

DEVELOPMENT PROPOSAL SUBMISSION

Cover Note

DP No.	DP 685	
School	Gaelscoil na Daróige	
Proposal	To decide on DP 685 that proposes: “A statutory nursery unit will be established at Gaelscoil na Daróige to provide 26 part-time nursery places, with effect from 1 September 2023 or as soon as possible thereafter.”	
Minister’s Decision	<u>Approve DP 685 with modification:</u> “A statutory nursery unit will be established at Gaelscoil na Daróige to provide 26 part-time nursery places, with effect from 1 September 2024 or as soon as possible thereafter.”	
Date of Decision	16/04/2024	
Minister’s Comments	Recommendations within the submission are agreed.	
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
	X	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
Sustainable Schools Policy and Planning**

Date: 13 March 2024

**To: Paul Givan MLA,
Minister of Education**

Copy distribution below:

**DEVELOPMENT PROPOSAL (DP) 685 – GAELSCOIL NA DARÓIGE (204-6687) -
ESTABLISH A STATUTORY NURSERY UNIT WITH 26 PART-TIME PLACES**

Issue: To decide on DP 685 that proposes:

“A statutory nursery unit will be established at Gaelscoil na Daróige to provide 26 part-time nursery places, with effect from 1 September 2023 or as soon as possible thereafter.”

Timescale: Routine.

**Financial/Resource
Implications:** **Capital**

- If DP 685 is approved, the proposed statutory nursery unit would operate from Day 1 in the current pre-school room. In the longer term if a new modular nursery unit is required the estimated cost is £500K and lead in times for delivery would be in the region of 18 months.

Resource

- Any new provision opening during the year is a cost to the Department’s ‘New Schools and Units’ fund. A new 26 place part-time nursery unit is likely to create a funding need of £36k for the period from opening to the end of that financial year.
- Full year costs to the Aggregated Schools Budget are likely to be around £62k for new provision not previously funded.

Transport

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

Finance

- At 31 March 2023, Gaelscoil na Daróige had a provisional surplus of £145,599.

FOI Implications:

The contents of this submission are likely to be fully disclosable.

Statutory Duty Implications:

Article 89 of the Education (Northern Ireland) Order 1998

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

Presentational Issues:

Your decision is likely to attract local media, political and stakeholder interest. If approached Press Office will liaise with officials to provide a response. (Cleared with Press Office)

Recommendation:

It is recommended that you:

- (i) Approve DP 685 with a modification: *'a statutory Irish-medium nursery unit will be established at Gaelscoil na Daróige to provide 26 part-time nursery places, with effect from 1 September 2024, or as soon as possible thereafter'*.
- (ii) Agree that this submission, with appropriate redactions, will be published on the Departments website once the school, CnaG and the EA have been informed of your decision.

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Appendix A: Copy of published DP 685

Appendix B: Case for Change

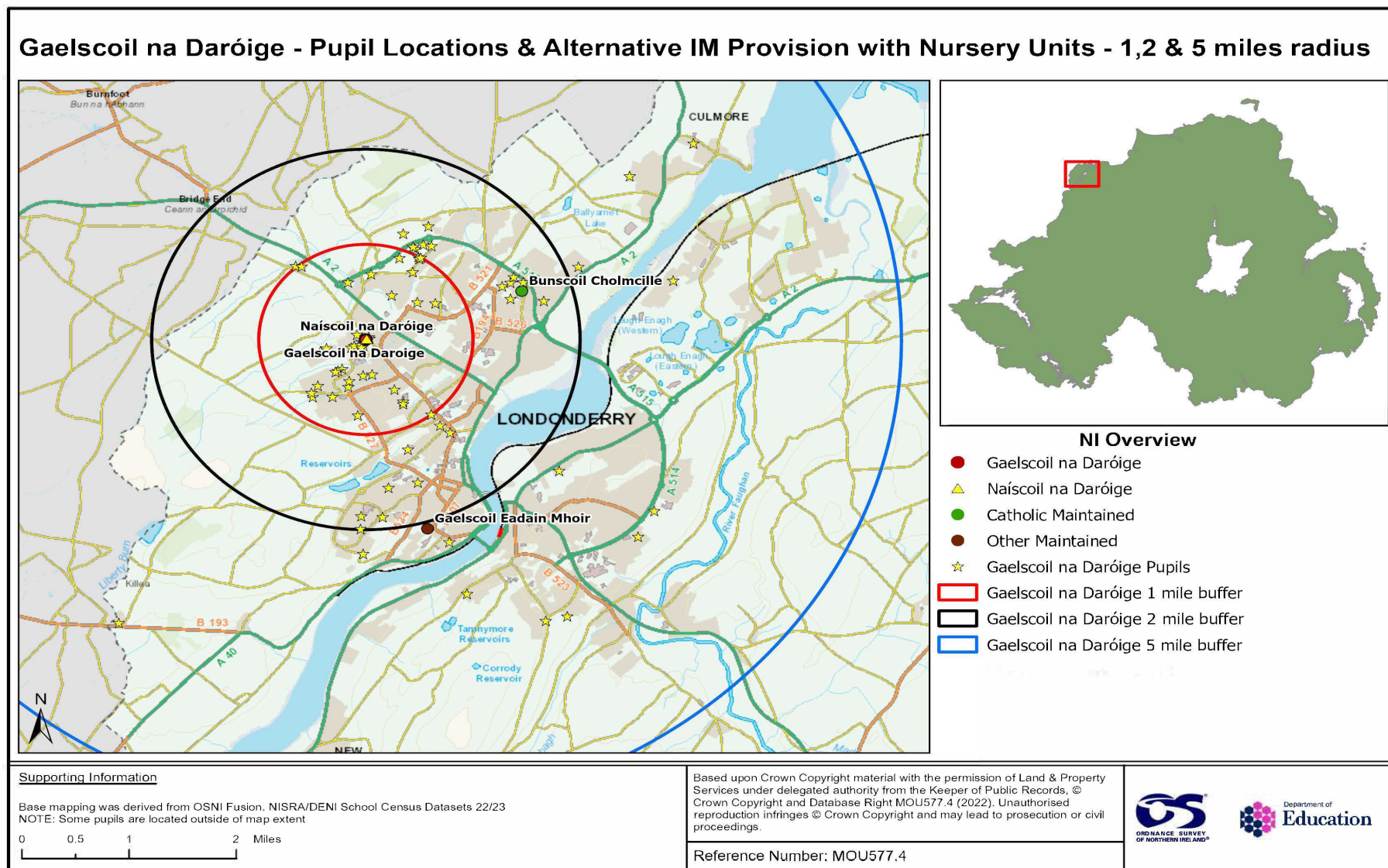
Appendix C: Comhairle na Gaelscolaíochta Response

Appendix D: Education and Training Inspectorate (ETI) Comments

Appendix E: DE (Policy Team) comments

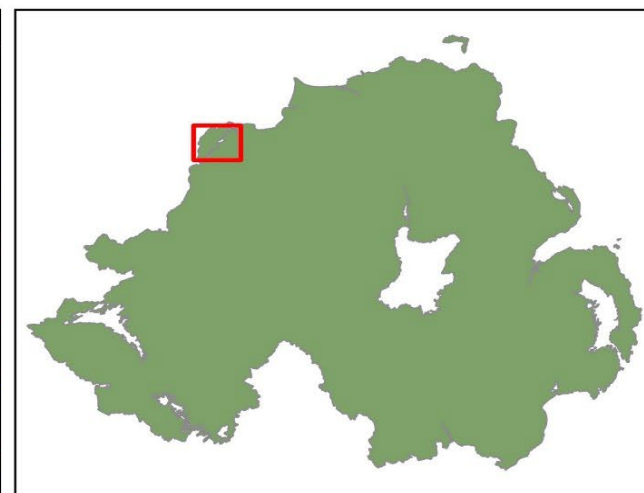
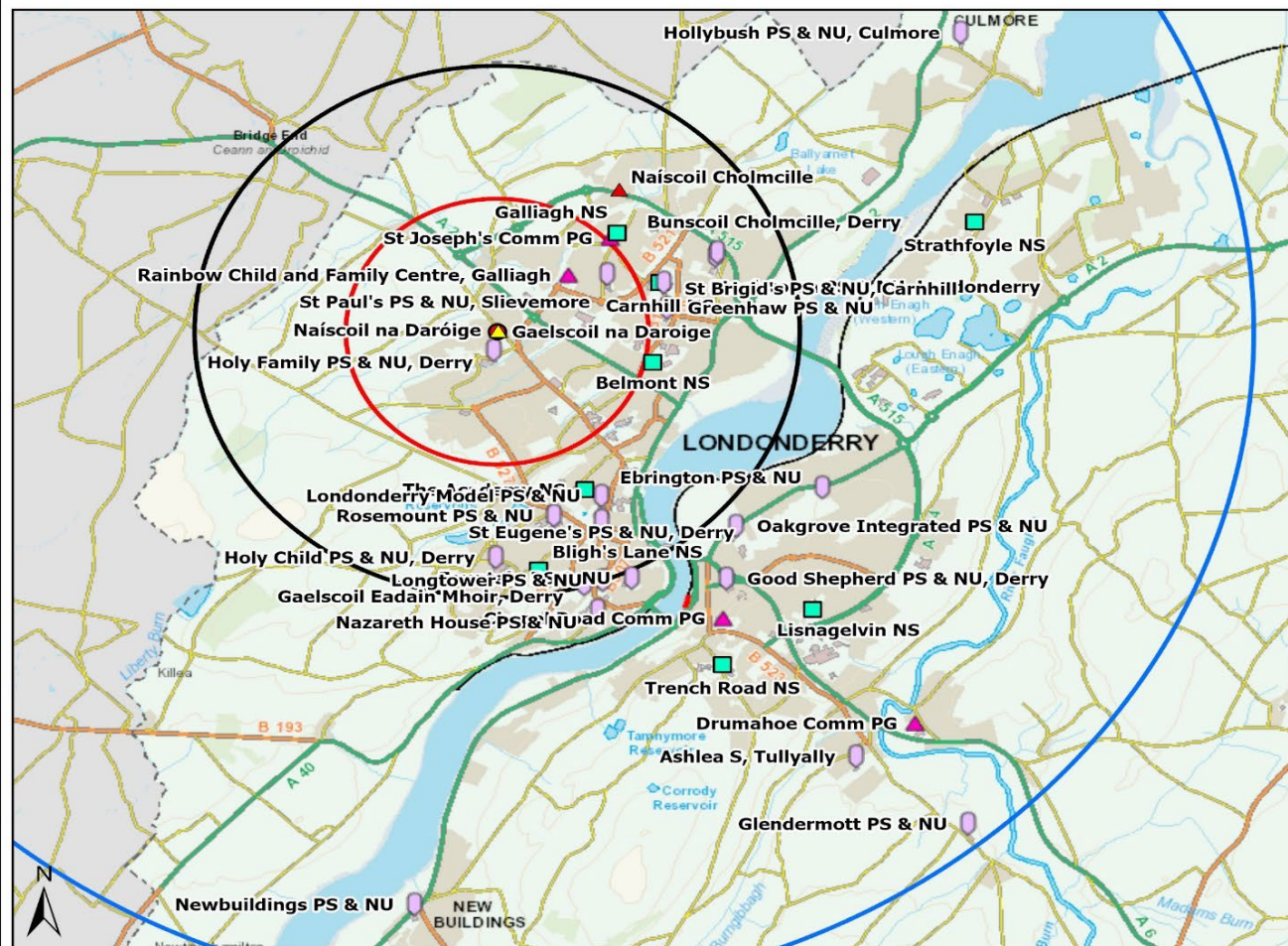
Appendix F: Summary of Statutory responses

Map 1 Irish-medium Provision with Pupil Location – 1, 2 & 5 mile radius



Map 2 Alternative pre-school provision – 1, 2 & 5 mile radius

Gaelscoil na Daróige - Alternative Pre-school Provision - 1,2 & 5 miles radius



NI Overview

- Gaelscoil na Daróige
- ▲ Naiscoil na Daróige
- ▲ Vol / Private Pre School
- Nursery Schools
- Primary with NU
- ▲ Naiscoil Cholmcille (no pupil data as removed from PEG for 2022/23)
- Gaelscoil na Daróige 1 mile buffer
- Gaelscoil na Daróige 2 mile buffer
- Gaelscoil na Daróige 5 mile buffer

Supporting Information

Base mapping was derived from OSNI Fusion, NISRA/DENI School Census Datasets 22/23
 NOTE: Some pupils are located outside of map extent



