with guidance provided by DE regarding pre-school education and the statutory duty to encourage and facilitate Integrated and Irish Medium (IM) education (prior to the introduction of the Integrated Education Act). As a result, the PEG supports the proposal on the basis of demonstrated parental demand but has concerns about the impact of the proposal, including:
- *Potential displacement of existing funded pre-school provision in the area. An existing privately funded playgroup is currently in operation at Enniskillen IPS.*
 - *Potential for increased uptake of younger children into statutory nursery settings and the consequent increased cost on public funds.*
 - *Impact on existing well established cross-community provision across the Fermanagh area in respect of the duty to promote, encourage and facilitate Shared Education policy."*

³ Pre-School Education Group (PEG), is responsible for ensuring there is sufficient provision in local areas to provide a funded pre-school education place for every child in their immediate pre-school year whose parents want it. The PEG includes representatives from the statutory, voluntary and private sectors.

46. The CfC states that *'The Education Authority is concerned that the implementation of this proposal will result in increased costs for the existing provision which is already in excess of demand. Any additional pre-school provision within the area will detrimentally impact on current non-denominational pre-school providers both statutory and non-statutory. However, The Education Authority also recognises the parental demand as outlined in the case of change and acknowledges the PEG recommendation, the guidance provided by the Department of Education, and its duty to assist the Department of Education's statutory requirement to encourage and facilitate integrated education'*.

Two-Month Statutory Objection Period

47. The two-month statutory objection period for this proposal commenced on the date of publication and ended on 29 November 2021. During this period, the Department received 31 letters of support including from parents and other relatives, the BoG and staff, NICIE, Lough View IPS, Erne IC and Jemma Dolan MLA; 36 letters of objection were also received (see paragraph 51).

Support

48. The responses received in support of the proposal stressed the demand and over-subscription for the NU and the disappointment of parents whose children were not admitted. The double class entry to the primary school when the nursery has only 26 places, was also raised. The 'outstanding' quality of the education and leadership at Enniskillen IPS and NU was pointed out, together with the duty to encourage and facilitate the development of Integrated education. A parent's right to access Integrated education was a common theme. The perceived benefits of an Integrated education to both pupils and the wider community was also consistently highlighted.
49. NICIE submitted a commentary in relation to the proposal which is included in Appendix C. It sets out the history of Integrated pre-school provision and then makes the following key points in relation to the proposal:
- Enniskillen IPS and others have remained committed to the provision of Integrated pre-school because they are aware of the importance of children having positive experiences of Protestants, Catholics and others from different backgrounds from as early an age as possible;
 - Integrated primary schools often attract a higher percentage of children with special needs and historically access to assessment and support has been much more difficult to obtain in a playgroup;
 - DE wrote to EA and CCMS on 31st October 2017 to point out, *"It is important the Education Authority and the Pre-School Education Group (PEG) support the department in fulfilling its statutory duty by striving to meet **demonstrated parental demand** in an area for pre-school education at grant-maintained and controlled integrated primary schools, as well as parental demand for Irish-medium pre-school education."*

- In a further letter on 15 January 2018, DE referred to the Drumragh Judgment and Justice Treacy's comments that the statutory duty applies to Integrated education as a standalone concept as defined in the 1989 Education Reform Order, rather than religiously mixed provision more generally. The letter also referred to the displacement concept and said that this needed to be balanced with the context of statutory obligations.
- Enniskillen IPS is seeking this change in order to meet parental demand for Integrated pre-school provision in the area;
- This is a sustainable school with two-form entry primary school with an over-subscribed single form entry NU;
- The admissions to Primary 1 seem to follow a familiar cyclical nature of over-subscription one year followed by fewer applications the next year. Anecdotally we are aware that parents are deterred from applying after a year of heavy over subscription, as they believe it is unlikely that their child will get a place;
- Parental demand for Integrated nursery provision has been demonstrated very clearly year on year;
- Births in Fermanagh and Omagh have remained steady at an average of 1475 for the last six years;
- Much of the statutory provision is over-subscribed, especially the full time provision. However, there appears to be a shortfall of provision, against first preferences, of approximately 20 places for 2018/19; 69 for 2019/20, 35 for 2020/21 and 41 places for 2021/22. Given that Enniskillen IPS is supplying 16 playgroup places then the shortfall in the 5 miles' radius is significant;
- Approval of these additional part-time places will not displace any other pre-school provision in the area, it will merely adjust the funding of these places in order to meet parental demand;
- In 2021/22, a small number of children (less than 5 cases) whose families had put Enniskillen IPS as first preference have accessed funded sessions in other nursery units in their morning sessions but attend Enniskillen IPS playgroup in the afternoon. This is actually a demonstration of their commitment to Enniskillen IPS and integrated education in general;
- Underage admissions is not a trend but varies year to year - using the underage figures as a criterion for making a decision about the long-term future of the school and its sustainability would appear to be an unreliable metric;
- The cost of two-year olds in the statutory system has been cited as a reason for refusal to enable integrated schools to grow. It seems unfair to NICIE and the BoG that these problems are being laid at the door of Enniskillen IPS and used to prevent its growth;
- Using the P1 proxy figures, it appears that there is over-provision when in fact there is a closer match between 1st preferences and total pre-school figures than there is between P1 provision figures and total pre-school provision or 1st preferences;

- Across the 2- and 5-mile radius the number of P1 children is at its lowest for the last six years and this would appear to lead to a high level of provision, particularly in the 2-mile radius. However, the addition of the schools in the 2–5-mile radius lowers that over provision to 117.6%, and yet the number of pre-school places has not increased in step with P1 places at this radius;
- The outcomes for children within NUs have been shown to be a higher quality than those within playgroups (EPPNI). NICIE would argue that transition and continuing professional development are both more easily achieved in a NU setting than a voluntary playgroup;
- The population in the Fermanagh and Omagh area within the age range of 0-15 years is projected to increase by 0.3% by 2024. However, as the Case for Change states Fermanagh has a higher percentage of people living in it from outside NI than the average for NI;
- It provides value for money for the statutory sector as no capital is required;
- Approval for this proposal would allow the school to run more effectively under one funding, management, registering and inspection stream;
- It would create equality of opportunity in accessing services to support vulnerable children in relation to attendance, welfare, safeguarding and Special Educational Needs and inclusion;
- It would represent replacement rather than displacement of an existing playgroup;
- Approval of the second session would assist in dealing with the fact that siblings are being turned away from the NU, in fact 4 siblings are currently attending the IEF funded playgroup;
- Other Integrated settings (Omagh, Oakgrove and Windmill IPSs) are too far away to be impacted;
- Enniskillen IPS and NU draw children from a much wider area than the cluster of wards in Enniskillen town itself;
- The balance for the 2020/21 year in Enniskillen IPS nursery unit is 37% Catholic, 37% Protestant and 25.9% Other, very close to the 40,40, 20 of the NICIE's Statement of Principles; and
- The recent paper "A Fair Start" highlighted the importance of investment in the early years to address under achievement for all section 75 groups.

Objection

50. The 36 letters of objection received included responses from the BoG of Jones Memorial PS, as well as associates of the school and local businesses; Enniskillen Model PS and its Parent Teacher Association (PTA); Enniskillen NS; the CSSC and Deborah Erskine MLA. The objections focused on the lack of need for additional places; that other schools are naturally Integrated; the need to consider Article 44 as well as the Article 64 duty to Integrated education and the statutory duty to Shared Education; and the impact of demographics including a falling birth rate and decrease in population projections.

Controlled Schools Support Council (CSSC)

51. The CSSC submitted a response in objection to the proposal which is included in Appendix C. The CSSC asserts that the proposal will impact negatively on existing good quality pre-school provision and includes some analysis of the evidence presented in the CfC. The CSSC points out that significant changes to statutory provision fall outside the remit of PEG and are progressed through the DP process, with the role of PEG restricted to providing comments on how DPs fit with the overall need after the process has been initiated. As planning for pre-school education falls outside the Area Planning framework for primary, post-primary and special schools, the CSSC asserts that there is no collaborative framework or mechanism to support a strategic approach to future planning of statutory pre-school provision, resulting in a fragmented individual school or sector approach. CSSC would welcome the opportunity to work in collaboration with other stakeholders to contribute to a planning approach where children are at the heart of decisions.
52. The response summarises CSSC's objection as follows:
- The reasons provided by the Department of Education to not approve previous proposals for the establishment of an additional 26 place afternoon nursery session in Enniskillen IPS remain valid.
 - The proposal is out with the Minister's stated priorities and does not respond to the needs of children of compulsory school age.
 - New and compelling evidence has not been presented for the establishment to of an additional 26 place afternoon nursery session in Enniskillen IPS.
 - There is overprovision of pre-school education places in the area evidenced by the number of penultimate age children in statutory settings.
 - Population projections indicate a declining 0-4 year old population over the 10 year period 2021-2031.
 - Existing pre-school provision is diverse and inclusive and accessible to the community, as evidenced by the religious breakdown of children attending Enniskillen Nursery School and voluntary settings.

Visit to Jones Memorial PS

53. On foot of correspondence received from Deborah Erskine MLA, former Minister Michele McIlveen visited Jones Memorial PS on 15 December 2021. Rosemary Barton, former MLA, also attended the visit and meeting in relation to DP 664. At the meeting, Jones Memorial PS reiterated their objection to the proposal, stated that further provision in the area will have an impact and over-provide where there is already capacity and that what the proposal suggests is at odds with the Department's practice not to displace good quality pre-school provision already in existence with pre-school provision in another setting. Additional comments were made in relation to transport implications and although the proposal states that reception provision should not be taken into account, the benefits of their reception provision were pointed out. An agreed note of the meeting is reproduced at Appendix C.
54. A summary of all responses is also included at Appendix C.

