

Subject:

**OPEN ENROLMENT IN NURSERY SCHOOLS:
NEW ARRANGEMENTS FOR SEPTEMBER 2012
ADMISSIONS**

**Circular Number:
2011/12**

Date of Issue:

24 October 2011

Target Audience:

- Principals and Boards of Governors of all Grant-Aided Nursery Schools; Grant-Aided Primary Schools with Nursery Provision;
- Education and Library Boards;
- The Council for Catholic Maintained Schools.
- The Education and Skills Authority Implementation Team

Summary of Contents:

This Circular advises Principals and Boards of Governors of the arrangements for the application of open enrolment procedures to admissions to nursery schools and nursery classes in primary schools which will apply for the 2012/13 school year. You should continue to use the parental preference application form for all pre-school providers introduced last year.

Please note paragraphs 10, 11 and 36 which set out new procedures affecting the admission to nursery provision of children in their penultimate pre-school year.

A revised timetable for the 2012/13 arrangements is set out in Annex 1.

Please note: The text below contains references to the Education and Library Boards (ELBs) and the Council for Catholic Maintained Schools (CCMS). All references in this circular to the ELBs and CCMS should be interpreted as applying to the new Education and Skills Authority (ESA) when it comes into operation.

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**Governor Awareness:
Essential**

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Boards of Governors**

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OPEN ENROLMENT IN NURSERY SCHOOLS

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INTRODUCTION

1. Part V Chapter II of The Education (Northern Ireland) Order 1998 sets out the statutory requirements for the admission of children to pre-school education at grant-aided schools. Article 21 of the Education and Libraries (Northern Ireland) Order 2003 amends Article 23 of the 1998 Order. Parents are required to express in order of preference the nursery school/class in which they wish pre-school education to be provided for their child.
2. This Circular sets out for Principals and Boards of Governors the arrangements for the application of open enrolment procedures to admissions to nursery schools and nursery classes in primary schools (in some cases referred to as a nursery unit). Education and Library Boards (hereinafter referred to as boards or board), however, have a key role as they are required to make the arrangements to enable parents of a child resident in the board area to express their preferences as to nursery school/class they wish their child to attend and also give publicity to the arrangements which will apply.
3. The guidance offered does not constitute an authoritative legal interpretation of the Education (Northern Ireland) Order 1998 or the Education and Libraries (Northern Ireland) Order 2003 or regulations made under these Orders.
4. **It is important to note that schools may have a duty to verify information contained within admission applications if they are to ensure the correct application of their admissions criteria. For further advice and information on the duty to verify, this circular should be read in conjunction with Circular 2011/20 which advises principals and Boards of Governors on the duty to verify information contained within applications for admission.**

SUMMARY

5. The main features of open enrolment in nursery schools and classes are:-
 - i. The Department determines the full-time and/or part-time enrolment number for each school;
 - ii. Education & Library Boards make arrangements to enable parents to express their preference as to the nursery school/class they wish their child to attend. They are also required to publish the criteria (called 'admissions criteria') which schools will use to select children in the event of their being oversubscribed with applications: these criteria must be capable of selecting children down to the last available place;
 - iii. **parents** have the right to express their preference as to the nursery school/class they wish their child to attend. Schools must also comply with a preference expressed by a parent, for admission of a child up to their full-time and/or part-time enrolment number;
 - iv. **parents** also have the right to appeal to an independent appeal tribunal only if they consider that the school/class has not applied its admissions criteria or has not applied them correctly;
 - v. please note the new admissions procedures which will seek to maximise uptake from children in their final pre-school year. These are set out in the Timetable at Annex1; and

- vi. **schools** must give priority to children resident in Northern Ireland at the time of proposed admission.

APPLICATION OF CIRCULAR

6. The arrangements set out in this Circular will apply to admissions to nursery schools and nursery classes in primary schools for the 2012/13 school year. They will apply to the admission of children who have not attained the lower limit of compulsory school age.

BOARDS' ARRANGEMENTS FOR ADMISSION TO PRE-SCHOOL EDUCATION AT GRANT-AIDED SCHOOLS

7. **Article 21 of the Education (Northern Ireland) Order 2003** requires each board to make arrangements for the parent of a child resident in the area of the board to express (in order) preferences as to the school at which he wishes pre-school education to be provided for his child and where any of those schools/classes provide both full-time and part-time pre-school education to express his preference as to which kind of pre-school education he wishes to be provided for his child and to give reasons for his preferences.