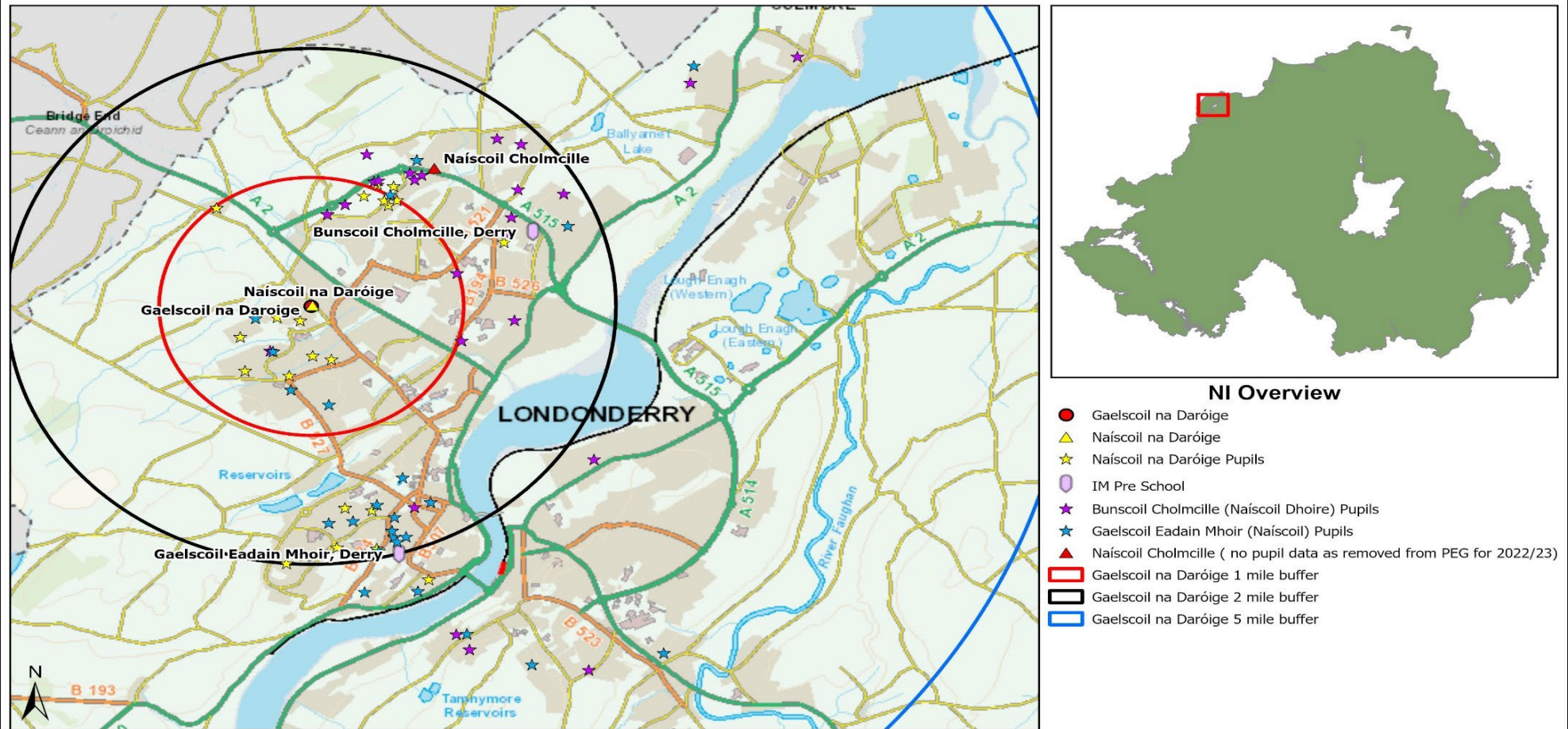
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Map 3 Irish-medium Nursery Pupil Locations – 1, 2 & 5 mile radius

Naíscoil na Daróige - IM Pre-school Provision & Pupil Locations- 1, 2 & 5 miles radius



- NI Overview**
- Gaelscoil na Daróige
 - ▲ Naíscoil na Daróige
 - ★ Naíscoil na Daróige Pupils
 - ◐ IM Pre School
 - ★ Bunscoil Cholmcille (Naíscoil Dhoire) Pupils
 - ★ Gaelscoil Eadain Mhoir (Naíscoil) Pupils
 - ▲ Naíscoil Cholmcille (no pupil data as removed from PEG for 2022/23)
 - ◻ Gaelscoil na Daróige 1 mile buffer
 - ◻ Gaelscoil na Daróige 2 mile buffer
 - ◻ Gaelscoil na Daróige 5 mile buffer

Supporting Information

Base mapping was derived from OSNI Fusion. NISRA/DENI School Census Datasets 22/23
 NOTE: Some pupils are located outside of map extent



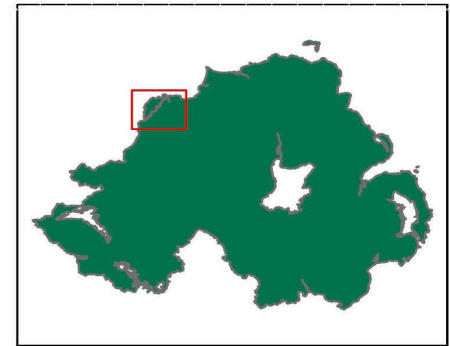
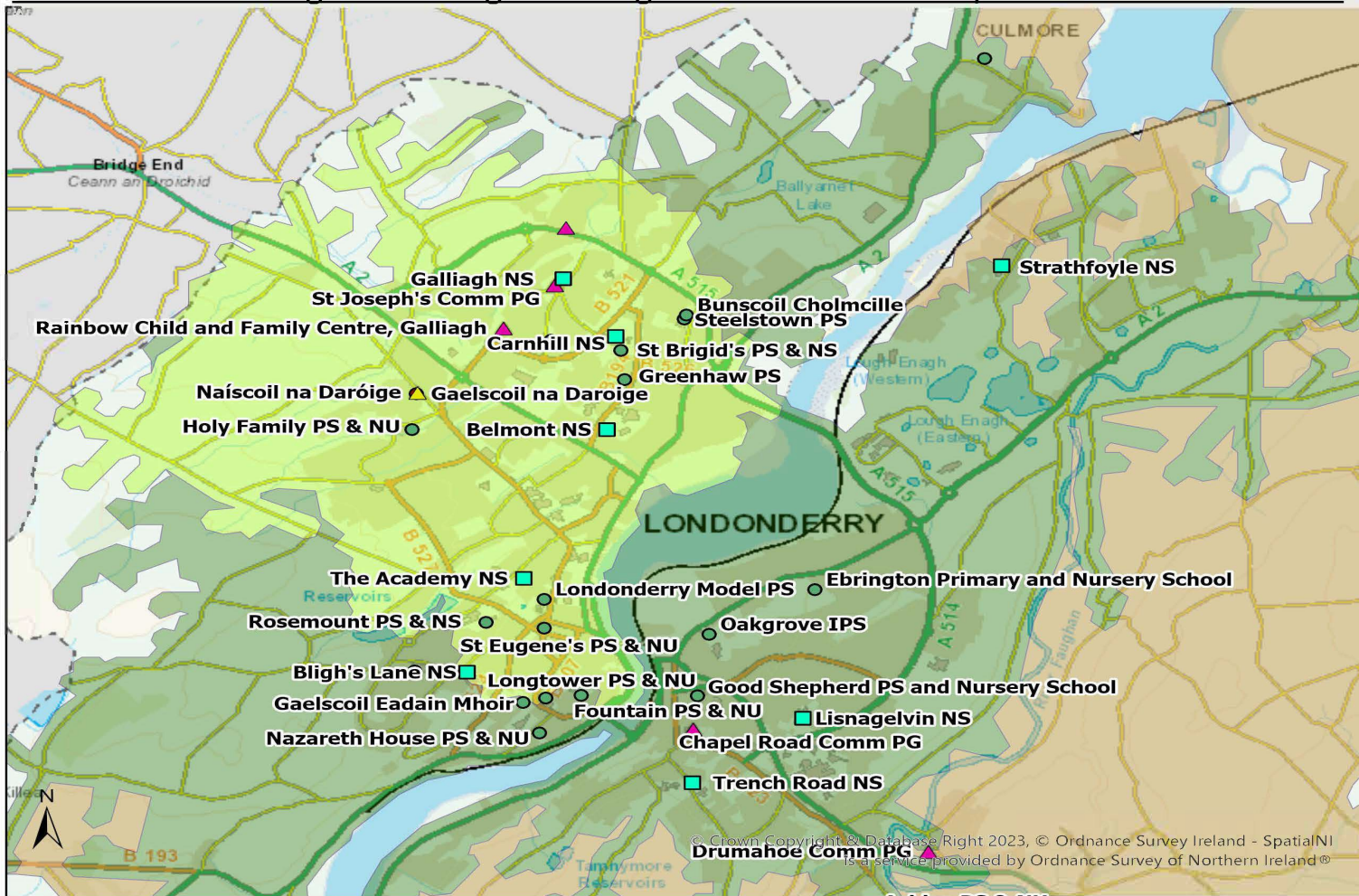
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Map 4 Naíscoil na Daróige - PreSchool Provision Drivetime Buffers (Distance) (For information only)

Naíscoil na Daróige and neighbouring school locations up to a 15 minute drive time.



Legend

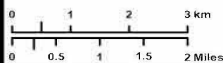
- ▲ Naíscoil na Daróige
- Gaelscoil na Daroige
- Nursery Schools
- ▲ Voluntary & Private Pre School
- Primary with Nursery Units

Drive time buffer

- 0-5 minutes
- 5-10 minutes
- 10-15 minutes

Supporting Information

Pupil location data was supplied by Department of Education 2023. Base mapping was derived from OSNI Fusion.



This map shows the location of primary pupils who attend Naíscoil na Daróige and the location of neighbouring schools within a 15 minute drive time.

The dataset used in this analysis has been derived from OSNI Fusion. Drive times are approximations estimated using Road Classification and settlement limits and do not use actual speed limits. Local variations regarding Speed Limits can exist within the terms of the Road Traffic (Speed Limits) Bill 2015

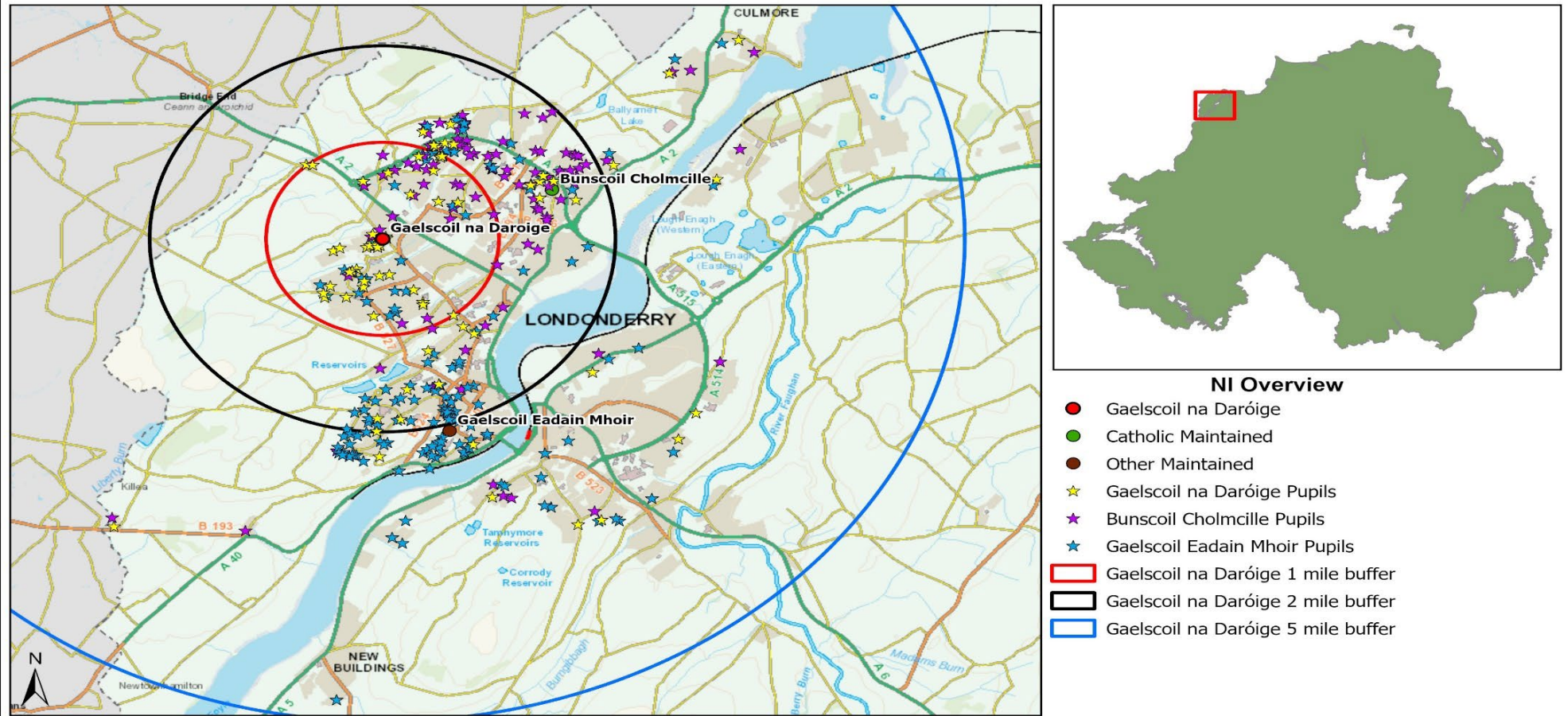
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Map 5 Gaelscoil na Daróige – Alternative Primary IM Provision & Pupil Locations – 1, 2, & 5 miles radius

Gaelscoil na Daróige - Alternative IM Provision & Pupil Locations- 1, 2 & 5 miles radius



Supporting Information

Base mapping was derived from OSNI Fusion, NISRA/DENI School Census Datasets 22/23
 NOTE: Some pupils are located outside of map extent