SUSTAINABILITY ASSESSMENT

55. The Department's SSP sets out six criteria supported by quantitative and qualitative indicators, which provide the framework for consideration of a school's longer-term sustainability. The primary objective of the policy is to ensure that all children and young people receive a high quality education in schools that are educationally and financially viable in the longer term. Although the SSP does not apply to pre-school provision, it is important when considering the establishment of statutory pre-school provision that the host school is assessed. An assessment of Enniskillen IPS against the six sustainability criteria and their associated indicators is as follows:

Criterion 1 – Quality Education Experience

56. The Education and Training Inspectorate (ETI) carried out a sustaining Improvement inspection of Enniskillen IPS in June 2017 and concluded that the school '*continues to demonstrate a high level of capacity for sustained improvement in the interest of all the learners*'. A previous inspection in March 2011 assessed the quality of education provided by this school as 'outstanding'. The evidence is, however, out-of-date and therefore cannot be given weight. There has been no further information from ETI regarding the quality of education at the school.

Composite Classes

57. The SSP recommends that there should be no more than two composite year groups in a single classroom at primary school level. Enniskillen IPS operates with 14 individual classes and, therefore, has no composite classes.

Teaching Staff

58. Statistics confirm that in 2021/22 the school employed 17.8 full-time equivalent teaching staff including the NU, which is significantly above the minimum of four teachers at primary school level recommended in the SSP.

Special Educational Needs (SEN)

59. In 2021/22, Enniskillen IPS had 29 pupils enrolled with a Statement of SEN and a further 45 pupils with non-statemented SEN. Provisional census data for 2022/23 (which may be subject to change) show 32 pupils with a statement of SEN. The ETI inspection in March 2011, although dated, reported that *'The children identified with special educational needs make very good progress and achieve standards appropriate to their ages and stages of development'*.
60. The inspection report further adds that *'The provision for special educational needs is outstanding. The children benefit from early identification in the nursery and effective intervention programmes as they progress through the school. A significant feature of the provision is the strong partnership established with the parents to support the children in surmounting the barriers to their learning'*. No further current information is available regarding the quality of SEN provision at the school.

Extra-Curricular Activities

61. The March 2011 inspection report states that *'The staff provides an extensive range of stimulating learning experiences in a safe and secure environment'* and that *'after-school coaching is also available for a range of sports'*. This evidence is now very dated and therefore cannot be given weight.

Physical Environment

62. The CfC states that the school is in the process of expanding their permanent school building through Fresh Start money to facilitate the growth in the primary school. The NU operates in its own permanent building within the campus of Enniskillen IPS and Erne IC.

Pastoral Care

63. The ETI Inspection Report March 2011 states that *'the quality of the arrangements for pastoral care is outstanding in the nursery and the school. The integrated and inclusive ethos throughout the school community is one of nurture, challenge and care which helps to develop the children's self-esteem and sense of enjoyment in learning'*. Again, this evidence is now very dated and cannot be given weight.

Criterion 2 – Stable Enrolment Trends

64. Enrolment at Enniskillen IPS has been increasing year-on-year following the approval of DP 240 in February 2014 which proposed an increase in the admissions number from 30 to 56 and an increase in enrolment from 244 to 392 over a period of seven years, with effect from 1 September 2013. The school's approved enrolment has now reached the maximum number approved by DP 240.
65. Chart 1 above evidences the growth in the school from 311 in 2016/17 to 391 in 2021/21 and 2021/22, including pupils with a statement of SEN. As stated above,

provisional census data for 2022/23 (which may be subject to change) show 394 pupils enrolled, with 32 pupils with a statement of SEN.

66. Chart 1 also shows that the school's P1 intake has ranged between 48 and 63 pupils, thus exceeding its approved admissions number of 56 in 2018/19 and 2020/21. Provisional census data show 54 pupils admitted in 2022/23. Table 5 below shows a higher number of pupils enrolled in P1-P3 compared to P5-P7, also evidencing growth.

Table 5: Enniskillen IPS - Enrolment by Year Group

	P1	P2	P3	P4	P5	P6	P7	Total
2021/22	53	64	54	61	58	50	51	391*
	171				159			
2022/23	54	56	62	55	58	60	49	394**
	172				167			

* includes 29 pupils with a statement of SEN ** includes 32 pupils with a statement of SEN

Temporary Variations (TVs)

67. If a school receives more applications than it has places available it can request a Temporary Variation (TV) to its admissions and/or enrolment number from the Department. The Department may approve TVs to a school's numbers to respond to particular demographic pressures in an area in a particular year.
68. Table 6 shows that Enniskillen IPS was granted TVs to its admissions and enrolment number in 2018/19. Most primary schools have a variance to their admissions number (unless capped for class size purposes), which they aren't obliged to use. If a school wants to use the variance, then it can only do so if the approved enrolment number is not exceeded. The variance for Enniskillen IPS' admissions is to 60 pupils. In 2020/21, although 63 pupils were admitted, this included * pupils with a statement of SEN and * pupil admitted on appeal.

Table 6: Enniskillen IPS Temporary Variations

School Year	Approved Admissions Number	Approved Enrolment Number	Temporary Variations Approved (To total of)*	
			Admissions	Enrolment
2017/18	56	326	-	-
2018/19	56	347	62	349
2019/20	56	368	-	-
2020/21	56	392	-	-
2021/22	56	392	-	-

*Figures do not include stated children (all year groups) or any children who may have been admitted by appeal (year of admission only).

First Preference Applications

69. Table 7 shows the first preference applications and total applications received over the last six years. This evidences that first preference applications do not always reach the school's approved admissions number of 56 and even total applications failed to achieve the school's approved admissions number in three out of the five years.

Table 7 – Enniskillen IPS – Applications

Year	Admissions Number	First Preferences	Total Applications (all preferences)
2018/19	56	60	62
2019/20	56	50	50
2020/21	56	73	73
2021/22	56	45	45
2022/23	56	52	52
2023/24	56	60	Ongoing

(excludes pupils with a statement of SEN)

70. NICIE's commentary suggests an explanation for the fluctuation in applications *'The admissions to Primary 1 seem to follow a familiar cyclical nature of over-subscription one year followed by fewer applications the next year. Anecdotally we are aware that parents are deterred from applying after a year of heavy over subscription, as they believe it is unlikely that their child will get a place.'*

Religious Balance

71. A breakdown of Enniskillen IPS' enrolment by religion, with the primary school and NU indicated separately, is set out in Table 8. This evidences that the school has a very mixed enrolment in both the main school and NU.

Table 8: Enniskillen IPS – Religious Balance 2021/22

	Phase	Protestant	Catholic	Other	Total
2021/22	Primary	103 (26.3%)	174 (44.5%)	114 (29.2%)	391
	Nursery	9 (29%)	16 (51.6%)	6 (19.4%)	31
2022/23	Primary	96 (24.4%)	187 (47.4%)	111 (28.2%)	394
	Nursery	11 (35.5%)	11 (35.5%)	9 (29%)	31

Criterion 3 – Sound Financial Position

72. The school received a total delegated budget of £1,386,423 in the 2022/23 financial year for **406.50**⁴ FTE pupils, which generates a per capita of £3,411. The average for all primary schools is £3,421.
73. The total Free School Meals Entitlement for the school is **82**⁵ pupils, which represents 20.97% of the total FTE, which places the school in Band 1 for funding purposes.
74. No funding was received in relation to Small Schools Support or Primary Principals' Release Time.
75. As a GMI primary school, the surplus/deficit figures are not available. The CfC contains dated information in relation to the school's financial position; however, it states that '*As a grant-maintained integrated school the school has never had the luxury of 'carrying' a deficit or 'been allowed to run into deficit.'*

Criterion 4 – Strong Leadership and Management by Boards of Governors and Principals

76. The ETI Inspection carried out in March 2011 although very dated, assessed the quality of leadership and management as outstanding.
77. The ETI's evaluation at the time of the inspection states that '*The Principal provides outstanding leadership; she has led the staff successfully to establish an effective approach to continuous improvement*'. It further states that '*The Vice-principal and the co-ordinators, provide very good curricular leadership*' and '*The whole-school self-evaluation and school development planning processes are very good*'.
78. An ETI update provided in October 2021 in relation to DP 664 states that '*The Principal and Board of Governors of Enniskillen Integrated Primary School have demonstrated the capacity to provide effective leadership of the existing nursery unit and Primary school*'.

⁴ The school's funding allocation is based on the previous year's census data (e.g. the October 2021 census data was used to determine the 2022-23 CFF allocation). **The census data on the Schools+ database relates to an academic year, as opposed to the financial year.** In addition, differences between funded pupils and total pupils within the census count may occur for a number of reasons, including, but not limited to, zero rated pupils, some reception pupils, and over age pupils (paragraph 7 of Annex B to the Common Funding Scheme refers). The figure of 406.50 is made up of 391 primary pupils and 15.5 FTE pupils in nursery Class (i.e. 31 part-time pupils which equates to 15.5 FTE pupils).

Criterion 5 – Accessibility

79. Map 3 shows the location of the pupils who currently attend Enniskillen IPS with the primary and nursery pupils identified separately. This illustrates that some pupils are travelling more than five miles to attend the school with almost all pupils living within twelve miles of the school.
80. The CfC states that *'It is accessible to all future pupils travelling from areas outside the immediate catchment area'*.
81. The CfC includes statistics about the distances and times that pupils travel to the school. Table 8 in the CfC details that 85.16% of the primary pupils travel more than two miles and 22.47% travel more than five miles. In the case of the NU, 74.4% of the pupils travel more than two miles and nearly 26% travel between five and ten miles.
82. The CfC attributes travelling times to the pupils and states that *'some of the children are coming from between 20-30 minutes' drive time and some are even travelling more than 30 minutes' drive time from Enniskillen'*.
83. The SSP includes guidance on the maximum travel times recommended for primary school pupils of 30 minutes for a single journey and a total of 2 hours per week. The CfC is, therefore, stating that travel times for some pupils are likely to be in excess of the guidance, as set out in the SSP.

