

## **PAPER 17**

### **AGE – APPROPRIATE PROVISION FOR PRE-SCHOOL CHILDREN**

#### Key Issue:

1. To take forward 2 publicly announced Ministerial commitments, which will give ESA a coherent role in supporting pre-school children with provision that is *appropriate for their age*. The commitments are:
  - To raise the admissions age in statutory nursery (pre-school) provision by one year, to 3 years and 2 months; and
  - To prevent primary schools admitting 4 year olds to reception classes/groups.

#### Policy Requirement

2. Angela Smith MP made the two commitments when announcing the outcome of the Review of Pre-School Education in Northern Ireland (April 2006), and promised the necessary legislation. Both commitments are strongly supported right across the pre-school sector and by the ETI.

#### Existing Arrangements

3. Two Year Olds: statutory nursery schools/units are currently open to children from age 2. In the voluntary/private sector a child must be 3 years old before they can enter a playgroup.

Reception Provision: in 2005/06, 153 primary schools had reception classes / groups for children who had reached their 4<sup>th</sup> birthday but were below compulsory school age. No new reception provision has been funded since 1999.

## Summary of current legal position

### 4. Two Year Olds

Article 17(8) of Part V, Chapter 1 of the Education (Northern Ireland) Order 1998 states, “In this Part “pre-school education” means education provided for a child (whether at a school or any other premises) at any time -

- (a) after he has attained the age of 2 years; and
- (b) before he has attained compulsory school age,

otherwise than in a reception class as defined by Article 18(4)(b) of the Education (Northern Ireland) Order 1997.

## Reception Provision

5. Articles 18(1) and (3) of the Education (Northern Ireland) Order 1997 enable a Board of Governors to have a policy of admitting underage children. This policy must be published in the school’s admissions criteria: the school is then required to admit underage children within the limits of the school’s admissions and enrolment numbers.

## Options for taking forward policy requirements

6. These policy changes require amendments to primary legislation. The RPA legislation provides the first legislative opportunity to amend the primary legislation since the decisions were announced by Angela Smith MP in April 2006. This will bring greater coherence to the support for early years that ESA will have to deliver.

## Views of Stakeholders

7. In June 2004 a Review of Pre-School Education in Northern Ireland was launched. A total of 7,023 responses to the Review were received.

Two Year Olds: there was widespread agreement that many two year olds are not developed enough to benefit from the experience provided by nursery schools / units. The majority of respondents (**82.7%**) favoured admitting only children in their immediate pre-school year (from 3 years 2 months).

Reception Provision: The result of the consultation strongly (**97.7%**) favoured the Department taking powers to prevent a school offering reception places.

#### Good Practice Guidance eg Codes of Practice (if applicable)

8. Two Year Olds: this was first raised in a report of a Focus Group on Open Enrolment Arrangements in the Nursery Sector (DE, 1999). The Group, which consisted of representatives of ELBs, CCMS, Northern Ireland Teachers Council and nursery schools, recommended that the admissions age be raised.

Reception Provision: the document, “Investing in Early Learning – Pre-School Education in Northern Ireland (1998)”, launched by the then Minister for Education, Tony Worthington MP, stated an intention to replace reception classes with suitable alternative provision.

An Education and Training Inspectorate (ETI) report entitled, “Pre-School Education – The Quality of Educational Provision for Reception Children in Primary Schools - 2004”, indicated that in most of the schools (80%) the educational provision for reception children was less than satisfactory.

#### Specific Issues to Consider

9. Failing to meet the DE efficiency target, recorded in the Departmental Efficiency Delivery Plan and the Efficiency Technical Note (ETN), set at the end of the Priorities & Budget 2004. These cash releasing (resource) savings will only be realised if these two policy changes are

made. For this is to occur, we need to amend current primary legislation.

10. The objective to restrict the admission of 2 year olds to nursery education was agreed as far back as 2001. The clause was to be taken forward in the Education and Libraries Bill being considered by the NI Assembly in 2002, but wasn't, as a consultation process had not taken place.

#### Recommendation for Way Forward

11. That we avail of the RPA Order legislative opportunity by using miscellaneous provisions to amend the legislation to allow us:
  - To raise the admissions age in statutory nursery (pre-school) provision to 3 years and 2 months; and
  - To prevent primary schools admitting 4 year olds to reception classes/groups.

#### Other Issues

##### Commencement Date

- The commencement date for these two ancillary legislative provisions would be the first available 1<sup>st</sup> September after the laying of the RPA Order.

##### Equality

12. A formal policy screening exercise has taken place to ensure that there are no adverse equality impacts. This was published in the Outcomes from the Review of Pre-School Education (April 2006).

##### Legislative Powers Required

13. Two Year Olds: amend the definition of “*nursery school*” and the meaning of “*pre-school education*”.

Reception Provision: amendments will have to be made to Article 18 of the Education (Northern Ireland) Order 1997 to prevent primary schools admitting 4 year olds to reception classes/groups. It would appear this amendment would have implications for Article 10(1) and Article 13 of the 1997 Order. This amendment is to Articles within Part III of 1997 Order – “Admission of Children to Grant-Aided Schools”.

**School Policy Division**  
**28th November 2006**