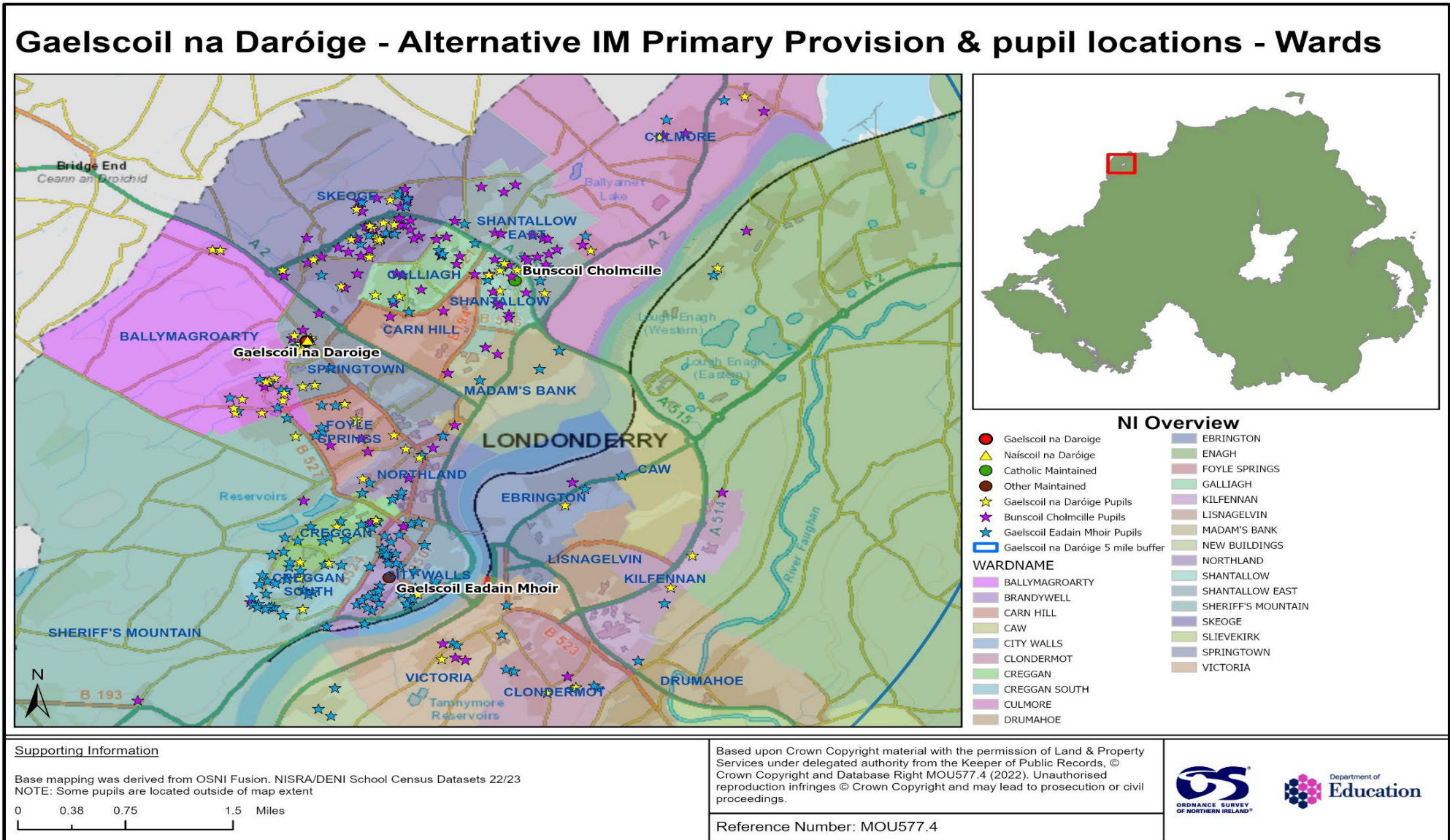


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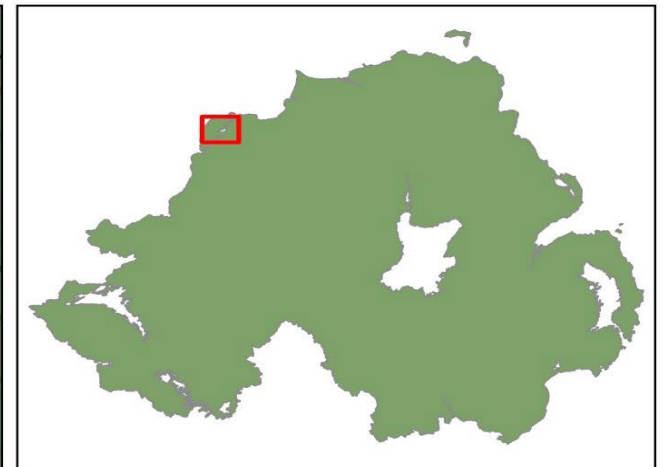
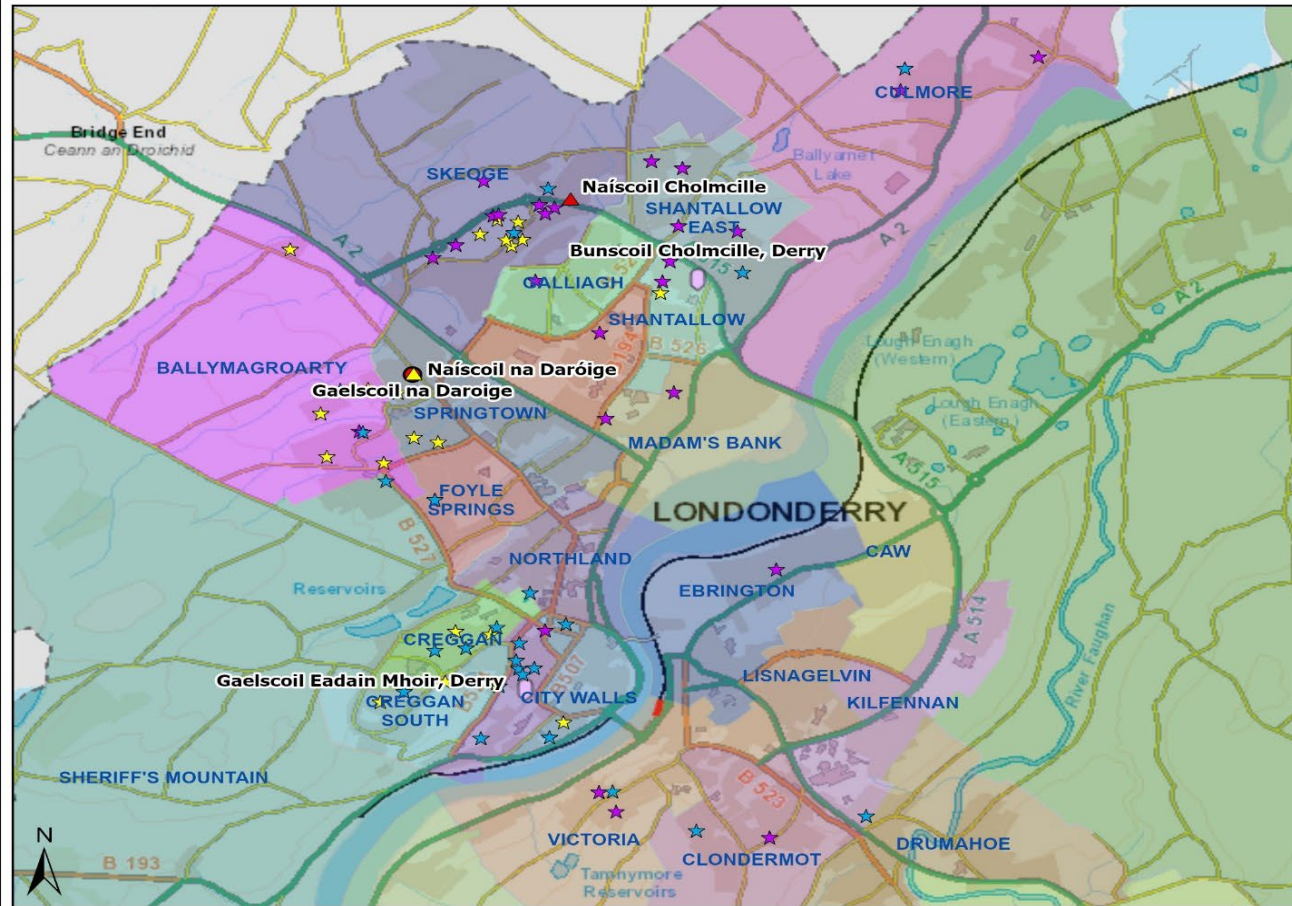


Map 6 Gaelscoil na Daróige – Alternative IM Primary Provision & Pupil Locations - Wards



Map 7 Naíscoil na Daróige – Alternative IM Nursery Provision & Pupil Locations - Wards

Naíscoil na Daróige - IM Nursery Pupil Locations - Wards



NI Overview

- Gaelscoil na Daróige
- ▲ Naíscoil na Daróige
- ★ Naíscoil na Daróige Púil
- ◻ IM Pre School
- ★ Bunscoil Cholmcille (Naíscoil Dhoire) Púil
- ★ Gaelscoil Eadain Mhoir (Naíscoil) Púil
- ▲ Naíscoil Cholmcille (no pupil data as removed from PEG for 2022/23)

Wards

- | | | |
|--|--|--|
| ■ BALLYMAGROARTY | ■ DRUMAHOE | ■ NORTHLAND |
| ■ BRANDYWELL | ■ EBRINGTON | ■ SHANTALLOW |
| ■ CARN HILL | ■ ENAGH | ■ SHANTALLOW EAST |
| ■ CAW | ■ FOYLE SPRINGS | ■ SHERIFF'S MOUNTAIN |
| ■ CITY WALLS | ■ GALLIAGH | ■ SKEOGE |
| ■ CLONDERMOT | ■ KILFENNAN | ■ SLIEVEKIRK |
| ■ CREGGAN | ■ LISNAGELVIN | ■ SPRINGTOWN |
| ■ CREGGAN SOUTH | ■ MADAM'S BANK | ■ VICTORIA |
| ■ CULMORE | ■ NEW BUILDINGS | |

Supporting Information

Base mapping was derived from OSNI Fusion, NISRA/DENI School Census Datasets 22/23
 NOTE: Some pupils are located outside of map extent



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INTRODUCTION

1. On 27 September 2022 the Education Authority (EA), on behalf of the Board of Governors (BoG) of Gaelscoil na Daróige published Development Proposal (DP) 685 proposing that:-

“A statutory 26 part-time place nursery unit will be established at Gaelscoil na Daróige to provide 26 part-time nursery places, with effect from 1 September 2023 or as soon as possible thereafter.”

2. The two-month statutory objection period for the proposal concluded on 28 November 2022. Copies of the published DP and the supporting Case for Change (CfC) are attached at **Appendices A and B** respectively.
3. The submission was revised in October 2023 to reflect updated commentary from Early Years to reflect current Early Years policy to focus on one- and two-mile radius for urban areas and in February 2024 to reflect input received from policy teams (Departmental Policy Team comments are reproduced at **Appendix E**).

SCHOOL AND AREA

Naíscóil na Daróige

4. Gaelscoil na Daróige (the school) has a voluntary (non-statutory) Naíscóil located on the same site. Naíscóil na Daróige has participated in the Pre-School Education Programme (PSEP) as a funded playgroup since 2003. The playgroup is registered for 26 children and has been allocated 22 PSEP funded places in 2022/23. **Table 1** illustrates the number of places funded by the Pre-school Education Group (PEG) at Naíscóil na Daróige over the past five years. **Table 2** shows the applications over the past five years and the number of pupils accepted. It shows a stable demand for the Naíscóil except for the 2021/22 school year with only 12 applications.

Table 1: Funded PEG places - Naíscóil na Daróige

Ref No	Pre-School	Postcode	2018/19		2019/20		2020/21		2021/22		2022/23	
			T	F	T	F	T	F	T	F	T	F
2BB-0511	Naíscóil na Daróige	BT48 0PD	23	23	22	22	23	23	16	16	23	22

T – Total Places F- Funded Placed

Table 2: Applications to Naíscoil na Daróige (position @ conclusion of EA Pre-School Admissions process)

	Naíscoil na Daróige PEG Approved No.	1 st Preference Applications	Total Applications	Total no of pupils accepted
2023/24	22	19	22	21
2022/23	22	19	23	22
2021/22	23	12	12	12
2020/21	23	22	23	23
2019/20	22	16	19	19

5. Pre School intake statistics from the EA show that a total of 22 applications were received for 2023/24 admission to Naíscoil na Daróige with 21 pupils being accepted.

Gaelscoil na Daróige

6. Gaelscoil na Daróige, is a co-educational, Other Maintained Irish-medium (IM) Primary School (PS) situated at Corrán Uí Nualláin, Baile Mhic Rabhartaigh, Dhoire, O’Naullian Crescent, Ballymagroarty, Derry. It was established in 2005 as an Independent School but from 2009 was granted Other Maintained status upon approval of DP 209 on 13 October 2009.
7. In 2016 DP 454 requesting statutory nursery provision at Gaelscoil na Daróige was not approved by Minister Peter Weir who stated *“taking into account all advice of officials, submissions by the various bodies and thereafter reflecting on Article 89 duty. I don’t believe that it would be a sustainable proposal in the long run”*. The Department notes that the CfC for the current proposal (DP 685) seeks the same statutory nursery provision as previously requested, that is 26 part-time Irish-medium pre-school education places.
8. In the submission for the previous DP 454, it states at para 53 that *“The Case for Change, while visionary is more aspirational than evidence based. It claims that ‘the long-term benefits of this proposal would be recognised across three levels of provision. The improved nursery provision will increase the enrolment in Gaelscoil na Daróige, the strength of the primary provision would be contributing to the circumstances for the development of post-primary IME provision in Derry city’. There is no evidence to show that enrolments at the primary school will increase. At present, not all pupils who attend the non-statutory pre-school, which is on the primary school site, go on to attend the Gaelscoil na Daróige”*. The Department notes that since the non-approval of DP 454 on the 9 August 2016 the enrolment of the school has in fact increased from 66 in 2016/17 to 110 in 2022/23.
9. The school’s approved admissions and enrolment numbers for 2022/23 are 18 and 116 respectively. **Table 3** shows the number of pupils attending the Gaelscoil in each of the last five years and illustrates that the total enrolment has increased from 76 to 110 in 2022/23.

Table 3: Historic admissions and enrolments at Gaelscoil na Daróige

	2018/19	2019/20	2020/21	2021/22	2022/23
Admissions	16	20	21	22	11
Enrolment	76	87	91	102	110

Figures include SEN

10. There are 110 pupils enrolled at the school in 2022/23, including 11 Year 1 pupils. The school has 10 pupils (9.1%) with a Statement of Special Educational Needs (SEN) and a total of 42 pupils (38.2%) are entitled to Free School Meals.
11. The school's enrolment is below the Sustainable Schools Policy (SSP) recommended minimum enrolment of 140 pupils for a sustainable urban primary school. However, the SSP also provides guidance on key milestones for the development of newly established primary and post primary schools such as Gaelscoil na Daróige. The SSP User Guide was published in February 2022 and supplements the SSP and takes account of the changes since the publication of the SSP, including the introduction of Area Planning, additional statutory duties conferred through new legislation, new education policies and reflects changes in education administration through the establishment of the EA. The SSP User Guide covers Developing Schools (Section 5) and details transitional arrangements. It sets the development period of ten years after which a school will be deemed to be established. The transitional arrangements also provide for an additional five years (total of 15 years to become 'established'). Gaelscoil na Daróige was established as a grant-aided school and recurrent funding was approved from 2009/10, the school was established 10 years in 2018/19 and the approved admissions and enrolments are being phased up to 20/140 as the school grows, as a result of the SSP transitional arrangements the Department has extended the development period of the school to 2023/24.
12. The school received 19 first preference applications for the 20 approved admission places for the 2023/24 academic year.
13. From 1 September 2022, Area Planning adopted the Northern Ireland Statistics and Research Agency (NISRA) definitions for urban/rural where schools within settlements Bands A-E population greater than or equal to 5,000 are classified as urban; and Bands F-H with a population of less than 5,000 are classified as rural (default definition of 'rural'). Previously in the SSP urban was specified as Belfast/Derry City Council areas and other areas were classified as rural. To mitigate the potential impact on schools, a transition period (up to the end of the current Area Planning cycle – 31 August 2027) has been provided to allow schools, school managing authorities and sectoral bodies a period of time to access and address any impact on schools which (as a result of their classification from rural to urban or vice versa) have changed from being above/below the minimum enrolment threshold. The Department notes that the school is located in

Springtown 1 Super Output Area (SOA) which is classified as urban and was previously classified as urban.

