

Department for Communities
Housing Supply Strategy - Call for Evidence
16th July 2021
Mid Ulster District Council Response

Papers for Development Committee 25th June

Introduction

The Mid Ulster Housing market has experienced a great deal of change over the last 20 years with a significant increase in population and growth. Mid Ulster population growth has outpaced the NI average between 2001 and 2013 as population grew by 19% (compared to a NI growth of 8%). The number of households increased by 18% between 2001 and 2010. There is a projected Housing Growth Indicator new dwelling requirement of 10,300 for the period 2016 to 2030 for the district, which is well above the NI average of 7,709. The levels of growth, particularly in Dungannon, has had an impact on housing demand and rental values. This and the limited increase in social housing stock has led to issues of poverty in the area.

Mid Ulster has one of the highest levels of social housing need and this is reflected in the level of housing stress. At March 2020, there were 1,899 applicants on the waiting list for Mid Ulster with 1,169 in housing stress and only 306 allocations over the year. Housing stress in rural areas is also increasing on an annual basis since March 2016. At March 2020, there were 501 applicants on the rural housing waiting list for Mid Ulster with 279 in housing stress and only 131 allocations over the year. Over 1/3 of the housing stress stems from the affordability of other rented options; both private and some housing association provision. Mid Ulster has the second lowest number of NIHE and Social Housing properties across all districts. Up to March 2020, NIHE and Housing Associations have sold 7,654 units under the house sales scheme, leaving 3,875 of NIHE housing stock in the district. NIHE has identified a social housing need of 685 units required for the 2019/2024 period. There were 42 units completed and 76 units onsite at March 2020; and 202 units programmed for the 2020/2023 period, falling well short of what is required by 2024. Almost 50% of all units required are in the Dungannon 1 area followed by Coalisland and Magherafelt.

Affordable and social housing provision is a key strategic issue identified for Mid Ulster as part of its Community Plan. As the allocation of housing is a central element in achieving many of the objectives detailed in the Community Plan, it is difficult to consider it in isolation of the other key areas, including poverty, regeneration, health and wellbeing and prosperity. Mid Ulster Community Planning has identified a number of actions to address the housing crisis in the District

Sustainable Communities and Homes

Place Shaping

Mid Ulster Community Planning wants a greater balance achieved between town centre regeneration and the provision of social and affordable housing. It is unarguable that Mid Ulster has a high level of social housing need but addressing that need cannot come at the expense of other areas of society, like our town centre viability and growth.

Recently, a number of Housing Associations have been granted permission and provided with grants to build social housing (mainly apartments) in streets primarily dominated by retail and leisure. The provision of social housing in such locations is not viable, nor is it addressing real need. Not only does it have an impact on the retail and leisure economy of our hub towns, but the properties are often occupied by young families living in 1st or 2nd floor apartments, with no garden or space to play and near bars, restaurants or gambling establishments. NIHE recently advised that 90% of the proposed social housing development list was utilizing town centre retail units across the main towns. This is a cheaper option based on easy provision and does not take account of families in real need on the social housing list.

Mid Ulster Community Planning has initiated a pilot Housing and Regeneration Place Shaping Plan in Dungannon, in partnership with NIHE. This plan will identify 'Place Shaping Principles' that we will seek to have adopted and implemented by Council when assessing social housing planning applications, based on complementing the priorities for regeneration for Dungannon town. Mid Ulster Community Planning would seek Executive support to replicate this partnership and process across all hub towns.

The set of draft principles include:

1. Good quality design with adequate density to suit the streetscape, for example if streetscape is 2-storey to continue this frontage, if 3-storey then this is to be accommodated
2. Preference for town house schemes in line with, town conservation, housing for families with 2-3 bed provision
3. Parking provision to be provided
4. Good quality green space provision and play areas for children in all housing areas
5. The 1970s model of flats with a minimum of 2 bedrooms in a town house setting – 2 apartments per house setting
6. Locations must be suitable for family housing, not beside leisure/nighttime economy establishments
7. Housing design and quality to be in character with the area and not of a lower standard
8. Housing that regenerates an area (economy and regeneration)
9. Living over the shops to be promoted for apartments