Criterion 6 – Strong Links with the Community

84. The CfC states that the school has strong links with the local and wider community and lists the following:
 - The school is a learning hub for Stranmillis University College – June 2016 they hosted a two-day course for all schools in Fermanagh – Supporting Purposeful Play;
 - The School Principal is the Lead for DE's initiative Learning to Learn Framework for Early Years, in County Fermanagh;
 - The Nursery Unit and Playgroup Nursery Unit participates in The Shared Education Programme;
 - The School Principal has initiated and is organising joint Continued Professional Development for all staff with the other local providers in Enniskillen in January 2017;
 - The school hosts information evenings for local and regional providers e.g. NSPCC, E-Safety, Parent Advice Centre;
 - The school offers all sport to the children from the 'perceived' sport within communities in N Ireland;
 - Cross-Border initiatives;
 - December 2015 the school invited the whole Enniskillen community to their Carol Service held in both The Roman Catholic and Church of Ireland churches;
 - The school hosts both teachers and students from other countries;
 - The school supports both local and global charities;

- The school offers their school for community use: Disability NI, EA(Western), Enniskillen Royal Boat Club;
 - The school's Parent Council funded an evening for parents in March 2020 with a focus on anxiety in children and teenagers – opened to wider community free of charge;
 - Both the Nursery Teacher and the school SENCO have benefited from projects funded by The British Council – The Nursery Teacher visiting Italy 2018-2019 and The SENCO visiting Canada 2019-2020; and
 - The School Principal is a mentor for new Principals at the invitation from EA.
85. The ETI inspection carried out in March 2011 states that the school's approach to continuous improvement involves the wider community. As outlined above though, this evidence is now very dated.

Sustainability Summary

86. The quality of education at Enniskillen IPS was assessed by the ETI in 2017 as '*continues to demonstrate a high level of capacity for sustained improvement in the interest of all the learners*' and was previously assessed as 'outstanding' together with leadership and management however, this evidence is now very dated and there is no up-to-date inspection evidence to confirm the assessment of 2017. The school's enrolment is significantly above the minimum enrolment threshold, as set out in the SSP. As a GMI school, there is no detailed information available in relation to the school's budget position.
87. The CfC, however, provides statistics to show that some pupils are travelling in excess of the guidance recommended in the SSP. Extensive evidence of links with the local community has been provided.
88. Enniskillen IPS is a sustainable school which is already operating a morning nursery session and an afternoon playgroup which would evidence that the school already has a successful track record of managing such provision, with a record of achieving excellent educational outcomes for the children who attend.

ANALYSIS OF SPECIAL CONSIDERATIONS

Article 64 of the Education Reform (NI) Order 1989 – Integrated Education; case law relevant to pre-school Integrated provision and the Integrated Education Act (NI) 2022.

89. The Department wrote to the statutory planning authorities⁶ on 31 October 2017 reminding them of the need to support DE in the fulfilment of the duty to encourage and facilitate the development of Integrated education and highlighting the role that the PEG should play in striving to meet demonstrated parental demand in an area for pre-school education at Integrated primary schools.
90. The Department's letter stressed the importance of supporting the Department in fulfilling its statutory duty '*by striving to meet demonstrated parental demand for pre-school education at GMI and controlled Integrated primary schools*'. It specified that it is essential that the Department '*does not inadvertently constrain the development of Integrated education*'.
91. Further clarification was set out in the Department's letter of 15 January 2018 that Justice Treacy concluded that the statutory duty applies only to Integrated education as a standalone concept as defined in Part V1 of the 1989 Education Reform Order rather than religiously mixed provision more generally. It further states that '*we should encourage and facilitate the development of Integrated (and Irish-medium) education in ways we need not for other education provision by taking positive steps, or removing obstacles which inhibit the statutory duty*'. However, the letter also states that '*the implications of these statutory duties must be considered on a case by case basis, analysed and balanced alongside other relevant statutory and policy requirements to reach a reasoned conclusion*'.
92. The rationale in the CfC includes a comment in relation to Justice Treacy's judgement on Drumragh IC in 2014 which stated '*It will be easier for dynamic decisions which are in line with long range plan (i.e. where sectoral take up remains proportionately the same) to be approved than dynamic decisions which are out of line with the long range plan (i.e. growth of one sector which has not been projected). It is by no means the case that these kinds of decisions will be impossible, but there will be an additional friction impeding their progress as compared to decisions in line with the long- term plan. The creation of an additional difficulty is the opposite of encouraging and facilitating.*'

⁶ The Department's letter of 31 October 2017 was further clarified in the Department's letter of 15 January 2018 to the EA that the Department and its NDPBs should ensure that the duty to encourage and facilitate has been thoroughly and explicitly addressed in all aspects of the decision making process

93. The CfC goes on to state that the BoG and NICIE believe that DE having accepted in October 2017 that the duty to encourage and facilitate extends to statutory nursery proposals to then use a variable factor as the presence of two year olds in other statutory settings as a deciding criterion constitutes '*The creation of an additional difficulty (which) is the opposite of encouraging and facilitating.*' It asserts '*Especially when it is the Department's failure to act to deal with the issue of underage children in the system over many years that has exacerbated the problem*'.
94. The CfC states that the issue of underage children has been of great concern to the Department for decision making on the previous proposal and other Integrated proposals and has been used as a criterion for making a decision about the long-term future of the school and its sustainability when it would appear that the figures of underage children in settings are not a trend but vary year to year and do not appear to be linked to application numbers. The CfC adds that the Governors and NICIE contend that this school should not be prevented from growing in response to demonstrated parental demand when the premise of underage is not a reliable criterion and the problem being addressed is not of the integrated school's making but rather the failure of DE to implement its own recommendations.
95. In the pre-school admissions process, underage children may only receive a funded pre-school place when places remain available in a statutory pre-school setting after applications from target age children have been considered. While the presence of underage provision is not, in itself, accurate evidence of over-provision in an area, it is an important indicator, which is considered by the Department in conjunction with a range of other relevant factors as set out in this submission.
96. Due to continuing decreasing birth rates, increasing numbers of underage children are attending pre-school provision across Northern Ireland. This, therefore, is an issue that the Department takes seriously and given the statutory duty under Article 44 of The Education and Libraries (NI) Order 1986 whereby the Department must seek to avoid unreasonable public expenditure and to make the best use of the resources available to it, the numbers of underage children accessing funded pre-school places must be taken into account when considering DPs for additional statutory nursery provision. While the underage figures in the Enniskillen area have varied year-on-year, there is very clear evidence of an upward trend in recent years and any increase in the number of pre-school places in the area may increase further the number of underage children accessing statutory nursery provision.
97. It is anticipated that legislation may ultimately be brought forward to remove all penultimate aged children from pre-school provision. However, until such times as new legislation is introduced, and in line with Article 44, underage figures must continue to be a factor when considering proposals for new or additional statutory nursery provision. Further consideration of Article 44 is set out below beginning at paragraph 111.

98. The CfC further states that *‘Given....that Enniskillen IPS serves a large proportion of Fermanagh, application of P1 proxy particularly at the 2-mile radius is irrelevant and is acting as a barrier to the sustainable growth of Enniskillen Integrated PS. It would also appear that perhaps the use of P1 figures as a proxy for incoming pre-school children may be demonstrating an “inflexibility” as a projection measure. Justice Treacy warned against this in his judgement of 2014 on the Drumragh Integrated College case as having “the effect of making it difficult to accommodate the Article 64 duty in future day to day decisions. The Department needs to be alive to the Article 64 duty at all levels, including the strategic level.”*
99. The Department considers that the use of P1 figures as a proxy to help determine the current and projected levels of pre-school provision does not lead to inflexibility. This methodology has been successfully used for a number of years along with a range of other factors as set out in this submission when considering DPs. Indeed, it is noted that the CfC itself offered P1 figures as a proxy to support the request for additional pre-school provision at the setting.

The Integrated Education Act (NI) 2022

100. The new Integrated Education Act extends the current duty on the Department under Article 64 and now the duty includes “support” which is defined in the Act as follows:

- 5.—(1) A reference in any provision of Northern Ireland legislation to support for integrated education (including support for the development of integrated education) is a reference to—
 - (a) identifying, assessing, monitoring and aiming to meet the demand for the provision of integrated education within the context of area planning and the overall sustainability of the school estate (including, in particular, monitoring the number and success of applications for integrated education), and
 - (b) providing sufficient places in integrated schools to aim to meet the demand for integrated education within the context of area planning and the overall sustainability of the school estate (including examining evidence of expected future demand).
- (2) In subsection (1)(a) “monitor” means monitor by reference to data collected in respect of relevant catchment and other areas.

101. The new Act amends the definition of Integrated education and what it means to be an Integrated school. Section 1 defines Integrated Education as the education together, in an integrated school, of:

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

102. An Integrated school has now been defined for the first time in Section 2 as ‘a school which intentionally supports, protects and advances an ethos of diversity, respect and understanding between those of different cultures and religious beliefs and of none, between those of different socio-economic backgrounds and between those of different abilities’.

103. Enniskillen IPS was given the opportunity to provide any further commentary and/or supplementary information in relation to DP 664 and the outworkings of the Act and in particular was asked how the school plans to meet Sections 1 and 2 of the Act. The information provided by the school is reproduced at Appendix F.

Section 1

104. In relation to Section 1, the school has addressed a-c in turn and comments on the breakdown of its enrolment by religion (as set out above), indicating that ‘our school community is of different cultures and religious beliefs and those of none’. The school points out that a greater number of children and families are identifying as Non-Christian and that the school has also attracted a significant number of newcomer pupils as set out in Table 9 below.

Table 9: Enniskillen IPS – Newcomer Pupils

Year	2017/18	2018/19	2019/20	2020/21	2021/22
Newcomer pupils	24	27	40	50	60

Source: Census data

105. The CfC for DP 664 did provide significant comment on the deprivation in the Enniskillen area and in the wards that the pupils live in. Further comment has been provided on the level of Free School Meals in the school and the steps the school has taken to assist families with the current financial hardships. As detailed in Appendix F, this has included a complete halt to all Christmas gifts to staff, school uniform redistribution, provision of a free breakfast and the employment of a Play Therapist.