14. The school is currently in the phase of having its approved admissions and enrolment numbers being phased up to 20-24/125 for the 2024/25 school year. This should allow the school some flexibility with numbers. The Department will continue phasing up the school's enrolment number up to 140 as stipulated in DP 209 if the enrolment numbers at the school continue to rise.

AREA CONTEXT

15. Gaelscoil na Daróige is located within the Derry and Strabane Local Government District (LGD). On the Northern Ireland Multiple Deprivation Measure 2017 the Springtown 1 Super Output Area (in which the school is situated) is placed 144 out of 890 (with 1 being most deprived and 890 least deprived).

Strategic Area Plan for Northern Ireland: Operational Plan 1 2022-2024

16. The *Strategic Area Plan 2022-27: Planning for Sustainable Provision*, published by the EA on 29 June 2022, sets out the strategic direction on how the future educational needs of children and young people will be addressed through area solutions, consistent with relevant policies and Ministerial Priorities. Operational Plan 1 (OP1), published by the EA on the 1 September 2022 outlines the area planning activity that will be taken forward in the first two years of the plan.
17. The EA's OP1 2022-24 includes population projections provided by NISRA. For Derry City and Strabane LGD, in which the school is located, it shows a declining birth trend (**Chart 1**). While **Chart 1** shows the peak and troughs, since 2008, the numbers have fallen from 2231 to 1805 in 2019. This downward trend is projected to continue for primary and post-primary age pupils as presented in **Chart 2**. **Chart 2** shows a reduction in the school age population for Years 1-7 from 14,689 (2023) to 12,316 (2035) representing a 16.15% decline. Gaelscoil na Daróige does not feature in OP1.

Chart 1 Birth Data (Source NISRA). Birth data based on academic year, not calendar year

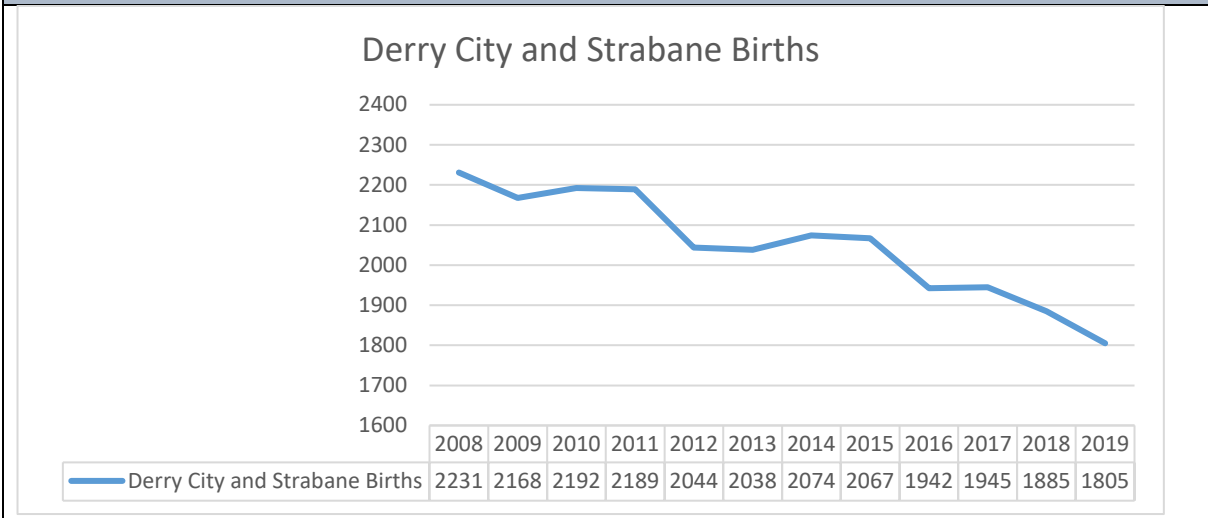
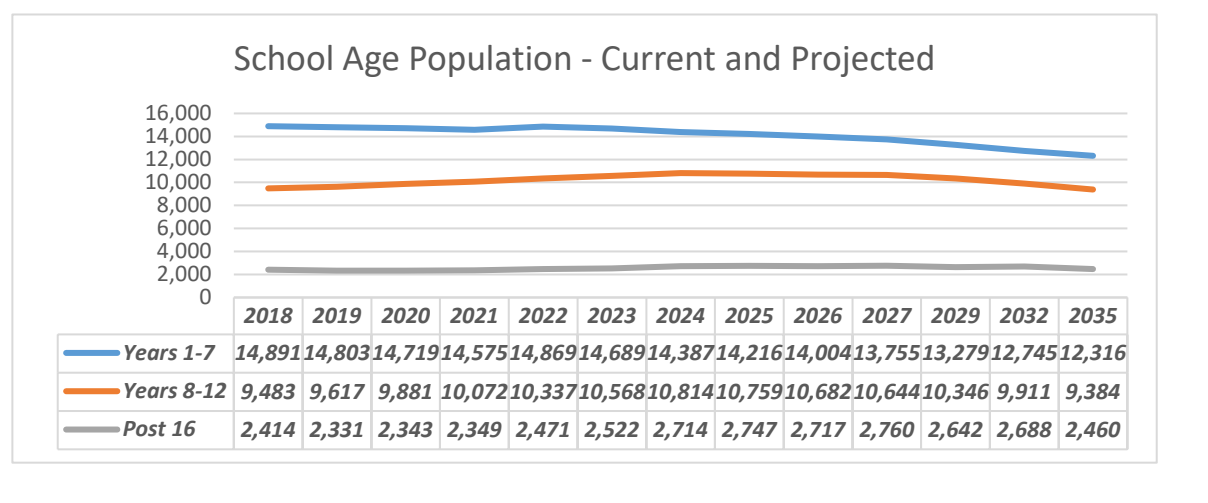
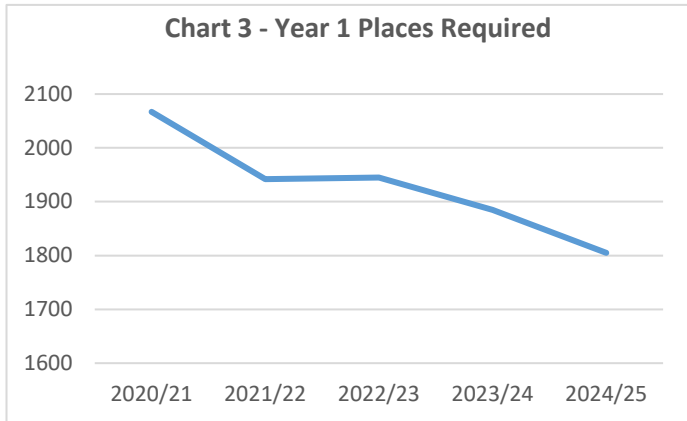


Chart 2 - Historic, Current and Projected School Age Pupils in Attendance at Primary and Post Primary Schools in Derry City and Strabane District Council area (source: DE Census Data/NISRA)



18. **Chart 3** and **Table 4** reproduced from OP1 detail projected births and anticipated Year 1 places required. It shows that the number of births is due to decline, and the associated number of Year 1 places is also expected to decrease. The Department notes at the conclusion of the primary admissions process for 2023/24, 1793 Year 1 places had been allocated out of 2527 Year 1 places for Derry City and Strabane LGD.

Table 4 Projected births Derry city & Strabane LGD



Academic Birth Year	Derry City & Strabane Births	Year 1 Start
2015	2067	2020/21
2016	1942	2021/22
2018	1945	2022/23
2018	1885	2023/24
2019	1805	2024/25

Alternative IM Primary Provision

- Map 1** provides details of the location of Gaelscoil na Daróige (including pupil locations), which is an Other Maintained school, and the nearest alternative providers of IM primary school provision. The map shows that the nearest alternative IM primary school provision is located at Bunscoil Cholmcille (Catholic Maintained - 1.5 miles away) and Gaelscoil Éadain Mhóir (Other Maintained - 2.1 miles).
- From September 2022, the urban/rural definitions used in the SSP reflect those used by NISRA¹, therefore schools have been classified as urban or rural using the NISRA definitions. The SSP recommended minimum enrolment threshold for primary schools is 140 in urban areas and 105 in rural areas. Gaelscoil na Daróige and the two alternative IM primary schools are classed as urban schools as detailed in **Table 5** which depicts each school’s enrolments (including SEN).

Table 5 – Alternative IM Primary Provision (five miles)

IM Primary School	Urban / Rural	2018/19	2019/20	2020/21	2021/22	2022/23
Bunscoil Cholmcille	Urban	88	91	95	110	117
Gaelscoil Éadain Mhóir	Urban	146	156	170	172	170

¹ 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).

Alternative IM Pre-school Provision

21. The nearest alternative IM pre-school provision is set out in **Table 6** and illustrated by **Map 3** (within an area of five miles mapping radius).
22. **Map 3** provides details of the IM pre-school provision in the area. Gaelscoil Éadain Mhóir has a statutory nursery (Naíscoil Éadain Mhóir) which provides 26 full time places. Bunscoil Cholmcille also has a statutory nursery (Naíscoil Dhoire) and provides 26 full time places. Naíscoil Cholmcille is a voluntary pre-school and provides part-time PEG places (must meet a minimum of six applications to be accepted to the PEG) based on the level of demand and varies each year. Naíscoil na Daróige is a voluntary pre-school which has provided between 22-23 PEG places in the last five years. It has a registration number of 26 part-time places.
23. The closest alternative provision can be found at 1.5 miles at Bunscoil Cholmcille, with Gaelscoil Éadain Mhóir being located at 2.1 miles away. Both these settings have 26 full time statutory places available and may be impacted by the proposal, if approved. In considering voluntary provision, Naíscoil Cholmcille is located at 2.2 miles and provides part-time PEG places and may also be impacted if the proposal is approved.

Table 6: Alternative IM Pre-School Provision within a 10 mile radius

Ref No	Nursery Unit	Postcode	Distance in miles by Road	2019/20		2020/21		2021/22		2022/23		2023/24	
				f/t	p/t	f/t	p/t	f/t	p/t	f/t	p/t	f/t	p/t
2036574	Bunscoil Cholmcille (Naíscoil Dhoire)	BT48 8EX	1.5	26	-	26	-	25	-	26	-	26	-
2046646	Gaelscoil Éadain Mhóir (Naíscoil Éadain Mhóir)	BT48 6NP	2.1	26	-	26	-	26	-	26	-	26	-
2AB0071	Naíscoil Cholmcille	BT48 8SE	2.2	-	13	-	14	-	14	-	N/A	-	11

f/t = full-time p/t = part-time

STATUTORY CONSIDERATIONS

Duty to Encourage and Facilitate the development of IM Education

24. There is a statutory duty on the Department under Article 89 (1) of the Education (Northern Ireland) Order 1998 to encourage and facilitate the development of Irish-medium education. Article 89 specifies Irish-medium education as “*education provided in an Irish speaking school*” and does not categorise IM provision by management type.
25. Further to the Article 89, a 2011 Judicial Review decision (Mc Kee v Department of Education) determined that the Department may facilitate and encourage the IM sector in ways that it need not for other sectors, by taking positive steps or removing obstacles which inhibit the statutory objective.
26. The Article 89 statutory duty does not equate to a duty to grant every proposal brought forward on behalf of an IM school; however, it must be considered alongside the Department’s duty under Article 44 of the Education and Libraries (NI) Order 1986 where the Department shall have regard to the general principle that, so far as is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure, pupils shall be educated in accordance with the wishes of their parents.

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

27. DE 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.

CASE FOR CHANGE (CfC)

28. The CfC confirms that the BoG of Gaelscoil na Daróige requested the EA to submit the DP to the Department in accordance with Article 14 of the Education and Libraries Order 1986.
29. A letter of support and agreement from Naíscoil na Daróige was included with the DP which stated, “*We at Naíscoil na Daróige collaborate with all partners to ensure the best linguistic and educational experiences for our children. Naíscoil na Daróige believe that Statutory status is crucial at this stage of development and is the next logical step. We endorse and support the application made by Gaelscoil na Daróige*”. The CfC supporting this DP is reproduced in full at **Appendix B** and includes the following points:-

- The desired outcome of the proposal is to provide parents and their children with the optimum start to their education;
- This proposal falls in line with the statutory duty to encourage and facilitate IM education (Article 89, Education (NI) Order 1998); Recommendation two from the Review of IM Education Report (2008); and the obligations arising from the European Charter for Regional or Minority Languages;
- Two options were considered either for Naíscoil na Daróige to remain as a voluntary pre-school education funded (PSEP) setting on the Gaelscoil site or to apply to replace it as a statutory nursery unit of the Gaelscoil. There are several reasons why this was chosen as the way forward;
- There is a desire to further enhance the pre-school provision and continue to build on the good educational and linguistic standards set by the current voluntary provision and ultimately to future proof provision;
- The longer hours afforded to statutory provision allows the child greater exposure to the target language;
- The Effective Pre-school Provision in NI (EPPNI) research in 2010 highlights the increased educational outcomes produced by a statutory nursery experience (as opposed to those produced by either a playgroup or none);
- It is asserted that there is increased educational outcomes produced by a statutory nursery experience. There are practical reasons for endorsing the proposal including access to additional services not afforded to voluntary groups;
- The most tangible benefit would be the employment of a qualified teacher – this also improves the ability of the provision to identify and cater for children with Special Educational Need (SEN);
- Past experience and research have shown, the symbiotic nature of the relationship between pre-school and primary provision – this proposal to bring both levels of provision under a single management authority would ensure greater coherence between pre-school and foundation stage education and an enhanced continuity for the children;
- It is asserted that historically a change from voluntary to statutory pre-school provision has led to strong increases in enrolments and admissions across the IM education sector; and
- References the Department’s 2020 “*Report on the Educational Outcomes of Pre-school Irish-medium Education*”, recommended extending the number of statutory nursery settings as a means of ensuring consistency of experience for all pupils.