10.Future social and affordable housing should be within mixed tenure developments only (private and social/affordable mix)

Supported Housing

The 2020 annual update of the Housing Investment Plan for Mid Ulster states that the gross, three year (2019/20) SHDP contains no supported housing schemes for Mid Ulster as there is currently no identified or known requirement for supported housing in the district. However, Mid Ulster Community Plan has identified a need for supported housing across the District. Supported housing need has been identified for people with disabilities, older people and vulnerable women who are victims of domestic violence. A need was also identified in Dungannon for people with learning disabilities. This has been brought to the attention of the Southern Health and Social Care Trust who recognised the need but stated that there is no current funding.

There has been no supported housing provision in the last number of years, which would call into question the suggestion that there is a lack of need whilst other plans and engagements with the sectors have identified a real need. There is confusion around whether need or lack of resource is driving the agenda. Mid Ulster Community Planning would seek a review of supported housing needs for people.

Council also considers that there needs to be a Government focus on the housing needs of older people. In the context of an ageing population, it is important that provision is made for affordable, specialist accommodation which caters for the elderly in our society who are in need of care due to a reduced ability to perform some tasks. A Government focus on housing provision for this section of society would help reduce pressure on the demand for general social rented housing. Such specialist housing would also be likely to provide health and well-being benefits and reduce feelings of isolation for residents.

It is important that the definition and target groups encompass provision for supported purpose built housing (supported living) to provide for a range of vulnerable people including people with disabilities and older people. Supported living can be by way of homes in a cluster environment with supported care, or more residential shared living with onsite care.

Council is currently working with Causeway and Mid Ulster Women's Aid on the delivery of much needed Move On accommodation for their clients in Cookstown as the next step back to normal housing situations. During 2018/19, 82 women and 54 children and young people at considerable risk were unable to get into the Mid Ulster Women's Aid Refuge because of lack of capacity. The proposed Move On accommodation is expected to reduce Mid Ulster's waiting list by around half. The need for such services is increasing and is reflected in police crime statistics. Such developments address the specific needs of those affected by violence and release other properties to address the wider social housing need in the area.

Mixed Tenure

There is strong evidence that highlights the benefits of mixed developments in promoting quality housing, social cohesion, reducing social exclusion and creating stronger communities. This requires a two tier approach; one through the delivery of the social and affordable housing provision and through private developer schemes via planning. Quality management of delivery of such provision is essential by the NIHE as an independent oversight body to ensure that adequate provision of social and affordable housing remains a priority. The development of Earls Court in Dungannon is an excellent example of a successful mixed tenure development by Radius Housing Association and includes 38 general needs social housing properties and 11 private affordable properties.

Affordability

Local affordable housing needs are determined on financial affordability ie the ability of a person or household to access financial support whether it is through co-ownership, shared ownership or right to buy, or other alternative financial supporting mechanism. Affordable Housing cannot be measured in '*residential units*', it must be measured on the individual householder(s) need to access a decent home.

Within Mid Ulster, the Council has acknowledged that there is a major issue regarding the affordability of rent whether it is social rented homes or private rented homes. This is causing a distinct rise in homelessness, including hidden homelessness. Exortionate rent prices and exponential increases are being imposed on tenants renting within the sector, resulting in immense suffering by residents who are enduring such rises on restricted or decreasing income levels.

A basic analysis of private sector rents in Dungannon at March 2021 indicated average costs of between £625 - £650 per month for a three bedroom semi detached/terraced house. These are often ex-NIHE dwellings. The Housing Benefit Local Housing Allowance is set at £102.00 per week for a three bedroom property. This leaves tenants in receipt of Housing Benefit, who have rental costs of £650/month, having to find a shortfall of £208 per month. This is in comparison to an average rent of £550 per month for similar privately rented properties in Enniskillen, Lurgan, Portadown and Omagh. Many people simply cannot afford £650 per month or cannot enjoy a decent quality of life if most of their wages are spent on housing costs. Some newer private rented houses in Mid Ulster can cost between £700-£900 per month, way beyond the reach of most tenants, and most definitely those in receipt of benefits.