106. In relation to those with different abilities, the supplementary information details that ‘Assessment of data is used extensively within school to track and monitor all our pupils and staff have invested time to become knowledgeable in the use of data to deliver a curriculum to suit the needs of all our children’. The school delivers a fair programme of sport and ‘all children are welcome to attend, including those with a Statement of Educational Need’. A Learning Support Teacher co-ordinates special needs provision and a Learning Support Class was established in September 2021 with a second class due to open in September 2023.

107. The school has attained ‘Forest School Status’ which allows children of all abilities to learn and thrive outside of the classroom.

Section 2

108. The school had indicated that it demonstrates its distinctiveness and vision through a purposeful commitment to the NICIE principles, in a planned and intentional way. In 2021/22 it achieved the Excellence in Integrated Education Award (EIEA) for the second time. It states that its planned integration is demonstrated through its School Development Plan. In Term 1 of 2022, the school achieved a Carson Award, hosted by the IEF for its submission, 'What Integration Means to Me.'
109. Substantial evidence has been provided by the school as to how it is meeting the requirements of the new Integrated Education Act.
110. As set out above, the Department's duty to Integrated education must, however, be *balanced alongside other relevant statutory and policy requirements to reach a reasoned conclusion.*

Effective and Efficient use of Public Funds

111. In discharging its duties, the Department must seek to avoid unreasonable public expenditure and to make the best use of available resources. This is particularly relevant in the current financial circumstances with the Department facing a funding gap to stand still in 2023-24 of c£306m.
112. Further details on the financial implications of the proposal are set out at paragraphs 203-205 below. The CfC states that '*The approval of this Development Proposal has minimal implications financially for The Department of Education's budget if taken in context as an approval with no capital investment*'. There will be no additional transport costs and additional salaries and overhead costs would be met from the school's budget.
113. The per capita figure for Enniskillen IPS, based on the school's 2022/23 budget allocation is £3,411. The average for all primary schools is £3,421.
114. Increased enrolments for an individual school typically has limited impact on the Aggregated Schools Budget (ASB) as these pupils would normally be educated and funded elsewhere. At present, however, the IEF is funding the afternoon session and although some pupils enrolled also attend alternative pre-school provision, there will be an additional cost to the ASB should DP 664 be approved.
115. The Department aims to maximise available pre-school places for target age children, avoiding over-provision and the resulting enrolment of children younger than three years and two months in statutory settings.
116. Underage pupils are currently enrolled in pre-school settings in other sectors in the Enniskillen area which could evidence over-provision and may not represent the best use of resources.
117. A number of responses received during the statutory objection period commented on the financial implications of the proposal that:

- Cognisance needs to be given to the challenging financial climate schools find themselves in;
- Over-provision is not an “*effective and efficient use of public funds*”;
- Concerns in relation to the increased costs for provision, which is already in excess of demand, is also very alarming; and
- Financially this makes no economic sense.

118. To provide additional pre-school places in an area where there is already over-provision would be a duplication of resources. Not to fund the afternoon session could be considered value for money, however, alternatively over-provision in other sectors could be addressed by the respective Managing Authorities.

Rural Needs Act (NI) 2016

119. The Department’s SSP policy was assessed at the time of development against the Rural Development Council’s ‘Striking the Balance’ report and rural proofing checklist and no adverse impact was identified. The needs of rural communities are reflected in the SSP through the lower enrolment threshold for rural primary schools; the accessibility criterion (which provides guidance on home to school travel times); and the criterion strong links with the community (which also recognises the central place a school has for many communities (rural and urban).

120. The Government’s commitment to rural proofing was strengthened with the introduction of the Rural Needs Act (NI) 2016 (“The Act”). The Act requires public authorities to have ‘due regard’ to consciously consider the needs of people in rural areas when developing policies, strategies and plans and when designing and delivering public services. It defines ‘rural needs’ as “the social and economic needs of rural areas”.

121. The CfC confirms that equality screening of the proposal was carried out and the statutory requirements of the Rural Needs Act (NI) 2016 (where appropriate) have been considered. It further states that ‘*This proposal is likely to have a positive impact on the rural area which Enniskillen IPS serves*’. It also asserts that as the proposal is for an increase in Integrated provision, this will also have a positive impact for equality between the two main traditions.

122. The CfC states that ‘*Enniskillen Integrated PS draws not just from the Enniskillen area but from the broader County Fermanagh and it serves the rural hinterland of this area*’ and that ‘*Taking the Rural Needs Act into account, it is important to note that 35.6% of the children in P1-P7 come from SOAs which are in the top 200 SOAs for deprivation with regards to proximity to services. In fact, 95 children (26%) of the pupils come from the top 100 SOAs for deprivation regarding proximity to services*’.

123. As stated above, Enniskillen IPS is based in the Devenish Super Output Area (SOA) and Deprivation Statistics for the area dated 2017 indicate that ‘Access to Services’ is ranked 595 out of 890 (with 1 being most deprived and 890 least deprived).

124. Map 5 plots the pupils of Enniskillen IPS and the wards in which they live. This evidences that pupils are attending Enniskillen IPS from a wide rural catchment

area. The Access to Services Domain Rank which ranks wards from 1 to 462 (where 1 is the most deprived) ranks Trillick as 3, Florence Court and Kinawley as 7 and Derrygonnelly as 24. Brookeborough is ranked 14, with Boho Cleenish and Letterbreen ranked at 31 and Tempo at 50. The wards closer to Enniskillen have a much higher ranking such as Lisnarick at 130 and Irvinestown at 166.

125. From September 2022, the urban/rural definitions used in the SSP reflect those used by NISRA and, as stated above, under the NISRA definition, the Devenish SOA is classified as urban. Access to a good quality pre-school education is not currently or projected to be an issue for pupils in this area due to over-provision of pre-school places, with good quality pre-school places readily accessible. Approval of DP 664 would further enhance access to a preferred form of pre-school education as currently alternative Integrated provision is located in Omagh over 27 miles away.

Shared Education

126. As stated above, Enniskillen Integrated NU, in partnership with Holy Trinity NS and Enniskillen NS, was initially engaged in the funded SESP Transition Phase. Enniskillen IPS is the Lead school in the (DE) Pilot Early Years Cluster. It is also the lead school in the annual joint staff CPD (Continuing Professional Development) – reaching out to local schools to share good practice and has been a partner school in the Fermanagh Shared Education programme. The NU and Playgroup initially participated in The Shared Education Programme.
127. Responses received during the statutory objection made reference to the perceived impact of DP 664 on existing Shared Education partnerships. One school commented that it was no longer viable to continue in the Shared Education programme as it is not appropriate for two year olds to be involved in. They commented that *'This has caused us great sadness as [we] remain fully committed to the principals [principles] of Shared Education'*.
128. Another school stated that *'If approved, this proposal has the potential to put strain on the pre-school providers in the area and could be divisive and create competition between pre-school settings. Consequently, this would be detrimental and could threaten the very successful and valued shared education programme that currently exists'*.
129. Supplementary information provided by the EA states that there was a communication to EA in 2020/21 indicating that there was a breakdown in relationships between school leaders, within the Enniskillen Integrated NU, Holy Trinity NS and Enniskillen NS partnership, as a result of the DP. This resulted in the partnership withdrawing for the 2021/22 Transition Phase.
130. Holy Trinity is currently within a partnership as part of CASE Peace IV. However, the applications for Mainstreamed Shared Education were issued to all schools formally within the SESP. This can allow the schools to re-apply or to apply as a smaller partnership if necessary.
131. The EA is currently engaging in a mapping process for all schools not engaged in Shared Education. The EA seeks to provide all schools with partnership options and this may also include the above schools if they are not engaged in

Mainstreaming. Although the EA will strive to provide options, it will be the choice of the school(s) as to their level of engagement in Shared Education. No guarantee can be provided of a solution but, with the available resources within EA, opportunities will be explored.

OTHER CONSIDERATIONS

Policy Context – Early Years

132. The Department aims to ensure that at least one year of pre-school education is available for every target age child whose family wants it. It is also the Department's practice, where possible, not to displace good quality pre-school education provision already in existence with pre-school education provision in an alternative setting.
133. The Department's Learning to Learn Policy (A Framework for Early Years Education and Learning, published on 7 October 2013), among its key actions, placed a moratorium on any new or additional full-time provision or conversion from part-time to full-time (defined as over 4.5 hours) in advance of a review of the current levels of full-time provision, existing research and the needs of children being served by it. A key action under the framework is the removal of reception provision.
134. All funded pre-school education settings regardless of location and management type are accessible to children from all backgrounds and are subject to the same inspection standards. All pre-school education settings follow the same curricular guidance, the broad framework of which ensures equality of opportunity, pointing to staff acknowledging and respecting the culture, beliefs and lifestyles of the families of all children. However, it is acknowledged that parents state preferences for pre-school education provision taking into account a wide range of factors, and in some cases parents may have a preference for pre-school education in schools with a particular management type, including an Integrated management type.
135. The importance of early years can be seen across various outcomes in the draft PfG 2021; the main Outcome associated with the early years is '*Our children and young people have the best start in life*'. The Executive Children and Young People's Strategy (CYPS) 2020 – 2030 ⁷ was published in December 2020. This is the strategic framework through which departments will improve the well-being of our children and young people and deliver the PfG Outcome.

⁷ <https://www.education-ni.gov.uk/publications/children-and-young-peoples-strategy-2020-2030>

Existing Nursery Unit

136. The historical enrolment of the existing NU is included in Chart 1 above. This evidences that there have been either 26 or 27 pupils enrolled in the unit in the last five years, with 27 enrolled more recently in both 2019/20 and 2020/21 and 31 in 2021/22. Provisional census data also show 31 pupils enrolled in 2022/23.
137. First preferences and total preferences for the NU are set out in Table 10. This shows that first preference applications each year are well in excess of the 26 places but only exceeded 52 places in 2019/20. Total preferences in 2019/20 were significantly above the level of provision proposed by DP 664. Apart from this year, first preferences have been consistent at either 45 or 47. At the beginning of the admissions process for 2023/24, the school's NU has received 51 first preference applications.