STATUTORY DP PROCESSES

Pre-publication consultation

30. The CfC confirms that the BoG of Gaelscoil na Daróige undertook the required statutory consultation involving parents, staff, and governors. The BoG discussed the proposal in March 2022, the Naíscoil provided a letter of support in February 2022. Staff, parents, and the local community were involved in a consultation process during February / March 2022 and evidence of support is noted in Appendix C1, C2 and C3 of the CfC. The CfC states that opinions and views collated during the internal consultation indicated strong support for the proposal and continued development of the school.
31. In accordance with Article 14 of the Education and Libraries Order (NI) 1986 the EA consulted the BoG and Trustees of schools which may, in its view, might be affected by the proposal. A total of 60 local schools were forwarded correspondence on 25 May 2022 and were invited to reply by 24 June 2022. Two responses were received from affected schools – Gaelscoil Éadain Mhóir and Naíscoil Dhoire and both were in support of the proposal. Details of the pre-publication consultation is presented as part of the CfC reproduced at **Appendix B**.

Two-month statutory objection period

32. During the two-month objection period for this proposal, which ran between 27 September and 28 November 2022, the Department received two letters of support, including support from Comhairle na Gaelscolaíochta (CnaG) and no objections.
33. CnaG stated that the proposal is consistent with CnaG's strategic development plan to ensure the sustainability of the sector, and supports the proposal for following reasons:-
 - The change in status to a statutory unit is in line with the wishes of the local community, and the subsequent replacement of the voluntary provision, no displacement will occur;
 - Gaelscoil na Daróige has demonstrated that the leadership of the school can oversee the integration and running of the preschool as an integral part of the school;
 - There will be educational, financial and practical benefits of both provision under a single management;
 - Approval of the DP would further consolidate IM provision in the area and have a positive impact on the Long-Term Enrolment (LTE) at Gaelscoil na Daróige; and
 - It is anticipated that it would increase the pool of pupils for Gaelcholáiste Dhoire, and in doing so, contribute to the consolidation of the sector at a primary and post-primary level locally and regionally.

34. CnaG conclude that, *“approval of DP 685 will not only improve the quality of education available to the children attending Gaelscoil na Daróige, but it will also contribute to its sustainability and thus, the futureproofing of the IM sector locally and regionally”*.
35. A full copy of the response is provided at **Appendix C**
36. The other response in support of the proposal is included at **Appendix F** which summarises as follows, “The Naíscoil is growing in the city and should be made available to children in Ballymartle. IM education is a growing sector within the city”.

EA and Pre-school Education Group (PEG) comments

37. In line with the EA’s obligation to support the Department of Education (DE) in its duty to encourage and facilitate IM education, the EA supports DP 685. The proposal is in effect a change in management from a voluntary provider to a statutory provider resulting in no change in provision within the area.
38. DP 685 was discussed by the PEG at its meeting on 19 May 2022. The EA and the 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 IM pre-school education. In this context, PEG supports the DP on the basis of demonstrated parental demand as evidenced by the number of 1st preference applications (22 for the 22 places) and that it is a replacement of the existing funded non-statutory pre-school provision on the school grounds.
39. However, PEG would have concerns about the potential impact of this additional provision, including:
 - Potential displacement of existing IM funded non-statutory pre-school provision within a two-mile radius;
 - Potential for increased uptake of younger children into other statutory nursery provision; and
 - Potential for uptake of younger children into the statutory nursery unit at Gaelscoil na Daróige should the DP be approved.
40. PEG also noted that an IM voluntary pre-school (Naíscoil Cholmcille) within a two-mile radius had been withdrawn from PSEP for 2022-23 academic year as they failed to meet the minimum requirement of six applications. If approved, the additional statutory provision has the potential to impact the uptake of places in this setting for subsequent years. Within a two-mile radius 501 first preference applications were received for 562 pre-school places (covering all sectors) for the 2022-23 academic year.

41. The advice from the PEG is not conclusive however the EA does not consider the proposal will have a detrimental impact on other local schools. The EA published the proposal on 27 September 2021.

Education & Training Inspectorate (ETI) Comments

42. ETI comments highlight that this proposal, is a change in management for the Naíscoil from being a voluntary pre-school provider to a statutory nursery unit. ETI states that it would further develop the Department's statutory duty to encourage and facilitate IM education.
43. One of the educational benefits for pupils is the employment of a suitably qualified IM teacher which has the potential to ensure the children receive an optimum immersion experience to support their language acquisition and linguistic skills and overcome current staffing challenges in the voluntary sector.
44. ETI has pointed out that Naíscoil na Daróige is already in existence with 23 pre-funded places for 2022-23 academic year; the setting has a registration number of 26 places. Currently, there is a suitably qualified IM teacher employed at Naíscoil na Daróige.
45. Accommodation is already in place for Naíscoil na Daróige and there are no additional accommodation requirements, however, ongoing maintenance will be required with the current prefabricated building.
46. ETI comments are reproduced in full at **Appendix D**.

SUSTAINABILITY ASSESSMENT

47. The SSP does not apply to pre-school provision. However, it is important when considering the establishment of statutory pre-school provision that the host school is assessed.
48. Under the SSP there are six criteria supported by quantitative and qualitative indicators, which provide a framework for considering a school's long-term sustainability. The primary objective of this 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.
49. An assessment of Gaelscoil na Daróige against the six SSP criteria and their associated indicators is set out as follows:-

Criterion 1: Quality Education Experience

Education and Training Inspectorate (ETI) Assessment

50. The ETI carried out a Sustaining Improvement Inspection (SII) of Gaelscoil na Daróige in June 2017 which was impacted by Action Short of Strike (ASOS) therefore the ETI was unable to assure parents/carers and the wider community on the quality of education and safeguarding. A return visit was carried out on 10 November 2017 to allow the school to provide evidence that safeguarding arrangements reflected the guidance from the Department. However, owing to ASOS the ETI was unable to fully evaluate the out-workings of the arrangements for safeguarding.
51. The previous ETI inspection was a 'Follow Up Report' in June 2014, which was carried out following an evaluation as 'Satisfactory' in June 2013. The June 2013 inspection though now dated identified areas for improvement in relation to addressing more fully the needs with learning difficulties and that the principal should evaluate more critically whole-school provision in order to effect sustained improvement. The June 2014 report assessed the quality of provision as 'Good'.
52. It is noted in the June 2014 follow up inspection that in the interim between both inspections, the school continued to receive support from the Inter-board Irish-medium Curriculum Advisory and Support Service (CASS), and the Western Education and Library Board (WELB) CASS team. This has led to important improvements in the leadership and management and quality of provision.
53. The June 2014 report concluded, "the quality of education provided by the school is now good. The school has important strengths in most of its educational and pastoral provision".
54. It should be noted that although these reports are now dated they remain the only source of information relating to the quality of education being provided at the school.

Special Education Needs (SEN)

55. In 2022/23 Gaelscoil na Daróige had 10 pupils with a statement of SEN enrolled. The 2014 ETI Inspection Report stated that, "the children with statements of educational needs are identified early, and appropriate and effective strategies are put in place meet their individual learning and emotional needs".

Composite Classes and Teaching Staff

56. The SSP states that no more than two year groups in a single classroom at primary school level. In 2022/23 Gaelscoil na Daróige operated as a six-class base with one

composite class spanning Years 6/7. There is no evidence from school inspections to suggest that children taught in composite classes of two-year groups are disadvantaged.

57. The school in 2022/23 employed 7.0 full-time teaching staff which is above the recommended minimum of four teachers at primary school level as stated in the SSP.

Pastoral Care

58. The SII report of June 2017 was affected by ASOS and as a result, “the ETI was unable to evaluate fully the outworking of the arrangements for safeguarding in the school, including talking to the children”.

Criterion 2: Stable Enrolment Trends

59. Gaelscoil na Daróige was established in 2005 as an Independent School but from 2009 was granted Other Maintained status upon approval of DP 209 on 13 October 2009 with a Long-Term Enrolment (LTE) of 105-140 upon which the numbers will increase on a phased basis in line with enrolments at the school.
60. On 3 December 2021 a letter was sent to the school consulting the Board of Governors that the admissions and enrolment number was increasing as per recommendation to 20 and 125 respectively. The school requested an amendment to the proposed numbers on 17 December 2021 to suggest admissions and enrolment number be set at 18 and 116 respectively for the 2022/23 school year. The Department were content with the proposed numbers and a revised letter was issued to the school on 17 December 2021.
61. A new classroom has been installed at the school and the Department has begun phasing in the new capacity of 140 to the approved admissions and enrolment numbers and for the 2023/24 school year the numbers have been set at 20-24/125 respectively. It is anticipated that for 2025/26 school year that the Department will continue phasing up the enrolment number to 140 as stipulated in DP 209.
62. **Table 7** shows the school has been undersubscribed in each of the past five years. Although the school’s total enrolment has been increasing year on year since 2017/18, it has remained below the recommended minimum enrolment of 140 pupils for a sustainable urban primary school. The Department notes that as this school is considered as a Developing School, transitional arrangements are in place (see paragraph 11).

Table 7: Gaelscoil na Daróige - Historical Admissions and Enrolments

	2018/19	2019/20	2020/21	2021/22	2022/23
Year 1 Intake	16	20	21	22	11
SEN Stage 3	4 or less	4 or less	4 or less	7	10
Enrolment	76	87	91	102	110

Enrolment includes pupils with SEN

63. Over the past four years the school received the following applications for admissions to Year 1 during the admissions process: -

Table 8: Gaelscoil na Daróige – Applications for Admission

Year	Admissions Number	First Preferences	Total Applications (all preferences)	Admitted*
2019/20	15	20	20	20
2020/21	18 - 22	21	21	21
2021/22	18 - 22	24	24	24
2022/23	18 - 22	11	11	11
2023/24	20-24	19	19	19

*Excludes stated pupils and those admitted by appeal (data provided by EA at the conclusion of the admission process)

64. The school has had first preference applications in line with the approved admissions number in three of the last four years with 2022/23 being considerably lower than its approved admissions number of 18. However, applications / admission reverted to previous patterns in 2023/24.
65. If a school receives more applications for admission than it has places available, it can request a Temporary Variation (TV) to its admissions and/or enrolment numbers from the School Admissions Team (SAT). **Table 9** below shows the TVs granted to Gaelscoil na Daróige in the last four school years.

Table 9 – Temporary Variations Gaelscoil na Daróige

	Approved Admissions Number	Temporary Variations approved (to a total of)*	
		Total Admissions	Total Enrolment
2019/20	15	20	85
2020/21	18 - 22	-	-
2021/22	18 - 22	25	101
2022/23	18 - 22	-	-

*Excludes stated pupils and those admitted by appeal

Criterion 3: Sound Financial Position

66. As of 31 March 2023, Gaelscoil na Daróige held a **Provisional** Surplus position at **£145,599**, which equates to a surplus of **29.93%**. The school's surplus in the previous year, up to 31 March 2022 was **£139,454**.
67. The school received a total delegated budget of £431,037 in the 2023-24 financial year for 110¹ FTE pupils, which generates a per capita of £3,919. The average for all primary

schools is £3,403. The total Free School Meals Entitlement for the school is 42² pupils, which represents 38.18% of the total FTE, which places the school in Band 2 for funding purposes.

68. The school received £49,237 for Small Schools Support funding, which represents 95% of the maximum funding for this factor, within the Nursery & Primary funding stream. The school also received £15,599 in respect of Primary Principals' Release Time which represents 95% of the maximum funding.
69. Any new provision (including new Nursery units) opening during the year are a pressure for the Department's 'New Schools and Units Fund'. A new 26 part-time Nursery Unit is likely to create a funding need of around £36k – based on past costs for the period from opening until the end of the financial year. Full year costs to the Aggregated Schools Budget are likely to be around £62k for new provision not previously funded.
70. The school's surplus is outside the tolerance as stated in the EA's guidance on Financial Management Arrangements for Controlled and Maintained Schools funded under the Common Funding Scheme, schools in a deficit or surplus position must not exceed an upper limit of 5% of the school's budget or £75,000, whichever is lesser. The guidance states "large surpluses or deficits must be avoided, and schools must therefore plan to remain within budget, thereby ensuring that financial resources are appropriately managed for the existing and future needs of pupils in the school. Schools must ensure that public funds provided via the LMS formula allocation, along with income from any other source – such as fund-raising are appropriately managed. Schools may accumulate savings over a period of several years. The application of savings must be limited to items of expenditure that would otherwise be permitted under the Common Funding Scheme. The reasons for any build-up of surpluses and the purposes for which these will be used must be communicated to and agreement sought from the EA. The expectation is that any significant savings would be utilised within the timeframe of the three-year financial plan".
71. The Board of Governors in all schools are made aware of the Guidance on Financial and Management Arrangements. The Governors of Gaelscoil na Daróige have submitted a three year plan to the EA with estimated year-end positions and it is noted that the plan is currently in draft format and has not been signed off by the EA.

Criterion 4: Strong Leadership and Management

72. The June 2017 ETI (although now dated) inspection report was impacted by ASOS and was unable to assess the leadership and management at the school. ETI input on DP 685 reported, “there is a new permanent Principal in post since September 2022 (was Acting Principal from September 2017). The middle leaders have attended the DE: ETI Stepping Forward Together: Empowering Improvement Programme’ in May 2022”.
73. The previous ETI report of June 2014, although now dated, noted the most important improvements from the follow up inspection of June 2013 was, “the Principal has a clear strategic approach to monitoring and evaluating learning and teaching, including carrying out planned classroom observation; scrutinising children’s work; and monitoring teachers’ planning”.
74. The June 2014 report concluded with, “the follow up inspection has identified the need for the Principal to continue to embed the well-progressed processes for monitoring and evaluation”.
75. The inspection report noted that it would be important that the Employing Authority, Governors, and staff should plan for, and manage, issues related to the sustainability of the school.
76. The CfC states, “the Principal is a strong effective leader who has collaborated with Council for the Curriculum, Examinations and Assessments (CCEA), an tÁisaonad (the IM Resource Unit) and is currently involved with the practitioner’s group on the Independent Review of Education”.