8. **The details of the arrangements to apply in each board area including the timetable for the admissions procedure, are for the boards to determine. However paragraphs 9 to 12 and the suggested timetable in the Annex offer guidance to boards on the form of the arrangements and to schools in considering applications for admission.**

APPLICATION FORMS

9. It is recommended that parents seeking a place for their child at a nursery school or a nursery class in a primary school be required to provide to schools all relevant information such as name (**as given on the child's birth certificate**), date of birth and address, brother/sister already attending together with **the child's birth certificate** and other supporting documentation as appropriate (see NOTE in paragraph 21). This will ensure that the Board of Governors will be able to consider the application against the school's admissions criteria without the need to seek further information from the parents. Boards will provide standard application forms which will be available in each school. A copy will be published with the information provided to parents about admission arrangements. (See also paragraphs 13 to 17). **Parents should be asked to nominate at least three preferences and should consider nominating across the sectors i.e. statutory and voluntary/private settings.** The importance of this should be particularly emphasized in areas where known pressures exist.

CONSIDERATION OF APPLICATIONS BY SCHOOLS – PLEASE READ CAREFULLY

10. Schools should consider all applications for admissions and admit pupils up to their approved enrolment number. In schools/classes which are oversubscribed, application forms for pupils who have not been accepted for admission at their first preference should be made available **promptly** to the parents' second preference school via the Education and Library Board. This process should be repeated for third preference schools etc. until all pupils are placed. **Schools/classes must adhere rigidly to the dates for the return of application forms at each preference stage. If it is not possible to convene meetings of the Board of Governors within the timescale they should make**

arrangements to delegate their responsibilities in this area to a sub-committee or the Principal to ensure the deadline is met.

11. The aim of the Pre-School Education Expansion Programme is to provide one year of high quality pre-school education for every child whose parents want it. The pre-school curriculum is designed for children in their final pre-school year and schools are required to give priority to these children in the admissions process.

Application forms in respect of younger children not in their final pre-school year will only be considered at Stage 2 of the admissions process in line with the attached Timetable at Annex 1.

In considering applications, it is recommended that Boards of Governors give priority consideration to all children in their final pre-school year including, where appropriate, late applications in preference to applications from children who will be in their penultimate pre-school year.

12. Further advice on the admissions procedure, particularly the admissions of children in their penultimate pre-school year, is available from your local Board Transfer Officer.

PUBLICATION OF INFORMATION BY BOARDS

13. **Article 33 of the Education (Northern Ireland) Order 1998** requires each board to publish details of the arrangements for the admission of children to pre-school education at each school in each school year, and of appeal mechanisms at such time and in such manner as the Department may direct.

In addition, the Education (School Information and Prospectus) Regulations (Northern Ireland) 2003 No 378 as amended, require each board to publish, in relation to each nursery school in its area particulars of:

- the expected number of pupils at the school and their age range; and
- the criteria for admission to the school.

14. The general information about the open enrolment arrangements and the information about individual schools for the 2012/13 school year must be published in advance of that year. The published information should set out the timetable for consideration of applications, explain to parents that they should send their application direct to their first preference school and emphasise the importance of submitting their application on time.

15. Parents should be able to obtain copies of the published information on request under the boards' general arrangements for parents to obtain information on schools. Reference copies should be kept at board offices and at each school and public library in the board area.

16. The board should also publish, in local newspapers, information that the booklets are available and the date by which application for admission to a nursery school or class should be made. Boards should also consider providing, on a joint basis, publicity of a general nature in regional media eg television, radio, newspapers etc at an appropriate time, to alert parents of children in their final pre-school year of the opportunity to make applications for pre-school education.

17. Schools' Boards of Governors should ensure that their admissions criteria are available in sufficient time for boards to include them in the information required under paragraph 14 above. See also paragraphs 19 to 27 for guidance about admissions criteria.

ROLE OF THE DEPARTMENT

18. The Department determines the full-time and/or part-time enrolment numbers for nursery schools and nursery classes in primary schools. Unless otherwise determined existing full-time and/or part-time enrolment numbers will continue to apply. The Department will notify Boards of Governors of new provision about the full-time and/or part-time enrolment numbers for the 2012/13 school year. This information will be made available to boards and the Council for Catholic Maintained Schools (CCMS).

ADMISSIONS CRITERIA

19. Regulations made under **Article 32 of the Education (Northern Ireland) Order 1998** require nursery schools and nursery classes in primary schools, when oversubscribed with applications to apply admissions criteria which ensure that available places are targeted at children in their final pre-school year who are from socially disadvantaged circumstances, ie children with a parent who is in receipt of Income Support or Income-based Jobseeker's Allowance and those with July/August birthdays. Some priority can also be given to the admission of children with special educational needs where Boards of Governors so wish (see paragraphs 22-25).