Dungannon sits within the Broad Rental Market Area of Lough Neagh Lower. The Broad Rental Market Area boundaries are not reflective of the market rents being charged and as a result, tenants in the private rented sector face significant day to day hardship trying to meet their housing costs. Almost nine in 10 private rented sector claimants experience a shortfall between their weekly rent and the amount of Housing Benefit they receive (NI Broad Rental Market Areas Scoping Study and Impact Assessment January 2019). This is particularly challenging in the current climate, with

people navigating their way through Covid19, job losses and the rising cost of everyday living. Delays in processing Universal Credit can contribute to rent arrears building up and result in a reluctance by private landlords to accept tenants in receipt of benefit. The Bedroom Tax mitigation measures have been helpful but will be an expensive hurdle for many when this ends.

Local Housing Allowance (LHA) must be reviewed to take account of variations in rent charges within Broad Rental Market Areas. Council recommend that rental market areas be re-defined to reflect actual rental charges across all areas. Recognition is also given on the impact of LHA on the number of new social homes being built.

Housing Associations need to ensure they are charging rents based on the Local Housing Allowance levels. While there is a need for Housing Associations to secure private finance investment to build homes, this is funded by charging higher rents contributing to housing pressure and in some cases homelessness. The average Housing Association rent in 2021 is £98.34 (£106.28 for a three bed property) in Mid Ulster. These figures do not include service charges or rates and are significantly more than the average rent charged by NIHE at £68.27 excluding rates.

Co-ownership is a welcome, but limited initiative given the cap of £165,000 on the value of the property that can be bought as a co-owner. Many private developers can achieve much more than this on the open market for their properties, and it is therefore not a cost effective solution for them to sell to a Co-ownership scheme especially in a buoyant market. Schemes which provide an incentive to developers to participate in shared ownership developments are required as is more flexibility for Housing Associations to increase purchase offers beyond the current cap. Restrictions should be placed on a Shared Ownership property to prevent it being sold on to a private landlord, with a requirement to offer it back to the Housing Association for first refusal.

Housing Supply in Rural Areas

Latent Demand Testing

It is positive to see a willingness to increase the Latent Demand Testing particularly in rural areas. However, many people are still completing housing applications by stating their preference of location based on where they know the housing is going to be and not where their family are located or where they would choose to live. This not only puts further demand and burden on social housing developments in our towns where the necessary infrastructure required for development is already at capacity. It also creates further social issues relating to childcare and family support and isolation.

Mid Ulster Council have been working with NIHE to carry out Latent Demand Tests in rural areas of Mid Ulster. We have been looking at how the process is communicated to the local communities and using Council's Community Development contacts to engage with local community groups and elected members to help with this

communication and messaging. The aim of this work is to ensure that best response to the Latent Demand Testing and evidence clearly the true demand for both Social and Affordable Housing in the area.

Mixed Tenure

There is a definite need for mixed tenure developments in rural areas that provide choice for those who do not wish to leave their own rural communities and families but have to move to urban areas where housing is available. Sustaining rural communities and ensuring they continue to thrive is a necessity and should be included in the Rural Needs Impact Assessment of the Housing Supply Strategy.

Housing and Poverty

Poverty

Mid Ulster Community Planning is fully committed to reducing poverty and the impact of poverty on individuals and communities within Mid Ulster. In 2019, in the absence of a Regional Anti Poverty Strategy, Mid Ulster Community Planning partners came together from statutory agencies, business and community to look at a range of priorities impacting on poverty; with the aim of creating an Anti-Poverty Plan that seeks to identify strategic actions for partner delivery.

A number of poverty issues were identified through the development of the Plan for Mid Ulster including, *“People living in deprived areas are more likely to be in a house that is of a lower standard of quality living e.g. house standard and heat etc”*. One of the key objectives of the Anti-Poverty Plan is to *“Provide everyone with a quality home for life, through affordable rents via rent interventions of increased rent support, adequate social and affordable house provision in mixed tenure developments and quality environments using the following model that is currently being applied by various local authorities in Scotland:*



The Mid Ulster Poverty Plan does not seek to provide solutions or programmes for all agencies with a remit for addressing poverty but to identify priority issues which agencies can work together on to develop localised initiatives and solutions. Mid Ulster Community Planning is fully committed to working with all Government departments to fulfil the actions of the Mid Ulster Anti-Poverty Plan and the Regional Poverty Plan.