Criterion 5: Accessibility

77. **Map 1** illustrates the proximity of pupil locations to Gaelscoil na Daróige. The map shows that the majority of pupils enrolled live within two miles and all live within five-miles mapping radius of the school. Travel times for pupils are therefore highly unlikely to fall outside the maximum travelling time of 30 minutes per journey identified in the SSP. The CfC states that the vast majority of pupils attending the school come from the immediate and neighbouring communities and the school is accessible to all.
78. **Map 5, Map 6** and **Map 7** illustrate the pupils attending IM provision in the area. It demonstrates that there are no defined catchment areas for any of the schools. **Map 3** illustrates the locations of the pupils attending IM nursery provision in the area and again demonstrates a similar pattern with no clearly defined catchment areas for any of the nursery provision.

Criterion 6: Strong Links with the Community

79. There is no reference to links with the community in any of the recent ETI inspection reports. The CfC states, “the Gaelscoil has strong links with other IM providers including the post-primary provider Gaelcholáiste Dhoire in Dungiven and welcomes involvement from the local Gaelic sports and cultural groups”. The school was involved in Shared Education with Groarty Integrated Primary School (now closed) and Oakgrove Integrated College. Gaelscoil na Daróige is no longer involved in a Shared Education Partnership.

Sustainability Summary

80. The quality of education provided by Gaelscoil na Daróige was unable to be fully assessed by the ETI in its 2017 SII report due to ASOS. The school was last fully inspected in 2014 and the quality of education being provided at this time was assessed as ‘good’. The SSP states that there should be no more than two-year groups in a single classroom and a minimum of four teachers in a primary school. Although the school has one composite class which involves only two-year groups there are seven full-time equivalent teachers employed thus meeting, as far as assessment will allow, the requirements of the SSP.
81. The school has been in operation for 14 years and although the school’s enrolment has been increasing year-on-year, it is still below the recommended minimum of 140 as stated in the SSP for an urban primary school. However, the SSP also provides guidance on key milestones for the development of newly established primary and post primary schools such as Gaelscoil na Daróige. It sets the development period of ten years after which the school will be deemed to be established. Para 11 reflects the transitional arrangements in place in line with the SSP and SSP User Guide. As a result, the school has another year to meet the minimum required enrolment number (140) for an urban school.
82. The school is currently in the phase of having its approved admissions and enrolment numbers being phased up to 20-24/125 for the 2024/25 school year. This should allow the school some flexibility in admissions. The Department will continue phasing up the enrolment number to 140 as stipulated in DP 209 if the admissions to the school continue to rise. The Department notes that the school received 19 applications for the 2023/24 academic year and overall has been showing a growing enrolment.
83. The Department also notes that the school is carrying a surplus budget position (£145,599), which is outside the tolerance as stated in the EA’s guidance on Financial Management Arrangements for Controlled and Maintained Schools funded under the Common Funding Scheme, schools in a deficit or surplus position must not exceed an upper limit of 5% of the school’s budget or £75,000, whichever is lesser. The school

has a higher per capita value of £3,919, which is 1.15 times higher than the average for all primary schools (£3,403).

84. Although now dated, the leadership and management of the school was last assessed in June 2014 as “the principal needs to continue to embed the well-progressed processes for monitoring and evaluation”. The June 2017 inspection was impacted by ASOS.
85. Most pupils enrolled in the school travel from the surrounding area as illustrated by **Map 1 & 5**. It is evident that there is no defined catchment areas for the pupils of the local schools or pre-schools illustrating the schools are openly accessible to all pupils in the area. The CfC asserts the school maintains important links with the community and interacts with a variety of groups.
86. Overall, the only evidence that calls into question the school’s current sustainability is that of the actual enrolment of the school as it has not yet achieved the minimum recommended number of 140 pupils despite the school being in operation for 14 years. However, the school has shown significant growth in recent years and is considered a Developing School. The school would appear to have the capacity to manage the proposed statutory nursery unit. While the quality of education and the leadership and management of the school were positively reported on in 2014, due to ASOS there exists no up to date evidence on the quality of education provided currently.

ASSESSMENT OF STATUTORY CONSIDERATIONS

Statutory duty to Encourage and Facilitate the development of IM Education

87. The Department has received legal advice that the statutory duty to encourage and facilitate the development of IM education is applicable to pre-school settings and has written to the statutory planning authorities reminding them of the need to support DE in the fulfilment of this duty, highlighting the role that the PEG should play in striving to meet demonstrated parental demand in an area for pre-school education at IM primary schools.
88. IM providers demonstrating evidential demand for IM pre-school places can be funded as part of the PSEP even if there are available English-Medium pre-school places in the area.
89. The Department notes that the school already has IM pre-school provision which is currently funded by PSEP and there are other IM pre-school provision in the area (Gaelscoil Éadain Mhóir has a statutory nursery (Naíscóil Éadain Mhóir) which provides 26 full time places. Bunscoil Cholmcille also has a statutory nursery (Naíscóil Dhoire)

and provides 26 full time places. Naíscoil Cholmcille is a voluntary pre-school and provides part-time PEG places (must meet a minimum of six applications to be accepted to the PEG) based on the level of demand and varies each year).

90. In relation to consideration of this DP, due regard has been given to the statutory duty within a framework of ensuring effective planning to meet the future educational requirements for the area, and alongside other relevant issues including:
- the sustainability of Gaelscoil na Daróige;
 - the proposal's impact on other schools and playgroups; and
 - the achievement of area planning objectives to reduce duplication and ensure appropriate provision to meet future demand.
91. By not approving the establishment of an IM statutory nursery unit this could be seen as erecting a barrier to the sustained growth of the IM education at Gaelscoil na Daróige. As referenced in para 89, however, the school already has voluntary pre-school provision and has the ability to request an increase to its registration number from the EA should it receive more pre-school applications that it is approved for. This demonstrates that the school is already encouraged to grow its numbers and the Department is not hindering growth of the IM sector. Furthermore, it should be noted that the enrolment of the school has grown without the need for a statutory nursery as the enrolment has grown from 76 in 2018/19 to 110 in 2022/23 demonstrating a growth rate of 31%.
92. It should be noted that Naíscoil na Daróige has only experienced applications higher than its number of approved places in one of the past five years (2022/23), and this was only by one place. As previously stated, at paragraph 17 the number of births is due to decline within the LGD and the Department notes that during the last four years a total of 112 underage applications have been submitted to statutory IM settings which has resulted in six underage children being admitted to Naíscoil Éadain Mhóir in 2022/23 and six underage children were accepted to Naíscoil Dhoire statutory nursery unit in 2023/24.
93. From 2015 to date the Department has invested **£958K** in Gaelscoil na Daróige through various works to the school with the largest spend (**£255k**) on the acquisition of two plots of land which took place in 2023. The Department is currently progressing a Business Case (BC) for a quadruple modular scheme to replace existing modular units costing an additional **circa £1.67M**. This investment signifies that the Department are encouraging and facilitating IM education in the area and at Gaelscoil na Daróige.

Effective and Efficient Use of Public Funds

94. The aim of the PSEP is to provide one year of high-quality funded pre-school education, in the year before compulsory education, for every child whose parents want it. PSEP is funded by the Department via the EA and designed as a partnership between the statutory and voluntary/private pre-school sectors. In discharging its duties, the Department must seek to avoid unreasonable public expenditure and make the best use of the resources available. The Department therefore aims to maximise available pre-school places for target age children avoiding over provision that results in the enrolment of underage children (younger than three years and two months) in statutory settings. Statutory pre-school settings are legally obliged to admit pupils up to their published admissions number. In the last four academic years there have been a total of 194 underage children enrolled in a statutory pre-school education setting within the two-mile radius of Naíscoil na Daróige in all sectors. This displays a level of over provision within the area.
95. As this proposal is to change the existing non-statutory pre-school provision to statutory provision, it would appear that part of the potential impact of the establishment of a nursery class at the school could be partially mitigated. The voluntary pre-school setting has received sufficient applications to fill its registration of 22-23 places in three of the last four years, however, it has only filled its places on first preference applications in one of those years. The proposed increase in pre-school education places in the area may lead to further underage children accessing statutory pre-school places in the area. In 2022/23 six underage children were admitted to Naíscoil Éadain Mhóir and in 2023/24 six underage children were admitted to Naíscoil Dhoire statutory nursery unit. During the last four years a total of 112 underage applications have been submitted to statutory IM settings (**Table 10** refers). The Department notes that funding via PEG for voluntary pre-school settings is only provided for target age pupils. The Department also notes that the enrolment trends of the Naíscoil and Gaelscoil to date demonstrate that not all children who attend the IM pre-school provision go on to attend the IM primary school.

OTHER CONSIDERATIONS

Policy Context – Early Years

96. 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 established good quality pre-school education provision with pre-school education provision in an alternative setting but every case is considered on its merits.
97. The Department's Learning to Learn Policy (A Framework for Early Years Education and Learning, published on 7 October 2013) has among its key actions, placed a moratorium on any **new or additional** full-time provision or conversation 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. It can be accessed via the following link:

[Learning to Learn A Framework for Early Years Education and Learning October 2013 \(education-ni.gov.uk\)](http://education-ni.gov.uk)

98. 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. It is acknowledged that parents state preferences for pre-school education provision considering a wide range of factors, and in some cases, parents may have a preference for pre-school education located at schools of a particular management type.

Review of IM Education Report

99. The CfC references Recommendation two from the Department's Review of IM Education Report, recommendation two is contained within the section 'Developing Sustainable IM Pre-school Provision' and is as follows:-

The existing policy on funded pre-school provision should be revised in light of the unique combination of the obligations arising from the European Charter for Regional or Minority Languages, the recognised benefits of pre-school education and the statutory duty to encourage and facilitate IM education, to allow registered, IM providers with sufficient children to receive funding even where English-medium provision is available in the area.

100. In response, registered IM providers with sufficient children can be funded under the Department's Pre-School Education Programme even where English-medium provision is available in the area.

European Charter for Regional of Minority Languages

101. The CfC asserts the obligations arising from the European Charter for Regional or Minority Languages, the United Kingdom (UK) Government signed the Charter on 2 March 2000 and it was ratified on 27 March 2001. The Charter came into force on 1 July 2001. The UK Government signed up to (Articles 2 and 3, Part II (Article 7) and Part III (Articles 8-14, with reservations) for the Irish Language.

Article 2 – Undertakings

1. Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.
2. In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

1. Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.
2. Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.
3. The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principals

1. In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principals:
 - a. The recognition of the regional or minority languages as an expression of cultural wealth;
 - b. The respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;
 - c. The need for resolute action to promote regional or minority languages in order to safeguard them;
 - d. The facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

- e. The maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;
- f. The provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;
- g. The provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;
- h. The promotion of study and research on regional or minority languages at universities or equivalent institutions;
- i. The promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertaking entered into Article 2, paragraph 2

Article 8 – Education

102. The Department has considered the points which are valid to pre-school and primary education and these are listed below:-

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

- a)
 - i. to make available pre-school education in the relevant regional or minority language; or
 - ii. to make available a substantial part of pre-school education in the relevant regional or minority languages; or
 - iii. to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or
 - iv. if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;
- b)
 - i. to make available primary education in the relevant regional or minority language; or

- ii. to make available a substantial part of primary education in the relevant regional or minority languages; or
- iii. to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or
- iv. to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

103. In considering the Charter, the Department meets its obligations.

Effective Pre-School Provision In Northern Ireland (EPPNI) Pre-School Experience And Key Stage 2 Performance in English And Mathematics (2010)

From the report the Department notes the following Pre-School Variables (page 3) are detailed below:-

- **Types of Pre-school** : After allowing for the effects of background factors there is clear evidence of pre-school effects persisting to the end of Key Stage 2 for children who attended a nursery school/class or playgroup. The beneficial effects for children who attended nursery school/classes or playgroups appear to be the result of the generally higher quality of these types of provisions. There were no significant effects associated with other types of pre-school.
- **Quality of Pre-school:** After allowing for the effects of background factors there is clear evidence of quality of pre-school effects persisting to the end of Key Stage 2. High quality pre-schools show consistent effects that are reflected not only in improved attainment in Key Stage 2 English and mathematics, but also improved progress in mathematics over the primary school years. Children who attended high quality pre-schools were 2.4 times more likely in English, and 3.4 times more likely in mathematics, to attain level 5 than children without pre-school experience.
- **Pre-school Peer Group Composition:** Where the pre-school had a higher percentage of children whose mothers had a degree then attainment in Key Stage 2 English tended to be higher. This finding suggests that there are peer group influences upon child attainment. The effect was only just statistically significant.

From the main findings in the report the following Pre-School Variables (page 9) are detailed below:-

- **Pre-school versus No Pre-school:** having allowed for background variables, there is a significant beneficial effect of attending a pre-school for attainment in Key Stage 2 mathematics but not English, with the pre-school group being twice as likely to attain

level 5 as the no pre-school group. However, there is no effect of pre-school for progress.

- **Types of Pre-school:** allowing for background variables, there is a significant beneficial effect of attending a nursery school/class for Key Stage 2 English attainment, with the nursery school/class group being over 3 times more likely to attain level 5 as the no pre-school group. Also playgroup children are about twice as likely to attain level 4 as the no pre-school group. There is a significant beneficial effect of attending a nursery school/class or playgroup for attainment in Key Stage 2 mathematics, with the nursery school/class group being almost 3 times as likely to attain level 5, while the playgroup children are over twice as likely to attain level 5, as the no pre-school group.
- **Quality of Pre-school:** having allowed for background variables, there is a significant beneficial effect of attending a high-quality pre-school for attainment in Key Stage 2 English. The high-quality group is 2.4 times as likely to attain level 5 as the no pre-school group. The low and medium quality pre-schools do not show statistically significant effects. There is a significant beneficial effect of attending a high-quality pre-school for attainment in Key Stage 2 mathematics, with the high quality group being 3.4 times as likely to attain level 5 as the no pre-school group. The benefits of high-quality pre-school persist into progress in numeracy over the primary school years.
- **Pre-school Group Analyses:** of the pre-school characteristics: pre-school adult/child ratio, pre-school staff qualifications, pre-school group composition in terms of average cognitive ability of children in the pre-school at the start of the study, and percentage of children's mothers with a degree, only pre-school group composition in terms of percentage of children's mothers with a degree showed any significant effect. The effect was only just statistically significant and applied only to the comparison between attaining level 3 or below versus level 5 for Key Stage 2 English.