20. Responsibility for drawing up additional criteria to be applied when oversubscribed with applications rests with the Board of Governors, who must consider:

- in controlled schools, any representations made to it by the board; and
- in the case of a Catholic maintained school, any representations made to it by the CCMS.

21. **The Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999** apply to the admissions criteria used by nursery schools and nursery classes in primary schools. These Regulations REQUIRE the following matters to be included in criteria:

- a. the order of priority in which children shall be admitted to full-time pre-school education at the beginning of the school year where the number of applications for such admission exceeds the full-time enrolment number determined by the Department under Article 25 of the 1998 Order for the school for that school year;
- b. the order of priority in which children shall be admitted to part-time pre-school education at the beginning of the school year where the number of applications for such admission exceeds the part-time enrolment number determined by the Department under Article 29 of the 1998 Order for the school for that school year;
- c. the order of priority in which children shall be admitted to full-time pre-school education at any time after the beginning of the school year where the number of applications for such admission exceeds the number of vacant full-time places for

pre-school education for that school year;

d. the order of priority in which children shall be admitted to part-time pre-school education at any time after the beginning of the school year where the number of applications for such admission exceeds the number of vacant part-time places for pre-school education for that school year;

e. provision to give priority, in the following order of priority, to:-

- i. children from socially disadvantaged circumstances who will be aged 4 before 1 September in their final pre-school year;
- ii. children from socially disadvantaged circumstances who will be aged 3 before 1 September in their final pre-school year;
- iii. children not falling within sub-paragraph i. or ii. who will be aged 4 before 1 September in their final pre-school year;
- iv. children not falling within sub-paragraph i. or ii. who will be aged 3 before 1 September in their final pre-school year;

and who at the time of their proposed admission will not have a pre-school education place, whether full-time or part-time, at another school or any other premises.

NOTE: "Children from socially disadvantaged circumstances" means a child whose parent is in receipt of Income Support or Income-based Jobseeker's Allowance. When parents apply for places for their child on this basis they should have their application forms stamped by the Social Security Agency to confirm that they are in receipt of Income Support or Income-based Jobseeker's Allowance.

CHILDREN WITH SPECIAL EDUCATIONAL NEEDS

22. Boards of Governors are strongly urged to continue the traditional practice of giving some priority in the allocation of places to children with special educational needs within the arrangements. "Children with special educational needs", means, for these purposes, a child in their final pre-school year who should be treated as having special educational needs if, in the opinion of a board, they have significantly greater difficulty in learning than the majority of children of their age. The admissions criteria regulations enable Boards of Governors, should they so wish, to give some priority to such children in their final pre-school year by making reference to this within admissions criteria. This must however be after the required priority of allocating places to socially disadvantaged children and those with July/August birthdays but may be before allocation of places to other children in their final pre-school year.

23. To assist Boards of Governors, boards, in accordance with the regulations, will decide if a child should be treated as having special educational needs on the basis of consideration by the board of the evidence available from assessments by educational psychologists, designated medical officers and other such assessment as is deemed appropriate within the timescale available. The opinion of the board will be conveyed to the Board of Governors by the special education section of the board.

24. In a situation where a Board of Governors has more applications whom the board consider should be treated as having special educational needs than there are places available, then the Board of Governors should apply their other criteria, eg sibling relationships, geographical area etc to decide which such children are to be admitted.

25. It is not possible to “reserve” places for such children. All places must be allocated within the timetable in the Annex and in accordance with the arrangements in this Circular.

OTHER CRITERIA

26. Within the framework set out in paragraphs 19 to 21 above, the Department would expect that the criteria drawn up by Boards of Governors to enable them to select children for admission when oversubscribed with applications would take into account a range of factors. These could include the geographical location of the child's home relative to the school; whether the child has a family connection with the school or has a parent/guardian employed by the school; special factors (eg medical or social for which supporting evidence should be provided by the parents); and in the case of nursery classes in primary schools whether brother/sister (half brother/sister) is attending the primary school. **Where the geographical location of the child's home relative to the school is to be included as a criterion it should be made clear whether home refers to parents' home only or can include the home of a childminder.**

27. Admissions criteria are intended to enable the Board of Governors to make objective decisions about which children to admit to the school. Since the application of a school's admissions criteria is the key factor in an Appeal Tribunal's consideration of a parent's appeal against an admissions decision (paragraphs 28 and 29 refer), it is essential that the admissions criteria should:

- be objective;
- be capable of verification; and
- be capable of distinguishing between children down to the last available place.