Table 10: Enniskillen IPS NU

	2018/19	2019/20	2020/21	2021/22	2022/23
1 st Preference	47	60	45	45	45
Total Preferences	48	136	47	48	49

138. The quality of education provided by the NU was assessed by the ETI in March 2011 as outstanding. A sustaining improvement inspection was carried out of the primary school in June 2017, however, this did not reference the NU.
139. The religious balance of the NU is included in Table 8 above which shows a mixed enrolment.

Reception Provision in the Area

140. As stated above Jones Memorial PS is the only setting in the area that provides reception places. The CfC states that '*Within the 2016-2017 and the 2017-2018 submissions to the Permanent Secretary there are Maps of Alternative Nursery and Pre-School Provision. There are concerns about the inclusion of the Reception Class at Jones Memorial PS and Enniskillen IPS Board of Governors trust that this was not taken into consideration when making a decision regarding over-provision in the area. Reception provision is not seen as an appropriate provision.*'
141. Although the reception places at Jones Memorial PS are set out in Table 16 below, the places indicated are not included in the calculation of total pre-school provision.
142. Jones Memorial PS responded to both the pre-publication consultation and the statutory two-month objection period and also attended a meeting with former Minister Michele McIlveen on 15 December to make their views known on the proposal.

Quality of Education in Alternative Provision

143. The quality of education provided in the alternative neighbouring pre-school provision is set out in Table 11. As indicated, alternative providers have been assessed by the ETI as outstanding or having a high level of capacity for sustained improvement. Caution should be exercised in terms of making any level of comparison as the majority of assessments below are significantly outdated.

Table 11: Quality of Education in Alternative Pre-school Provision

Ref No	Setting	ETI Assessment
	Nursery School	
211-6608	Enniskillen NS	Outstanding (December 2014)
	NU	
203-6632	Holy Trinity	A high level of capacity for sustained improvement (April 2016)
201-1893	Ballinamallard	A high level of capacity for sustained improvement (October 2017)
	Pre-School	
2BB-0589	Holy Trinity	A high level of capacity for sustained improvement (May 2018)
2AA-0348	Squirrels Montessori	Outstanding (May 2015)
2BB-0062	Mullanaskea	A high level of capacity for sustained improvement (May 2018)
2AB-0446	Tiny Tots	A high level of capacity for sustained improvement (March 2017)

EPPNI Research

144. NICIE, in its commentary on DP 664 states that the outcomes for children within NUs have been shown to be of a higher quality than those within playgroups. EPPNI research from 2006 states that “*there are significant differences between pre-school settings and their impact on children. Nursery schools/classes have the best overall outcomes.*”

145. As stated above, all pre-school settings follow the same curricular guidelines and are subject to the same education inspection standards irrespective of whether they are statutory or non-statutory.

Religious Balance in Alternative Provision

146. All the schools who objected to DP 664 during the statutory objection period commented on their school also being naturally integrated or integrated in all but name. Other respondents also made the same comments. The new Integrated Education Act, however, stipulates that Integrated education means the education together, in an integrated school and that an Integrated School is a school which has acquired GMI or Controlled Integrated status.

147. Religious balance statistics for pre-school providers in the area are set out in Table 12. This shows that a few of the pre-school settings in Enniskillen do have a mixed enrolment - Enniskillen Nursery and Squirrels Montessori in particular.

Table 12: Religious Balance in Alternative Pre-School Provision

Statutory Pre-School Provision	DE REF	Protestant	%	Catholic	%	Other / Not known	%	Total
NU								
Holy Trinity PS	203-6632	*	4	40	75	11	21	53
Ballinamallard PS	201-1893	18	70	*	15	*	15	26
Nursery School								
Enniskillen NS	211-6608	33	42	22	28	23	30	78
Non-statutory Pre-school (Funded places only)								
Holy Trinity	2BB-0589	0	0	8	100	0	0	8
Squirrels Montessori	2AA-0348	13	42	12	39	6	19	31
Mullanaska	2BB-0062	*	5	19	86	*	9	22
Tiny Tots, Mullymesker	2AB-0446	*	17	20	83	0	0	24

Table 13: Religious Balance in Primary Provision within 5 miles

	DE REF	Protestant	%	Catholic	%	Other / Not known	%	Total
Enniskillen Model PS	201-6152	221	52	70	17	131	31	422
Jones Memorial PS	201-6003	79	52	45	30	28	18	152
Holy Trinity PS	203-6632	14	2	471	86	64	12	549
Ballinamallard PS	201-1893	87	73	6	5	26	22	119
St Patrick's PS, Mullanaska	203-1828	0	0	185	96	7	4	192
St Mary's PS, Mullymesker	203-1890	0	0	130	96	*	4	135

148. Statistics in relation to primary schools as set out in Table 13, evidence that the primary schools based in Enniskillen as illustrated on Map 4 do have a mix in their enrolments but those schools located further away such as St Patrick's PS, Mullanaskea and St Mary's PS, Mullymesker mainly enrol pupils from a Catholic background. A response received during the statutory objection period stated that *'We are keen that cognisance is given to the uniqueness of Enniskillen/Fermanagh and in deliberating this proposal (which we assume will be irreversible) that thoughts are very much contextualised/localised - not linked to other areas in Northern Ireland where there is potentially a greater need to develop further community relations/'Integrated or integrated' education/shared education'*. Although some schools in Enniskillen may have more mixed enrolments than in surrounding areas, this would not just be unique to Enniskillen or the Fermanagh area, as other schools across Northern Ireland have mixed enrolments.
149. The CfC and NICIE's response also comment on the number of people in the Fermanagh area from outside Northern Ireland. NI census data show that 85% of people resident in Fermanagh were born in Northern Ireland (NI = 86.5%), 4.9% were born in the Republic of Ireland (NI = 2.1%) and only 3.5% were born in other European countries (NI = 3.5% and 1.7% were born outside the EU (NI = 2%). Compared to Northern Ireland data, a higher proportion of people resident in Fermanagh were born in the Republic of Ireland. The other statistics for the Fermanagh area are generally in line with the Northern Ireland figures.

Consideration of New Evidence

150. In restarting and reinvigorating Area Planning on 21 October 2020, former Minister Peter Weir advised that:
- with so many workstreams not yet substantively advanced, no new proposals should be brought forward during the extension period unless they are demonstrably essential to respond to the needs of children and young people of compulsory school age; and
 - where previously submitted proposals are brought forward again, the Area planning teams will expect to see clear and compelling NEW evidence that supports their publication.
151. Responses received during the pre-publication consultation and two-month statutory objection period asserted that
- The new evidence does not demonstrate any change in the current situation within Enniskillen/wider Fermanagh area;
 - No new and compelling evidence has been provided within the case for change;
 - See no new clear and compelling evidence in DP 664; and
 - New and compelling evidence has not been presented for the establishment of an additional 26 place afternoon nursery session in Enniskillen Integrated Primary School.
152. The CfC for DP 664 includes a section on **'Compelling New Evidence'**. The summary of this makes the following points:

- There is no current decline in the cohort population in the area surrounding Enniskillen IPS;
- The use of underage children as a criterion is unreliable as it fluctuates year to year and does not therefore constitute a trend;
- The use of P1 as a proxy leads to inflexibility as a projection measure and is inconsistent with the measures used by the Education Authority (first preferences and pre-school provision); and
- Since the use of the underage children and the P1 proxy measures could be viewed as unreliable and inflexible, then the inference of displacement arising from the assessment of over provision, using these measures, is flawed.

Decline in Cohort Population

153. Population projections included above for the former Fermanagh District Council area and specific age groups such as three year olds or the 0-4 age group, show that significant reductions in these groups are projected of 12.8% at age 3 to 2028 and 13.3 % to 2043. The overarching 0-4 age group also shows reductions of over 14% to both 2028 and 2043. The Case for Change uses the 0-15 age group to show historical growth in the Fermanagh and Omagh LGD - this is a broad age group and a wide geographical area.
154. The CfC also includes birth rates for 2014-2018 and asserts that these have remained steady for Fermanagh and Omagh LGD. The evidence proffered in relation to birth statistics is incomplete and/ or inaccurate. Birth statistics for the former Fermanagh District Council area are set out in Table 13. Table 14 projects a decrease in births to 2032 i.e. 10 years from now, until they begin to rise again in 2033.

Table 14: Former Fermanagh District Council Area - Birth Statistics*

2018/2019	2019/2020	2020/2021	2021/2022	2028/2029	2032/2033	2033/2034	2042/2043
791	732	723	713	668	662	664	693

* Source NISRA

155. The EA has provided evidence to support this, demonstrating that the number of first preference applications within the five-mile radius of Enniskillen IPS has fallen from 244 in 2019/20 to 220 in 2022/23.
156. Departmental statistics for school population projections (2021/22 based) for the pre-school phase are set out in Table 15 below and illustrated in Chart 2. These include individual projections for nursery schools, nursery classes (units), reception and voluntary providers. The projections indicate a reduction in all types of provision with a reduction in nursery schools and nursery classes of just over 15% to 2031/32.