104. The Department notes in the conclusion the following is stated *"In a technologically sophisticated world a population's educational attainment is likely to be increasingly important for a nation's economic development. This study shows the factors that can influence such attainment. The effects associated with various child and family background variables in this study are very similar to those frequently reported in other studies. In addition, pre-school education is important. In Northern Ireland, certain types of pre-school, in particular nursery classes/schools and playgroups, have an influence upon academic attainment at the end of primary school and these effects are linked to high quality pre-school experience for the children. The beneficial effects of high-quality pre-school are seen more strongly for mathematics and can even produce greater progress in mathematics during the primary school years. This indicates that high quality pre-school not only improves children's ability at the start of school but also*

can improve the capacity for learning in subsequent years. Hence high-quality pre-school is an important part of a nation's infrastructure for education of the population and economic development."

Report on the Educational Outcomes of Pre-school IM Education

105. As set out above, the CfC references the Department's 2020 "*Report on the Educational Outcomes of Pre-school Irish-medium Education*" stating that the report recommended extending the number of statutory nursery settings as a means of ensuring consistency of experience for all pupils.
106. In the response to the research report September 2020, which recommended extending the number of statutory nursery settings as one way of addressing the "perceived variation between statutory and voluntary IM pre-school settings", alongside providing the required levels of curriculum and linguistic support and continuing professional development for all settings, the Department accepted the overall recommendation in principle, noting that the findings of the report point to general inconsistency in quality of provision, lack any evidence of variation in outcomes for learners and highlight similar areas for development across both statutory and non-statutory pre-school provision. In relation to the second part of the recommendation referred to in the CfC - extending the number of statutory nursery settings – the Department's position, as per the published response, is that any proposals will be considered on a case-by-case basis and subject to the statutory DP process.

Quality of Education at Naíscoil na Daróige

107. Naíscoil na Daróige was originally inspected in January 2019 by the ETI and was evaluated as having important areas for improvement, namely to:-
- review the organisation of the day to ensure that children benefit from long periods of sustained free play that is not overly adult-directed;
 - make effective use of the observations and assessment of the children's learning to inform future planning and provide progression in learning for all of the children;
 - develop a robust process of self-evaluation and action planning leading to improvement in the quality of provision and the outcomes for the children; and
 - develop further the capacity of the assistants in the Irish language.
108. The ETI carried out an interim follow-up visit in September 2019 and a monitoring visit in March 2022. The follow-up inspection, carried out in December 2022 was impacted by ASOS meaning the Inspectors were unable to observe learning and teaching. As a result, the Naíscoil was unable to provide a complete inspection evidence base to demonstrate the Naíscoil's progress in addressing the areas for improvement identified in the original inspection report.

109. The follow up inspection of December 2022 noted some key actions and changes and in the interval since the original inspection, the Naíscoil staff and management committee have received external support, from an early years specialist from Altram, with aspects of provision for learning and leadership and management. The following are the key actions or changes which affect the work of the Naíscoil:-

- The Naíscoil development plan and action plans were updated in light of the inspection findings;
- A number of significant staffing and management changes were made, which included the appointment of: a new leader and Naíscoil assistants; a new chairperson and members of the management committee; and an early years specialist from Altram;
- The Irish language capacity of all the staff has improved significantly;
- The cycle of planning, observation and assessment was reviewed and Amended;
- The organisation of the session and layout of the playroom was changed, and a sensory room was developed;
- A collaborative process of self-evaluation and planning for improvement was established; and
- The Naíscoil developed partnerships with other settings, both from within and beyond the IM sector.

110. The report concluded the revised area for improvement is now to “continue to embed, monitor and evaluate the actions taken to bring about improvement in relation to: the organisation of the session; the cycle of planning, observation and assessment; and the process of self-evaluation and planning for improvement”.

111. The Department notes the ETI has been unable to evaluate the Naíscoil’s progress in effecting the required improvements in the quality of its education provision for a period of four years and the ETI will continue to monitor the Naíscoil’s progress.

Pre-school enrolment

112. **Table 2** provides details of admissions to Naíscoil na Daróige over the past five years. The EA Pre-School Admissions Office advised that at the conclusion of the 2023/24 admissions process the Naíscoil received 19 first preference applications for places, with a total of 22 applications and 21 of the applicants accepted for admission. The Department notes that none of these applications were underage as funding via PEG is only provided for target age pupils.

113. Although the number of admissions year-on-year is below the 26 places proposed for the nursery unit, Naíscoil na Daróige has consistently provided between 20-24 funded

pre-school places over the last four years indicating a strong demand for IM pre-school places.

114. **Table 10** shows the application history of the IM pre-school provision in the area. It demonstrates that the statutory nursesey places fill up first. It also demonstrates that there are a considerable number of underage children applying for places with six underage children being admitted in the 2022/23 and 2023/24. **Table 10** illustrates that Naíscoil na Daróige has never had a total of 26 applications.

Table 10 – Historical Admissions to IM Pre-school providers

Funded Provider	2020/21 PEG Places	Total Apps		Total Accepted for Adm		2021/22 PEG Places	Total Apps		Total Accepted for Adm		2022/23 PEG Places	Total Apps		Total Accepted for Adm		2023/24 PEG Places	Total Apps		Total Accepted for Adm	
		Tar. Age	Under Age	Tar. Age	Under Age		Tar. Age	Under Age	Tar. Age	Under Age		Tar. Age	Under Age	Tar. Age	Under Age		Tar. Age	Under Age		
Naíscoil na Daróige (2BB0511)	23 pt	23	0	23	0	23pt	12	0	12	0	22 pt	23	0	23	0	22	22	0	21	0
Naíscoil Chomchille (2AB0071)	14 pt	12	0	12	0	14 pt	8	0	8	0	N/A	N/A	N/A	N/A	N/A	11	13	0	11	0
Naíscoil Éadain Mhóir (2946646)	26 ft	31	15	26	0	26 ft	29	11	26	0	26 ft	20	11	20	6	26 ft	31	17	26	0
Naíscoil Dhoire (2936574)	26 ft	26	15	26	0	26 ft	28	15	26	0	26ft	30	13	26	0	26 ft	24	17	20	6
TOTALS		92	30	87	0		77	26	72	0		73	24	69	6	33	88	32	78	6

Source – EA Admissions office. pt – part-time ft- full-time

NB: Voluntary playgroups are only funded for Target age children

Level of Need for Pre-school provision in the area

115. 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.
116. The current level of pre-school education provision within both a one-mile and two-mile radius of the school is used as an indicator of current capacity to meet need for pre-school education provision in urban areas 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.
117. The number of pre-school education places and associated percentages are measured against the Year One enrolments for the 2019/20, 2020/21, 2021/22 and 2022/23 academic years using school census data. The analysis of provision below is based on the discontinuation of the part-time funded places currently provided in the voluntary playgroup, and the introduction of 26 part-time statutory nursery places as proposed.
118. The statistical information available in relation to the level of funded pre-school education provision is as follows:-

Table 11 - Level of Provision – all sectors - one mile radius of Gaelscoil na Daróige

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
2019/20	78	46	0	124	278	44.6%	0
2020/21	78	45	0	123	277	44.4%	0
2021/22	78	38	0	116	252	46.0%	0
2022/23	78	42	0	120	228	52.6%	1
Proposed	104	20	0	124	228	54.4%	-

Source: School Census

119. The level of pre-school education provision within a one-mile radius of Gaelscoil na Daróige has been considerably below the planning figure of 95% in each of the last four years. This could suggest that there are insufficient levels of pre-school provision in the immediate area surrounding Gaelscoil na Daróige. If approved, the proposed level of pre-school education provision within the one-

mile radii would increase to 54.4%, which is still significantly below the planning figure.

Table 12 Level of Provision – all sectors – two-mile radius of Gaelscoil na Daróige

Year	Statutory places	Non-statutory places	Reception places	Total pre-school provision	P1 places	Level of pre-school provision (% of P1 places)	Underage children in statutory places
2019/20	676	90	0	766	739	103.7%	19
2020/21	676	77	0	753	767	98.2%	55
2021/22	676	71	0	747	715	104.5%	50
2022/23*	676	58	0	734	679	108.1%	70
Proposed	702	36	0	738	679	108.7%	-

Source: School Census

120. The level of pre-school education provision within a two-mile radius has been above the planning figure of 95% in all of the last four years and would further increase to 108.7% provision after the proposed change. There have also been significant numbers of penultimate aged children enrolled in statutory pre-school provision, further suggesting over provision in the area.

121. The EA PEG has advised that two children living in the area remained unplaced at the end of the pre-school admissions process for 2021/22, suggesting that there may have been some under provision, however neither of these children applied for an IM pre-school place, and Naíscoil na Daróige had capacity to accept additional children had they applied. There were five unplaced children in the area in 2020/21 and one in 2019/20, and PEG has indicated that several English-medium providers as well as Naíscoil na Daróige had capacity to increase the number of places offered, should this be required. In 2020/21, two of the five unplaced applicants listed an IM pre-school as their 4th preference and the one unplaced child in 2019/20 did not select any IM pre-schools as a preference. Overall, this suggests that the level of provision is currently sufficient to meet demand for pre-school provision for both English and IM pre-school education provision within the two-mile radii.

Table 13 Level of Provision – all sectors – five-mile radius of Gaelscoil na Daróige

Year	Statutory places	Non-statutory places	Reception places *	Total pre-school provision	P1 places	Level of pre-school provision (% of P1 places)	Underage children in statutory places
2019/20	1248	127	2	1375	1372	100.2%	62
2020/21	1248	114	3	1362	1363	99.9%	77
2021/22	1248	107	1	1355	1328	102.0%	86
2022/23	1248	94	5	1342	1302	103.1%	102
Proposed	1274	72	-	1346	1302	103.4%	-

Source: School Census

*Although reception provision is included in Table 12 above, it is not included in the total pre-school provision figures as reception is not part of the PSEP.

122. The level of provision within the five-mile radius has been above the planning figure in each of the last four years. There have also been very high levels of underage children in each of the last four years. If approved, the proposed level of pre-school education provision within the five-mile radius would increase to 103.4%, which is above the planning figure. Overall, this would suggest that there is more than adequate pre-school provision in the area for all sectors.

123. As previously stated, at paragraph 17 the number of births is due to decline within the LGD. The Department notes that during the last four years a total of 112 underage applications have been submitted to statutory IM settings which has resulted in six underage children being admitted to Naíscoil Éadain Mhóir in 2022/23 and six underage children were accepted to Naíscoil Dhoire statutory nursery unit in 2023/24. This demonstrates that a considerable number of underage IM pupils apply to statutory settings.

Irish-medium Education in the area

124. As well as the voluntary pre-school provision at Naíscoil na Daróige, there is one statutory Irish-medium pre-school education setting within a two-mile radius, namely Bunscoil Cholmcille which provides 26 full-time pre-school places. Another local non-statutory Irish-medium provider within the two-mile radius, Naíscoil Cholmcille, was withdrawn from PSEP for the 2022/23 academic year as they failed to meet the minimum requirement of six applications³.

125. The CfC sets out that the number of admissions to the pre-school provision at Naíscoil na Daróige has been between 16-23 in each of the last five years (CfC

³ Additional information added October 2023: This setting returned to the PSEP for the 2023/24 academic year and currently provides 11 funded Irish medium pre-school education places.

Table D Pg.8). This is an increase since DP 454 was submitted, when the Naíscoil had admitted between 10-17 children in the previous three years. This suggests that parents in the area may have a preference for IM pre-school education provision, and that demand may be increasing.

126. The table below shows that the number of first preference applications to the setting has varied over the last four years (although the overall number of children admitted has stayed quite level), and every child whose parents wanted an IM pre-school place for them was offered an IM pre-school place each year.

Table 14 – 1st Preference Application Rates for Naíscoil na Daróige

Year	Number of 1 st Preference Applications at End of Admissions Process	Total Number of Target Age Children Admitted to Funded Place
2019/20	16	22 (PAN 22)
2020/21	22	23 (PAN 23)
2021/22	14	16 (PAN 23)
2022/23	22	22 (PAN 22)

Source: School Census & Education Authority

127. The statistical information available in relation to the level of IM funded pre-school provision is as follows:

Table 15 - Level of IM pre-school education provision – two-mile radius of Gaelscoil na Daróige

Year	Statutory places	Non-statutory places in IM settings	Reception places	Total pre-school provision (ex reception)	P1 places	Level of pre-school provision (%age of P1 places)	Underage children in statutory places
2019/20	26	36	0	62	35	177.1%	0
2020/21	26	37	0	63	40	157.5%	0
2021/22	26	27	0	53	45	117.7%	0
2022/23	26	22	0	48	29	165.5%	0
As Proposed	52	0	0	52	29	179.3%	-

Source: School Census Data

128. The proposed level of Irish Medium provision has been significantly higher than the planning figure of 95% in each of the last four years, which suggests there is

over provision in the area, which would increase further if the proposal were approved. This is supported by the fact that every child whose parents selected an Irish-medium pre-school as their first preference in each of the last three years was offered an Irish-medium place, and the Naíscoil had capacity to increase provision in each year, had it been needed. A non-statutory Irish-medium pre-school setting (Naíscoil Cholmcille) was removed from the PSEP programme in the 2022/23 academic year for not reaching the minimum enrolment figures. This data would further reinforce that there is already significant over-provision of funded Irish-medium pre-school education provision in the area.

RECENT CHANGES IN PROVISION

129. Naíscoil Cholmcille, an IM pre-school within a two-mile radius of Gaelscoil na Daróige, was withdrawn from PSEP for the 2022/23 academic year as they failed to meet the minimum requirement of six applications. They are included as a PSEP provider in the admissions process for the 2023/24 academic year and have an admissions number of 10 with eight first preference applications received at stage 1 of the admissions process.
130. Another non-statutory pre-school setting within the two-mile radius (St Bernadette's Playgroup) was also removed from the PSEP for 2022/23, having voluntarily taken the decision to remove themselves from the programme. This setting has not returned to the programme for the 2023/24 academic year.