Boards of Governors should ensure that their criteria for admission in 2012/13 and beyond take this into account. In terms of distinguishing between children down to the last available place, this means that it is obligatory for a pre-schools' admissions criteria to include a tie-breaker. DE recommendations for tie-breaker criteria are attached at Annex 2.

APPEALS

28. **Articles 27 and 31 of the Education (Northern Ireland) Order 1998** require boards to make arrangements enabling parents to appeal if they are dissatisfied with an admissions decision. The appeal will be to an Appeal Tribunal constituted by the relevant board in accordance with the **School Admissions (Appeal Tribunals) Regulations (Northern Ireland) 1998**. Boards should publish details of the arrangements for appeals against admissions decisions made by schools situated in their respective board areas.

29. Parents may appeal to a tribunal a decision refusing their child admission to a school only on the grounds that the Board of Governors, by or on whose behalf the decision was made, did not apply, or did not correctly apply, its admissions criteria. Decisions of Appeal Tribunals are binding on all schools and, consequently, children may be admitted to a

school in compliance with a direction given by an Appeal Tribunal, even though the school would thereby be exceeding its approved full-time and/or part-time enrolment numbers.

DETERMINATION OF FULL-TIME AND PART-TIME ENROLMENT NUMBERS

30. Many nursery schools and classes offer both full-time and part-time places; some offer part-time only. Full-time provision only can mean that in some areas optimum use is not made of available places. Full-time provision is of particular benefit to children with special needs and those from socially disadvantaged circumstances; where it is provided for these reasons, it should continue to be made available but should be kept under review.

31. Schools may not exceed their full-time and/or part-time enrolment numbers unless it is to admit a child in compliance with the findings of an Appeal Tribunal, or where a direction under Article 42 of The Education (Northern Ireland) Order 1996 to admit a child to a specified school has been made.

Consultation on Enrolment Numbers

32. **Articles 24, 25, 28 and 29 of the Education (Northern Ireland) Order 1998** require the Department to determine a full-time and/or part-time enrolment number for each nursery school and for nursery classes in primary schools in consultation with Boards of Governors and having also considered any representations made by the CCMS (Council for Catholic maintained schools) and the boards in relation **to all schools in their area.**

33. In determining the enrolment number for a school the Department is required to have regard, in particular, to:

- the requirements as to school premises under Article 18 of The Education and Libraries (Northern Ireland) Order 1986 as amended;
- the accommodation available for use by pre-school children; and
- the extent to which full-time and/or part-time pre-school places are to be provided in the school.

FULL-TIME ENROLMENT NUMBER

34. A school's full-time enrolment number is the maximum number of children which may be enrolled in a nursery school or nursery classes in a primary school in any school year.

The Department considers that the full-time enrolment number of each unit of a nursery school or a nursery class in a primary school offering full-time provision will be 26.

PART-TIME ENROLMENT NUMBER

35. A school's part-time enrolment number is the maximum number of children which may be enrolled in a nursery school or nursery classes in a primary school in any school year.

The Department considers that the part-time enrolment number of each unit of a nursery school or a nursery class in a primary school offering part-time provision will be 26.

PROCEDURES IN RESPECT OF CHILDREN ADMITTED IN THEIR PENULTIMATE PRE-SCHOOL YEAR

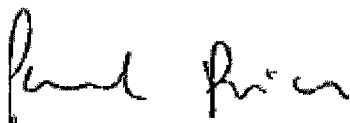
36. Where a child in their penultimate pre-school year is admitted to a school, there is no automatic entitlement to a second year's pre-school education. Parents will be required to make a new application for a further year's pre-school education which will be considered along with all other applications.

TIMETABLE

37. A timetable for the operation of these arrangements in relation to admissions in the 2012/13 school year is attached at Annex 1.

CANCELLED CIRCULARS

38. Circular 2010/10 is hereby cancelled.

A handwritten signature in black ink, appearing to read "Paul Price". The signature is written in a cursive style with a large initial 'P'.