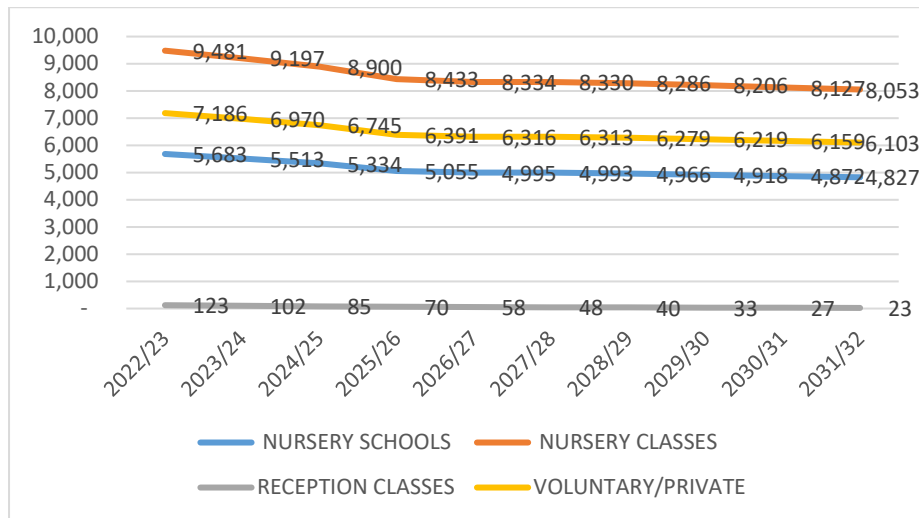
Underage Children in Pre-school Provision and P1 Proxy

157. The issues raised in relation to the Department's consideration of underage children in pre-school provision in an area and the use of P1 proxy are addressed above under Article 64 of the Education Reform (NI) Order 1989 in the Analysis of Special Considerations section (paras 93-96).
158. The majority of the points raised under Compelling New Evidence are commentary on Departmental processes in relation to the assessment of pre-school DPs in general. In that sense, the new evidence as presented, is not wholly compelling or otherwise.

Table 15: Pre-school Population Projections 2021/22 Based

PRE-SCHOOL EDUCATION	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30	2030/31	2031/32
	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected	Projected
NURSERY SCHOOLS										
Full-time	3,853	3,738	3,617	3,427	3,387	3,385	3,367	3,335	3,303	3,272
Part-time	1,830	1,775	1,718	1,628	1,608	1,608	1,599	1,584	1,569	1,554
TOTAL	5,683	5,513	5,334	5,055	4,995	4,993	4,966	4,918	4,872	4,827
NURSERY CLASSES										
Full-time	5,063	4,912	4,753	4,504	4,450	4,448	4,425	4,382	4,340	4,300
Part-time	4,418	4,286	4,147	3,930	3,883	3,882	3,861	3,824	3,787	3,752
TOTAL	9,481	9,197	8,900	8,433	8,334	8,330	8,286	8,206	8,127	8,053
RECEPTION CLASSES	123	102	85	70	58	48	40	33	27	23
VOLUNTARY/PRIVATE	7,186	6,970	6,745	6,391	6,316	6,313	6,279	6,219	6,159	6,103
TOTAL FOR SECTOR	22,474	21,783	21,063	19,949	19,702	19,684	19,571	19,376	19,186	19,004

Chart 2: Pre-school Population Projections



Assessed Need for Pre-school Provision in the Area

159. In determining the need for pre-school education provision, the Department generally assumes a level of provision at 95% of target age children, predicated on the application rate for pre-school education places, which is c.93%; however, the level of provision within local areas may be higher or lower, based on historic patterns of demand and assessment of ongoing need.
160. The current level of pre-school education provision within both a two-mile and five-mile radius of the school is used as an indicator of current capacity to meet the need for pre-school education provision and is considered alongside other factors such as population projections to determine the likely future need for additional pre-school education provision in the area.
161. The number of pre-school education places and associated percentages are measured against the Year One enrolments using school census data. As the afternoon session at Enniskillen IPS is not PSEP provision, it is not included in the tables below. Although the table includes all places within the two-mile radius, it must be noted that there are no other alternative Integrated education places in the area.

Table 16: Level of Provision – Two-mile Radius of Enniskillen IPS

Year	Statutory places	Non-statutory places	Reception places	Total pre-school provision	P1 places	Level of pre-school provision (%age of P1 places)	Underage children in statutory places
2018/19	156	47	0	203	192	105.7%	25
2019/20	156	47	0	202	188	107.4%	7
2020/21	156	30	0	186	203	91.6%	10
2021/22	156	39	0	195	175	111.4%	20
Proposed	182	39	-	221	175	126.3%	-

Source: ASU

162. The level of pre-school education provision within a two mile radius has been higher than the planning figure of 95% in three of the last four years. Only in 2020/21 was the level of provision below the planning figure and although there was a decline in the number of pre-school places available in this year, there was also an uplift in the number of Primary One places which would also have contributed to the level of provision only being 91.6%. Despite this drop in provision, 10 underage children still received funded pre-school places in the area in 2020/21.
163. Based on the figures for 2021/22 the level of provision in the two-mile radius has returned to a level similar to that of 2018/19 and 2019/20 due in the main to a small increase in the number of pre-school places and a reduction in Primary One places from 2020/21.
164. Should the proposal be approved, the proposed level of provision (at 221 pre-school education places) is 55 places higher than would be necessary to achieve the planning figure of 95% provision (166 pre-school education places would provide 95%). This suggests over provision, particularly in the context of the increasing number of underage children in statutory pre-school education places in other sectors, with 20 underage children receiving a funded pre-school education place within the two-mile radius in 2021/22.
165. The CfC, however, argues that the use of underage children as a criterion is unreliable as it fluctuates year to year and does not therefore constitute a trend. The presence of significant numbers of underage children in each of the last four years, coupled with the high level of

provision, and the fact that the number of first preference applications is lower than the number of pre-school places available in both the two mile and five-mile radii indicates that sufficient provision is already available, although perhaps not of the preferred management type.

166. The afternoon session at Enniskillen IPS is not reflected in Table 14 above. The CfC advises that in 2019/20 this session was extended from 16 to 26 places to meet demand. However, based on the additional data provided by NICIE all 16 children attending the afternoon session in 2021/22 are target age children.

167. The additional information provided by NICIE and the EA demonstrates that:

- All 16 of the children attending the afternoon session are target age;
- eight of the children attending also attend an alternative PSEP funded pre-school setting in the morning;
- four of the children received an offer of funded pre-school place in an alternative setting but this was refused by the parents;
- two of the children attending did not receive an offer of a funded pre-school place in any alternative setting; and
- 13 of the children had listed Enniskillen IPS NU as their 1st preference setting in their pre-school application.

168. The analysis set out above suggests that, while there is sufficient pre-school education provision in the area to cater for overall levels of demand, there may be insufficient provision to meet the level of preference for pre-school education provision of an Integrated management type. The additional data provided suggests that while there may be an additional element of demand for pre-school education provision that is not currently being met by the PSEP, the level of this demand may not appear to be sufficient to sustain a 26-place statutory pre-school education class.

Table 17: Level of Provision – Five Mile Radius of Enniskillen IPS

Year	Statutory places	Non-statutory places	Reception places	Total pre-school provision	P1 places	Level of pre-school provision (%age of P1 places)	Underage children in statutory places
2018/19	182	96	4	278	280	99.3%	31
2019/20	182	99	9	280	275	101.8%	8
2020/21	182	72	3	254	309	82.2%	17
2021/22	182	85	3	267	238	112.2%	20
Proposed	208	85	-	293	238	123.1%	-

Source ASU

169. The level of provision within the five-mile radius has also been higher than the planning figures in three of the last four years, again suggesting over provision in the wider area. Although the table includes all places in the five-mile radius, it must be noted that there are no other alternative Integrated education places in the area. Similar to the two-mile radius the drop in the level of provision in 2020/21 can be attributed to a reduction in the number of funded places available together with a significant increase in the number of Primary One places, which based on NISRA data appears to have been caused by a spike in the number of live births in the area in 2016.
170. If approved, the proposed level of pre-school education provision within the five-mile radius would increase further, to circa 123% (equivalent to 67 places higher than what would be necessary to achieve the target figure of 95%). This, combined with the increasing number of underage children accessing pre-school education provision (20 in 2021/22), suggests there is already sufficient pre-school provision in the wider area.
171. Population projections for the former Fermanagh LGD as set out above in Tables 1 and 2 show a reduction of 12.8% at age 3 to 2028 and 13.3 % to 2043. The overarching 0-4 age group also shows reductions of over 14% to both 2028 and 2043. Birth statistics by academic year for all wards which fall at least partially within a five-mile radius of Enniskillen IPS indicate a small decrease of 9 (2.3%) in the pre-school cohort between September 2020 admissions and September 2022 admissions (391 to 382).
172. These (forecasted) figures suggest that demand is likely to decrease in the longer term; however, they cannot fully take into account population migration and other factors, so can only be indicators of the future pre-school population and not an exact prediction of demand. This, combined with the current level of provision in the area, however, would suggest that an additional (afternoon) session at Enniskillen IPS for pre-school children could struggle to be sustained in the long term. The EA PEG has commented that '*there is no unmet need in the area*' and '*spare capacity exists within non-statutory pre-school settings to address demand, if necessary*'.

Demand for *Integrated* Pre-school Provision in the Area

173. There are no other pre-school education settings with an Integrated management type within the local area and there are no other Integrated primary schools within a 25-mile radius of Enniskillen IPS. The closest statutory Integrated pre-school education provider is Omagh IPS which is over 27 miles away.
174. The CfC states that the NU at Enniskillen IPS has been over-subscribed in each of the last 3 years, by between 19 and 34 first preference applications. These figures suggest that parents in the area may have a preference for pre-school education provision with an Integrated management type.
175. The CfC also states that the school is serving a very wide catchment area with a rural population and 74.4% of the nursery pupils travelling more than two miles and nearly 26% travelling between five and ten miles. This, along with the stated popularity of the school's afternoon session and 100% of parents in response to the consultation supporting the proposed change, suggests that parents in the area may have a preference for education provision with an Integrated management type and are willing to travel a greater distance to access this provision, as suggested by the CfC.
176. The CfC sets out that Enniskillen IPS NU has been consistently over-subscribed. The EA has advised that the setting received 45 first preference applications for the 26 funded pre-school education places at stage one of the pre-school admissions process for the 2020/21 and 2021/22 academic years. While not at a level that would completely fill a second pre-school unit every year with first preferences alone as asserted by NICIE, this is nonetheless a high level of parental demand. Following approval of DP 240 in 2014, Enniskillen IPS now offers 56 places for Year One. Since DP 240 was approved, the intake for Year One at the school has varied in each of the last four years with an intake of 61, 52, 63 and 53 pupils respectively.