TEMPORARY FLEXIBILITY

131. Temporary Flexibility (TF) permits an increase in class size, up to a maximum class size of 30, for nursery schools and nursery units in certain circumstances. TF is available to address a shortage of pre-school places for children in their target pre-school year (i.e. children in their immediate pre-school year who have not already received a year of funded pre-school education as a target aged child) within an area which cannot be met by any other pre-school provider as part of the PSEP. The area considered is defined as two-mile radius of pre-school in Belfast city and Derry/Londonderry city and five-mile radius in all other areas. Where Irish-medium or Integrated Education (IE) provision is selected by the parent as first or only preference, specific consideration will be given to availability of places in alternative IM or IE provision.
132. The Department will also consider requests for the admission of target age twins / multiples where the last place has been allocated to one of the siblings. In line with legal advice, the EA or DE may demonstrate flexibility in the application of this policy where appropriate, and where there are clear reasons to do so. If EA PEG consider other issues relevant and use them to inform their assessment and recommendation to the Department, this must be clearly recorded in the EA PEG advice to the Department.

133. TF is not designed to enable schools to admit additional pupils whose circumstances were not sufficiently prioritised within the admissions criteria set by the Board of Governors, or solely to meet parental preference for one setting.
134. Schools must confirm they can maintain the staff: child ratio of 1:13 and that accommodation can support the increased class size.
135. An approved TF in enrolment/class size applies for one academic year only and is for the children named in the TF request. The school/unit will revert to its original enrolment/class size at the end of that academic year. If the children named in the TF request do not take up their place, the number of additional TF places approved will reduce accordingly (unless a revised request is submitted and approved).
136. Schools submit TF requests to the EA for consideration by the EA PEG. A recommendation with supporting information on capacity in the area is provided to the Department's Learning to Learn team, who assesses the request and makes a final decision.
137. All approvals are in line with the TF policy, the vast majority based on either a shortfall of places within the relevant area or twins / multiples. The only reason a TF will be approved outside of these criteria is under instruction of a Minister or court.

Table 16 – Temporary flexibility requests for pre-school provision within two miles of Gaelscoil na Daróige (Source EA PEG)

Year	Requests for Additional Pre-school Places	Approved	Not Approved
2019/20	36	13	23
2020/21	9	5	4
2021/22	21	2	19
2022/23	10	2	8
Total	76	22	54

138. **Table 16** sets out the number of requests for additional pre-school places requested in a two-mile radius of Gaelscoil na Daróige through Temporary Flexibility over the past four years. (Full details of the TF requests are available at **Appendix E (Early Years Input Annex D)**)

139. The requests that were not approved were not supported by the EA PEG because there was sufficient provision in the area to meet demand and subsequently those additional places were not approved by the Department.
140. There is one Irish Medium statutory nursery unit in the area, Bunscoil Cholmcille. There has only been one request for TF in this setting in the past four years. The request was for an additional place for a [REDACTED] whose siblings had been placed at Bunscoil Cholmcille in the 2022/23 academic year and the request was approved.

RECEPTION PROVISION

141. Gaelscoil na Daróige does not provide reception places and no other schools within the two-mile radius provide reception places.

IMPACT ON VOLUNTARY AND PRIVATE SECTOR PROVIDERS

142. 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 PSEP.
143. The CfC (page 8) sets out that admissions to Naíscoil na Daróige have been consistent in recent years, with the setting admitting between 22 and 23 children in four of the last five years, the exception being the dip to 16 children in 2021/22. The EA has advised that every child who has applied for a place at the setting in each year received the offer of a place. This suggests that statutory pre-school education provision at the setting could be sustainable, although the historical enrolments to the voluntary playgroup could suggest that the setting may not fill all the proposed additional places with target age children.
144. As the proposal is to transform the existing voluntary PSEP funded provision to new statutory provision, it is not expected that this would have a significant impact on most other providers in the area, although it is possible that the increased number of pre-school places proposed could displace some existing good quality provision in the area and further increase the level of underage children accessing funded pre-school places. It is possible that the non-statutory provision at Naíscoil Cholmcille could see a drop in demand if the increase in demand that the CfC anticipates were to happen as predicted. From **Map 3** it is demonstrated that there is no clearly defined catchment area and there is general overlap in natural catchment of pupils.

145. **Table 17** below shows provisional first preference data from the EA for the 2024/25 year at the start of the admissions process for pre-school (figures are subject to change at the conclusion of the process). It demonstrates that the total number of first preference applications to IM pre-schools settings has declined from 71 to 65. The Department notes that the number of approved places at Naíscoil na Daróige has reduced from 22 to 21 places.

Table 17 First Preference application (start of process)

School	Official Admission Number	1st Preference 2024/25	1 st Preference 2023/24
Naíscoil Dhoire PS NU (Derry)	26	17	17
Naíscoil Éadain Mhóir PS NU (Derry)	26	23	26
Naíscoil Cholmcille PG (Derry)	11	10	9
Naíscoil na Daróige PG (Derry)	21	15	19
		65	71

Source – EA at the start of the admissions process (figures subject to change)

RESOURCE IMPLICATIONS

146. All schools receive a delegated budget for the financial year (April to March) on the basis of verified enrolments as at the October school census in the prior financial year. Any new provision (including new nursery units) opening during the year are a pressure for the Department’s “New Schools and Units” fund.

147. PEG places are funded by the Department and the EA is a conduit for the payment of £215 per child per month (£2150 per child per year). If DP 685 is approved, the PSEP payment would cease, and the Naíscoil would be funded the same as any other statutory setting. This means the nursery unit will be managed by the BoG of Gaelscoil na Daróige who will be accountable for the unit’s running costs. Under Local Management of Schools (LMS) arrangements the school will receive appropriate funding for its nursery unit pupils.

148. Based on current values an equivalent 26 part-time place nursery units established in primary schools, DE finance colleagues estimate:-

- an in-year budgetary need of circa £36k, charged against the Department’s ‘New Schools and Units’ fund for new provision; and
- an annual budgetary cost of circa £62k, charged against the Aggregated Schools Budget.

Staffing

149. The nursery unit would require one qualified teacher plus a classroom assistant. The average teaching cost for a nursery teacher is approximately £62k per

annum. Additional staffing costs would be met from the school's delegated budget.

150. The ETI has noted that currently there is a suitably qualified IM teacher employed at Naíscóil na Daróige.

Accommodation

151. The CfC states that the current pre-school room meets the minimum requirements for 26 pupils. The room which is approximately 20 years old could be utilised until a modular unit is provided by the Department. If the proposal is successful, before any decision could be made on the provision of a new modular unit, Estate Operations Team (EOT) would engage with the EA to conduct a condition survey on the current accommodation and establish if any works could be carried out to improve facilities.
152. The classroom was provided by the community when the school was first opened. The classroom is an old porta cabin and requires frequent maintenance work. If it is found that a new modular nursery unit is required, this will be subject to a feasibility report and business case. A new modular unit would cost in excess of £500k and lead in times for delivery would be in the region of 18 months.

FUTURE POLICY DIRECTION

153. In September 2022 the previous Minister indicated her intention to standardise the session length for funded pre-school education provision. This is in line with both the Fair Start Report, which includes an action that "*DE should standardise the length of pre-school education day to at least 4.5 hours per day, including access to free school meals for eligible children, thereby improving equality of provision*" and the New Decade New Approach Deal (NDNA) commitment: "*The Executive will publish a Childcare Strategy and will give immediate priority to developing arrangements to deliver extended, affordable, responsive, high quality provision of early education and care initiatives for families with children aged 3-4.*"
154. Funding has been committed for a Scoping study intended to build an independent evidence base on the current state of the sector in terms of its readiness for standardisation and the potential options, costs, and timescales for this. The scoping report will enable the Department to establish, **subject to Executive agreement and funding**, an implementation plan for the phased roll out of a universal, standardised, funded pre-school session length. It is

recognised that implementation will take time, however, it is reasonable to consider the potential impact of pre-school standardisation on this DP.

155. The standardisation of pre-school session length will require additional capacity to be created within the pre-school sector across Northern Ireland, although the level of additional capacity required will differ from area to area.
156. Within the two-mile radius of Gaelscoil na Daróige, there are no afternoon places which would need replaced, either through additional classes within existing settings, or new classes in settings that currently do not deliver PSEP provision. There may still need to be additional provision established in the area to facilitate a standardised pre-school session.
157. In order to ensure that the Department's aim of a place for every target-aged child whose parents want it is maintained, the roll out of standardisation will need to be carefully managed in order to ensure that sufficient places are available at every stage of the roll out. While it is not yet possible to provide a timescale, additional provision may be required within the two-mile radius of Gaelscoil na Daróige to support the roll out of a standardised pre-school session length in the area.
158. As set out above, the Department is unable to conclude that the proposed additional provision at Gaelscoil na Daróige is currently necessary at this time; however in line with the statutory duty and taking into account parental demand for provision of statutory IM pre-school provision in the area, it would seem reasonable that in due course full time pre-school provision at Gaelscoil na Daróige should be considered in respect of plans for the standardisation of the pre-school session length in the Derry and Strabane area.
159. The Department is considering options to streamline the development and planning processes to facilitate a smooth transition to a standardised pre-school session length on a phased basis. The information provided in relation to this proposal will be taken into consideration when planning for standardisation in the area. Officials are seeking to minimise the administrative burden on settings wishing to establish new pre-school education provision as part of this process; as such, Gaelscoil na Daróige is not required to take any additional steps in order for the proposal of full-time pre-school provision at the school to be considered during the planning for pre-school standardisation.

CONCLUSION

160. The Department's primary statutory duty is to promote the education of the young people of Northern Ireland and to ensure the effective implementation of education policy. From an area planning perspective, the aim is to achieve a network of viable and sustainable schools that are of the right type, the right size, located in the right place and have a focus on raising standards. The Department also aims to provide a funded pre-school education place for every target-age child whose family want it.
161. It is also the Department's practice, where possible, not to displace good quality pre-school provision already in existence with pre-school provision at an alternative setting; however, displacement is not a significant issue in this proposal.
162. This proposal is not substantively adding further pre-school places to this area nor is it creating a new additional pre-school setting. This proposal is essentially a change in the management type of the existing pre-school setting (Naíscoil na Daróige) from a voluntary to a statutory setting.
163. This proposal was previously published in 2016 under DP 454 but it was not approved by the then Minister now Lord Peter Weir who stated *"taking into account all advice of officials, submissions by the various bodies and thereafter reflecting on Article 89 duty. I don't believe that it would be a sustainable proposal in the long run"*. This is clearly no longer the case as the evidence and sustainability assessment clearly demonstrates that Gaelscoil na Daróige is on a trajectory of meeting the enrolment threshold for a sustainable urban primary school.
164. There is further evidence and factors which supports recommending this proposal for approval.
- The level of pre-school education provision within a one-mile radius (all sectors) of Gaelscoil na Daróige has been considerably below the planning figure of 95% in each of the last four years. This could suggest that there is insufficient levels of pre-school provision in the immediate area surrounding Gaelscoil na Daróige. If approved, the proposed level of pre-school education provision within the one-mile radii would increase to 54.4% which is still significantly below the planning figure.
 - The Department notes that overall, the level of provision within a two and five-mile radius of Naíscoil na Daróige is above the Department's target figure. However, if the proposal was approved there would be a marginal

increase in provision in the area with four additional IM pre-school places added.

- The CfC asserts that the symbiotic nature of the relationship between pre-school and primary provision is key to achieving sustainability. It considers that the proposed change in status of Naíscoil na Daróige would strengthen the link between it and Gaelscoil na Daróige which would ultimately result in even greater enrolment.
- The proposal is supported by CnaG and in line with the EA’s obligation to support the Department of Education in its duty to encourage and facilitate the development of IM, the EA supports the proposal.
- There were no objections to this proposal submitted during the statutory objection period and two letters supporting the proposal.

165. In the Department’s response to the research on the outcomes of pre-school Irish-medium education,⁴ the Department accepted in principle that it recommended extending the number of statutory nursery settings as one potential means of addressing the perceived variation in experience for all pupils. *“In relation to extending the number of statutory nursery settings, proposals for new statutory nursery provision are a matter for the statutory planning authorities (EA and CCMS) working with CnaG and proposers to bring forward robust cases for change. Any proposals will be considered on a case-by-case basis and subject to the statutory development proposal process.”*

166. Input from IID advises both the Naíscoil and Gaelscoil na Daróige are located on the same site which has recently been expanded because of Departmental investment in acquiring land beside the school which will allow for future expansion. It would therefore be logical that in approving the proposal would contribute to providing a comprehensive statutory setting for the future development of the school.

167. The Irish Medium and Integrated Education (IMIE) Policy Team have considered this proposal and concluded:

“...increased enrolment at primary school level; accommodation matters being likely to require consideration regardless of the decision taken in relation to this proposal; and no objections being raised to the proposal. Overall, while the

⁴ [de-response-to-research-report-on-im-pre-school-provision \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/de-response-to-research-report-on-im-pre-school-provision)

statutory duty has been considered, IMIE team considers there are particular points on which the duty may be argued to carry more weight.”

168. The Early Years Policy Team (EYT) have considered this proposal and concluded:

“Based on all the information available and taking into account the statutory duties placed upon the Department, EYT considers that the proposed change could be considered to be reasonable, although it is not necessary to meet current or projected demand for Irish medium pre-school education in the area. After considering the comments provided by the EA and the consistently high level of applications and enrolments to the existing pre-school provider over a number of years EYT has concluded that the requested statutory nursery unit would be unlikely to have a detrimental impact on other current pre-school education provision in the area.”

169. Analysing the factual evidence contained in this proposal, the commentary received in support of the proposal, internal policy team inputs including comments from IID and the ETI, there is sufficient justification for you to consider approving this proposal.

170. In addition to the above there is also the statutory duty placed on the Department to encourage and facilitate the development of IM education and also case law which effectively allows the Department to facilitate and encourage the IM sector in ways that it need not for other sectors by taking positive steps or removing obstacles which inhibit delivery of the statutory duty – cumulatively our analysis in this submission recommends that you approve this proposal.

RECOMMENDATION

171. It is recommended that you:

- (i) Approve DP 685 with a modification: *‘A statutory nursery unit will be established at Gaelscoil na Daróige to provide 26 part-time nursery places, with effect from 1 September 2024 or as soon as possible thereafter.’*
- (ii) Agree that this submission, with appropriate redactions, will be published on the Departments website once the school and the EA have been informed of your decision.

cc:

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