PAUL PRICE
Head of School Access Team

ANNEX 1

PRE-SCHOOL ADMISSIONS TIMETABLE – SEPTEMBER 2012

September 2011	Providers to review admissions policies
Friday, 16 September 2011	Boards to obtain descriptions and admissions criteria from providers for publication
Friday, 2 December 2011	Boards publish information on behalf of providers
Week commencing Monday, 12 December 2011	Advertisements in papers/on television
Wednesday, 11 January 2012 (not later than 12 noon)	Closing date for receipt of all parents' applications to first preference providers. Any applications received after this time and date will be considered as 'late'.
STAGE ONE – CONSIDERATION OF FINAL YEAR CHILDREN <i>(i.e. children in their final pre-school year)</i>	
Friday, 20 January 2012	<p>Date by which providers select target age children at first preference stage and for application forms of target age children not selected to be received by Boards for transmission to second preference providers.</p> <p>Application forms for underage children to be retained by under-subscribed providers for consideration at Stage 2.</p> <p>Application forms for underage children to be returned by over-subscribed providers for onward transmission to second preference providers at Stage 2.</p>
Thursday, 9 February 2012 (before mid-term)	Date by which providers select target age children at second preference stage and for application forms of target age children not selected to be received by Boards for transmission to third preference providers.
Thursday, 23 February 2012	Date by which providers select target age children at third preference stage and for application forms of target age children not selected to be received by Boards.
Friday, 16 March 2012	<p>Final date by which change of preferences in exceptional circumstances or additional information will be accepted.</p> <p>Final date for receipt of new applications from target age children within Stage 1, any applications received after this date will NOT be considered until after Friday, 30 March 2012 (i.e) within Stage 2.</p>
Friday, 30 March 2012 (Before Easter holidays)	<p>Issue of letters by providers advising parents of the setting for which their target age child has been accepted at Stage 1.</p> <p>Issue of letters by Boards advising parents whose target age children have not been offered a place at Stage 1, advising where places are still available and asking for nomination of further preferences.</p>
END OF STAGE 1	

STAGE TWO – CONSIDERATION OF UNDERAGE PRE-SCHOOL CHILDREN AND THOSE UNPLACED PRE-SCHOOL CHILDREN	
Friday, 13 April 2012	Date by which additional preferences for unplaced target age children are to be returned to Boards for transmission to providers. Any new applications/additional preferences received after this date will be considered as late in Stage 2.
Wednesday, 25 April 2012	Date by which Boards issue further preferences received for target age children unplaced at Stage 1 and applications for any underage children returned by oversubscribed providers at Stage 1 to schools.
Friday 4 May 2012	Date by which providers advise Boards of those pupils selected at Stage 2 and for application forms of children not selected to be received by Boards for transmission to subsequent preference providers.
Friday, 18 May 2012 (wk before Transfer)	Final date for allocation of remaining places i.e further preferences at target age and any underage preferences.
FINALISATION OF STAGE 2 PROCEDURE	
Friday, 1 June 2012	Completion of all processing and issue of Stage 2 placement letters by providers advising parents of the setting for which their child has been accepted. Issue of letters by Boards advising parents whose children have not been offered a place at Stage 2 and advising where places are still available and right of appeal.
COMPLETION OF APPLICATION PROCEDURE	
Wednesday, 13 June 2012 (not later than 4.00 pm)	Final date for notice of intention to appeal against Nursery School's admission decisions of Boards of Governors to be received by Boards. (Stage 1 & Stage 2)

ANNEX 2: TIE-BREAKER CRITERIA

The Department's recommendation on tie-breakers is now focused on the following methods of tie-breaker:

- **Method A - Age:** A criterion that prioritises applicants by age (eldest or youngest) established by date-of-birth as entered on a Birth Certificate;
- **Method B - Alphabet :** A criterion that prioritises applicants by where the letters of their name (as entered on a Birth Certificate) places them on a rank established by any order of all of the letters within the alphabet. A typical description of this well established tie-breaker by a school (within a published Transfer Booklet) is:
 - "Children will be selected for admission on the basis of initial letter of surname (as entered on Birth Certificate) in the order set out below:

E M Y K T S L Mac Z Q O G N A Mc I H F V P R W D B C U J X
 - This order was determined by a randomised selection of the letters of the alphabet.
 - In the event of surnames beginning with the same initial letter the subsequent letters of the surname will be used in alphabetical order. In the event of two identical surnames the alphabetical order of the initials of the forenames will be used."
- **Method C - random selection:** capable of leaving a clear audit trail (e.g. computerised random selection).

Methods A and B do not present the operational difficulties for the processing of preferences that are presented by Method C. The only weaknesses with Methods A and B is that Method A will not distinguish between children with the same date of Birth and Method B will not distinguish between children with exactly the same full name. However, if a school's admission criteria permit the school to apply the "Age tie-breaker" in the event of a tie within the "alphabet tie-breaker", or *vice versa* then this will nearly always be effective. In any very unlikely case where this combination is not effective, if a school's admissions criteria then permit it to apply a method of random selection, even pupils with exactly the same date-of-birth and full name can then be distinguished.

The optimal entry for a tie-breaker criteria for a Board of Governors to consider is, therefore, either of:

- Method A, then Method B, then Method C
- Method B, then Method A, then Method C