Expressions of Interest

177. The CfC includes a table of expressions of interest for Enniskillen IPS NU as follows:

Table 18 – Expressions of Interest for Enniskillen IPS NU

Expressions of Interest by Year	Number received
September 2021	38
September 2022	42
September 2023	35

178. It does, however, caveat this by advising that '*Due to Covid-19 the school was only able to send Expression of Interest Forms to their own school community March – June 2020*'. It also adds that '*These Expression of Interest Forms do not include families in County Fermanagh who have no contact with the school community and will not have been contacted due to COVID-19*'.
179. The numbers indicated are well below the level of provision requested by DP 664 of 52 places but in the difficult circumstances created by Covid nevertheless indicate a significant demand for pre-school provision at Enniskillen IPS.
180. The Year One intake figures and the number of first preference applications for the existing pre-school provision, supported by the expressions of interest received, may in fact suggest

that additional pre-school provision providing 26 part-time places at the setting could be sustainable. The new Integrated Education Act extends the Article 64 duty to include support and defines support as identifying, assessing, monitoring and aiming to meet the demand for the provision of Integrated education and providing sufficient places in integrated schools to aim to meet the demand for Integrated education.

181. Enniskillen IPS NU requested four additional Temporary Flexibility (TF) places in 2021/22. The EA PEG supported this and the request was approved. In recommending approval to this request, the EA PEG commented that whilst spare capacity still remains within other pre-school settings within a two- and five-mile radius the TF request was considered on the basis of the statutory duty and no other Integrated pre-school provision exists within a five mile radius.
182. Enniskillen IPS NU also submitted a TF request for four additional places for the 2022/23 academic year. Again this request was supported by the EA PEG and the request was approved. In recommending approval, the EA PEG commented that whilst the data shows there is sufficient pre-school provision within a two and five mile radius, the TF request has been considered on the basis of the statutory duty and no other Integrated pre-school provision exists within a five mile radius.
183. The pattern of pre-school applications for Enniskillen IPS NU would suggest that parents in the Fermanagh area may have a preference for pre-school education provision with an Integrated management type over pre-school education provision of other management types, including provision in a standalone nursery school.

Impact on Neighbouring Provision

184. In conveying constrained support for the proposal, the EA PEG has expressed concern in regard to the potential impact of the proposed additional provision including:
 - *Potential displacement of existing funded pre-school provision in the area.*
 - *Potential for increased uptake of younger children into statutory nursery settings and the consequent increased cost on public funds.*
 - *Impact on existing well established cross-community provision across the Fermanagh area in respect of the duty to promote, encourage and facilitate Shared Education policy.”*

185. The PSEP is a partnership between statutory and voluntary/private pre-school education providers and both sectors are equally valued for their contribution to the education of pre-school children. Both sectors adhere to the same curricular guidelines and are inspected to the same educational standards. In considering DPs for statutory provision, careful consideration is given to the impact of any new provision on existing good quality voluntary/private providers in the PSEP.
186. The CfC argues that displacement of existing good quality pre-school education provision should not be used as a reason to not approve this DP as, it claims, the school operated afternoon Playgroup has not affected local providers, and any displacement that may have occurred has already happened. It further argues that the Department accepted that this was likely to be the case when giving approval to the Millstrand IPS application for a second nursery session in May 2019, where the playgroup had also been operating for several years.
187. As previously stated, the Department requested additional information regarding the non-DE funded afternoon session at Enniskillen IPS, in order to aid its consideration of DP 664. A breakdown of the information is set out above at para 167.
188. Further clarification submitted by NICIE in May 2022 advised that the afternoon session only provides 16 places all of which are filled by children of target age. Thirteen of these children had listed Enniskillen IPS NU as their first preference in the 2021/22 pre-school admissions process. However, eight of the target aged children also attend a PSEP-funded morning session at an alternative pre-school setting, meaning that for them, the afternoon session represents a duplication of provision.
189. Based on this information it would appear reasonable to conclude that there is a level of unmet parental demand for provision of an Integrated management type. Based on this year's figures, that figure could be set as high as 16 places, although with eight of those places representing potential displacement from other funded provision.
190. The proposed change, if approved, may have an impact on other local provision. Holy Trinity Pre-school, a non-statutory pre-school education provider which provided 16 pre-school education places within the five-mile radius of Enniskillen IPS in 2019/20, left the PSEP in June 2020 as it received fewer than the minimum number of pre-school applications in the 2020/21 admissions process due to the high level of provision in the area. This setting did re-join the PSEP in September 2021, however, it is only providing eight funded places in the 2021/22 academic year.
191. The potential for displacement is not based solely, or mainly, on P1 figures as suggested. The number of first preference applications in the area is lower than the number of pre-school places available in both the two mile and five-mile radii (as confirmed by the PEG), indicating that sufficient provision is already available but may not be configured to meet preferences of a particular management type.
192. If 26 additional pre-school places are created in the area, it is possible that further displacement may occur.
193. There have been up to 31 underage children attending pre-school settings within the five-mile radius of Enniskillen IPS in each of the last four years, with 20 underage children offered a place within Enniskillen NS (situated within a two-mile radius) for the 2021/22 academic year.

194. The enrolment of underage pupils in pre-school provision in this area has been an ongoing factor and should additional pre-school places be provided it is reasonable to assume that this could result in the enrolment of additional underage pupils.
195. Due to the distance involved it is highly unlikely that the proposal would impact on the nearest alternative Integrated provision i.e. Omagh IPS as this is over 27 miles away. Jones Memorial PS, which is within the five-mile radius of Enniskillen IPS is the only setting in the area providing reception places. Given the number of places involved and the geographical distance between the settings, it is considered that any change to pre-school education provision at Enniskillen IPS would be unlikely to significantly affect reception provision at Jones Memorial PS, nor would the cessation of reception provision in the area significantly affect the proposed provision of Enniskillen IPS.
196. A number of responses, as set out above, commented on the impact on existing Shared Education partnerships and the supplementary information provided by the EA supports these comments and indicates that the partnership between Enniskillen IPS (NU), Enniskillen NS & Holy Trinity (NU) has already been affected by the proposal for additional pre-school provision at Enniskillen IPS.

Educational Impact

197. The CfC states that the ETI has assessed Enniskillen IPS as 'outstanding' and '*approval for the additional pre-school afternoon provision in the existing nursery unit would support parents and families in County Fermanagh who wish to access this highly sought after integrated provision 3 – 11 years*'.
198. It further asserts '*that in the three years 2014/15, 2015/16, 2016/17 to the introduction of the Playgroup at Enniskillen IPS in the 2017/18 there were substantial numbers of children coming into P1 with no pre-school experience. The numbers ranged between 5 and 11 with an average of 8 children per year. After the opening of the pre-school playgroup the numbers of children entering school without pre-school experience dropped to between 2 and 4 with an average of 2.25 children. This shows that parents are choosing to come to an unfunded integrated playgroup rather than not participate in pre-school education. This has to be a positive educational outcome for these families.*'

199. Census data, as set out in Table 19 evidences the pre-school experience of pupils joining Enniskillen IPS since 2013/14. This supports the assertions in the CfC that between 2014/15 and 2016/17 the number of pupils with no pre-school experience was either 5 or 11 in each of the three years. Since the opening of the playgroup, numbers have dropped to between one and three; however, there were seven pupils with no pre-school experience joining in 2018/19.

Table 19: Enniskillen IPS – Pre-School Experience of P1 Pupils

Year 1 previous experience	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23*
No preschool education setting	11	*	*	*	7	*	*	*	*
Nursery school or nursery unit	32	29	37	32	31	35	58	34	35
Voluntary or Private Preschool (funded or unfunded)	11	7	6	23	23	13	*	16	16
Unknown	0	0	0	0	0	2	0	0	0
Total	54	41	48	56	61	52	63	53	54
Total Year 1 pupils who attended Enniskillen IPS Nursery Unit in previous year	24	25	23	25	23	25	25	26	28

Source: NI school census * Provisional Census data (which may be subject to change)

200. In providing comments on the proposal, the ETI states that ‘*The approval of a single pre-school afternoon session to provide for 26 part-time places would potentially benefit a greater number of children from a continuous educational programme from pre-school into primary in the ethos of integrated education*’. The ETI adds that it ‘*would enable a greater number of children to access integrated pre-school education in line with the NI Executive’s policy to develop integrated education*’.

201. Table 19 also sets out the number of pupils who transitioned from the school’s existing NU to the primary school and clearly evidences that the majority of pupils do. Numbers have ranged between 23 and 28 since 2013/14.

202. Responses received during the statutory objection period commented on the transition arrangements in Enniskillen and one stated that ‘*The procedures in the Enniskillen area to facilitate the transition from Pre-school to Primary 1, have been developed by all the local pre-school providers through a shared education project and are not specific to Enniskillen Integrated Nursery Unit*’.

Financial Implications

203. The CfC states that *'the school does not predict major resource implications for operating a dual day'*.
204. The afternoon nursery session would take place in the existing NU premises and therefore no capital costs are involved.
205. There are no transport costs associated with the proposal and additional salary and overhead costs would be met from the school's budget; however, approval of this proposal would result in an additional cost to the ASB.

Summary of Key Points

Reasons for recommending approval:

- Under Article 64 of the 1989 Education Reform (NI) Order, DE has a statutory duty to 'encourage and facilitate the development of integrated education'. The duty has been amended and extended further by the new Integrated Education Act (NI) 2022 which includes 'support', as defined, in the duty. The duty relates to education provision in a school with an Integrated management type and applies to pre-school provision. This statutory duty should be considered alongside the duty under Article 44 of the 1986 Order and the requirements of the Integrated Education Act;
- Pre-school is accessible to all; however, the number of first preference applications at Enniskillen IPS suggests a level of parental preference in the area for pre-school education in schools with an Integrated management type;
- There are no sustainability issues evident at the host school;
- Enniskillen IPS already has a NU and operates a non-PSEP afternoon session which in 2021/22 was attended by 16 target age children. The school is, therefore, well placed to deliver quality pre-school provision if approved, based on existing provision;
- There is no other pre-school education provision with an Integrated management type within 25 miles;
- EA PEG supports the proposal in the context of the statutory duty to encourage and facilitate the development of Integrated education and demonstrated parental demand;
- 31 letters of support were received in relation to the proposal;
- There are no formal plans and or recommendations to adjust or downsize the current levels and nature of pre-school provision in the Enniskillen area;
- Approving the proposal would help cement Integrated provision for the long-term by aligning the school's pre-school provision to its double primary intake;
- ETI has advised that *'the approval of a single pre-school afternoon session to provide for 26 part-time places would potentially benefit a greater number of children from a continuous educational programme from pre-school into primary in the ethos of integrated education'* and
- It is also a relatively low cost proposal.

Reasons for not recommending approval:

- The current level of provision within both the two-mile and five-mile radii are higher than the planning figure (111.4% and 112.2% respectively). If approved, the proposal; would increase the levels of provision to 126.3% and 123.1% respectively;

- Eight of the children attending the IEF funded playgroup also attended a funded pre-school place in an alternative setting;
- Underage children accessed pre-school places within both the two and five mile radii, with 20 underage children offered a place at one setting within the two mile radius for the 2021/22 academic year. If approved, there is a strong possibility that that this would lead to an increase in the numbers of underage children accessing funded pre-school places in the area;
- If approved, this proposal could have an impact on existing good quality pre-school education provision in the area, which may result in displacement of existing funded places at other pre-school settings;
- NISRA population projections indicate a decline in the pre-school cohort over time;
- The EA PEG has a number of concerns in regard to the potential impact on other provision in the area and the potential for increased uptake of younger children into statutory nursery settings;
- The EA is concerned that the implementation of this proposal will result in increased costs for the existing provision which is already in excess of demand; and
- 36 letters of objection were received.

CONCLUSION

206. DP 664 represents the third proposal brought forward by the BoG of Enniskillen IPS for the establishment of an afternoon pre-school session. As detailed above, both previous proposals, DPs 488 and 543 were not approved by the Permanent Secretary at the time. In not approving DP 488 on 21 December 2016, the Permanent Secretary commented that *'I am mindful of the statutory duty on the Department to encourage and facilitate the development of integrated education. However, I am also conscious of the evidence presented in respect of a likely future decline in the pre-school cohort in the area, the current level of pre-school over-provision in the area and the potential impact that the proposal would have on existing good quality pre-school education in the area'*.

207. In relation to DP 543 (16 May 2018), he set out the following comments:

'The summary contained at paragraphs 134-152 in the submission succinctly captures the dilemmas presented by this Development Proposal. Enniskillen Integrated Primary School is a popular and viable school, and there is evidence of parental demand for pre-school education provision at an integrated school. There is moreover a statutory duty on the Department to encourage and facilitate such provision.

Nevertheless, the evidence is equally clear that implementation of this Development Proposal would create over-capacity in pre-school provision within both a two and five mile radius of the school, creating a risk of undermining existing good quality pre-school provision in the area.

In light of the current severe pressures on the education budget, manifested by two years, and potentially a third, of budget overspends, as Accounting Officer I do not believe that I can authorise the creation of such over-provision and the associated cost. Therefore, the Development Proposal is not approved.'

208. In restarting and reinvigorating Area Planning on 21 October 2020, former Minister Peter Weir advised that *'where previously submitted proposals are brought forward again, the Area planning teams will expect to see clear and compelling NEW evidence that supports their publication'*.

209. The 'new' evidence presented in relation to DP 664 consists of a commentary on Departmental processes in relation to the assessment of pre-school DPs in general. In that sense, the new evidence as presented is neither wholly compelling nor otherwise and is addressed above.
210. Enniskillen IPS is a popular school providing a high quality education to its pupils in both the primary school and in its existing NU. The school has a two form entry to P1 but currently has a single NU providing 26 places. The CfC sets out that Enniskillen IPS NU has been consistently over-subscribed. The EA has advised that the setting received 45 first preference applications for the 26 funded pre-school education places at stage one of the pre-school admissions process for the 2020/21 and 2021/22 academic years. For 2022/23, the NU received 44 first preference applications. While not at a level that would completely fill a second pre-school unit every year with first preferences alone, this is nonetheless a high level of parental demand.
211. Responses received during the pre-publication consultation and the two-month statutory consultation as set out above, clearly show that there is support for the proposal. Letters of support were received from associates of the school, NICIE, Lough View IPS, Erne IC and Jemma Dolan MLA. The EA PEG also supports the proposal on the basis of demonstrated parental demand but has concerns about the impact of the proposal. 36 letters of objection were also received from other local schools, the CSSC and Deborah Erskine, MLA. The objections focused on the lack of need for additional places; that other schools are naturally integrated; the need to consider Article 44 as well as the Article 64 duty to Integrated education and the statutory duty to Shared Education; and the impact of demographics including a falling birth rate and decrease in population projections.
212. As set out above, the Department aims to ensure that at least one year of pre-school education is available for every target age child whose family wants it. It is also the Department's practice, where possible, not to displace good quality pre-school education provision already in existence with pre-school education provision in an alternative setting.
213. The Department has issued guidance which requires, in this context, the demonstration of parental demand for additional pre-school education at a school of an Integrated management type and the new Integrated Education Act states that support for Integrated education involves providing sufficient places in Integrated schools to aim to meet the demand for Integrated education within the context of area planning and the overall sustainability of the school estate. It is considered that demand for Integrated education has (indeed) been demonstrated in the evidence set out above. The analysis set out above, however, also shows that there is sufficient pre-school provision available in the area, although not of an Integrated type and, if approved, the proposal would have the potential to displace other good quality pre-school provision. However, the Department should not allow the level of provision in other pre-school settings to be a reason for not fulfilling and delivering its statutory duty to encourage, facilitate and support Integrated Education. If it did, this could be viewed as putting up a barrier which the Integrated sector does not have any planning powers to control.
214. Underage pupils have continued to be enrolled in settings in this area and approval of this proposal may see that problem being exacerbated through the outworking of parental preference for pre-school provision at an Integrated setting. It is anticipated that legislation may ultimately be brought forward to remove all penultimate aged children from pre-school provision, but in the interim this is an issue which must be considered but must also be balanced against the duty to encourage, facilitate and support the development of Integrated education.

215. There are no capital or transport costs associated with the proposal. Additional funding would be required for salaries and overhead costs but this would be met from the school's budget. There would, however, be an additional cost to the ASB as the Playgroup is currently funded by the IEF. The IEF is a charity and is not a body/mechanism to provide statutory pre-school provision. The IEF supports the establishment of new Integrated schools, the growth of existing Integrated schools and those schools seeking to become Integrated through the Transformation process – it should not be a mechanism to be relied upon for the routine funding of pre-school places.
216. The Article 64 duty applies equally to pre-school education and case law has determined that pre-school provision at an Integrated setting is distinct from other forms of pre-school provision. The Article 64 duty has been amended and extended by the Integrated Education Act which came into operation on 26 October 2022; however, this has to be balanced with other statutory duties, including the duty under Article 44 of the 1986 Order and the significant budget pressures faced by the Department.
217. Considering this DP and all of the information submitted, gathered and obtained, those in support and those who objected to the proposal - the analysis shows that this is a finely balanced proposal.
218. On one hand the data indicates there is likely to be over-provision of pre-school places, impact on existing good quality provision and a likely decline in the demographics in the area, which would point towards this proposal not being recommended for approval. However, this must be tempered against the clear and obvious high parental demand for an extension to pre-school provision at an Integrated statutory setting (Enniskillen IPS) with existing and well-established Integrated provision at both pre-school and primary level and a record of delivering good educational outcomes for those children attending. This provision is also located in a fully Integrated campus where Integrated post-primary provision is also available at Erne IC. There are no formal plans or recommendations by the EA and/or PEG to either adjust or downsize existing provision in other pre-school settings; however, an additional pre-school afternoon session could help to cement Integrated provision for the long-term by aligning the school's pre-school provision to its double primary intake. It is also a relatively low cost proposal.
219. This evidence, coupled with the statutory duty to encourage, facilitate and (from 26 October 2022) to **support** Integrated education under the Integrated Education Act (Northern Ireland) 2022 – is sufficiently compelling to recommend this proposal for your approval.

RECOMMENDATION

220. Taking into account the evidence set out above, it is recommended that you:

- (i) Approve DP 664 with a modification to the implementation date that:

Pre-school provision is expanded at Enniskillen Integrated Primary School through the establishment of a single pre-school afternoon session to provide 26 part-time places with effect from 1 September 2023, or as soon as possible thereafter.

- (ii) Ask officials to write to the EA/PEG requesting they should now give consideration to determine what adjustments are required in this area and to review the planning for other areas to determine the appropriate level of provision.

- (iii) Agree that this submission (with any appropriate redactions) will be published on the Department's website once the school and the EA have been informed of your decision.

221. The following appendices are attached for your consideration:-

Appendix A: - Copy of Published DP 664

Appendix B: - Case for Change for DP 664

Appendix C: – Statutory DP Process:

- Summary of Responses received during the Two Month Objection Period;
- NICIE Commentary;
- CSSC response; and
- Note of the Meeting with Representatives of Jones Memorial PS.

Appendix D: - Education and Training Inspectorate Comment

Appendix E: - DE (Policy Team) Comments

Appendix F:- Integrated Education Act (NI) 2022 – Additional Supplementary Information



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