More low-income families tend to live in the private rented sector, which tends to be more expensive with poorer living conditions. The gap between housing benefit and local housing allowance which has grown since housing benefit cuts were introduced in 2011 has resulted in worsening levels of poverty and pressure on the family budget. Investment in social housing and the removal of the gap between rents and benefits is a necessity to help those caught in the poverty trap caused by housing.

Intimidation Criteria

Council has recently lobbied to the DfC Permanent Secretary to ensure that Women and their children experiencing Domestic Violence are eligible to gain Intimidation Points, in the same way that they are applied to victims of sectarian, racial or disability abuse. Whilst Women's Aid works tirelessly to source these families suitable accommodation, this can be extremely difficult with housing demand significantly high in the district. Often, they can only source accommodation for the families outside the area they currently reside in. However, because many mothers are reluctant to uproot their children from their schools, families and friends, as this would have an even greater negative impact on the children, they often return to the abusive relationship.

The NIHE guidance states that organisations can confirm if there is a danger to life. However, in order to ensure that the most vulnerable families are protected from further abuse and violence and provided with the best opportunity to access accommodation in an area where they feel safe and is positive for their wellbeing, Council advocates that these families be afforded the maximum points available.

Homelessness

Even though Mid Ulster may seem to have a low level of rough sleeping, it has the third highest number of chronic homeless people across all districts (this is evidenced by figures provided by NIHE District Offices). Whilst many homeless people are not presenting on the streets they are 'sofa surfing', relying on friends and families to provide accommodation in houses that are already at full capacity, causing further stress to other family units.

For the year 2019/2020, NIHE had 669 homeless presentations in Mid Ulster, with 388 acceptances. NIHE research estimates that 5-10% of the homeless population suffer

chronic homelessness. These levels of homelessness/chronic homelessness are unacceptable, and as the Housing Executive and Department for Communities has referenced, there is a need for robust action.

There is a body of information that indicates chronic homelessness is associated with people who suffer a range of complex support needs. However, there are further associated issues, including in Mid Ulster the inability of tenants to pay rents that are beyond reasonable levels. Homelessness caused by affordability of rental properties is becoming a major issue, particularly in the Dungannon town area and as a result many tenants are experiencing recurring homelessness.

For people experiencing prolonged and serial homelessness, housing affordability barriers are often compounded by issues of poor mental health, addictions, social exclusion and financial stability. Against this background many individuals/families are leading unstable and chaotic lifestyles by living in unsuitable B&B, hostel, emergency and temporary accommodation in areas which are unfamiliar and away from family support. There are instances where families and children are being placed in unsuitable temporary accommodation. Furthermore, social housing providers are making housing allocations without consideration of support needs for the individual/families. This often worsens their situation and exacerbates their dependencies resulting in recurring temporary placements and serial housing failure. Council are of the opinion that changes must be made to the Housing Selection Scheme to enable mixed housing allocations that take account of family togetherness, community cohesion, and access to transport services, education and employment with the view of providing an integrated holistic approach to long-term housing sustainability.

It is fundamental that Homelessness is addressed through a multifaceted approach involving statutory, voluntary and community sectors to ensure that people experiencing chronic homelessness are provided with appropriate permanent housing in their areas of choice along with tailored support to meet their individual needs. It is imperative that the NIHE, Housing Associations and partner agencies are committed to eradicating the homeless problem by investing the necessary resources so that the causes of the repeat homelessness becomes known, and appropriate action taken to ensure individuals/households have access to settled, affordable and suitable housing in their areas of choice. Models include buying up single properties in areas where there is stock coming to the market rather than relying on large developments. Council recommends legislative changes be made to place a Statutory Duty on relevant agencies to co-operate in an interdepartmental approach in providing the required resources, housing and support mix for people who are threatened or already experiencing homelessness.

Intervention in the Private Rented Market

The private rented sector across the district has seen an unprecedented increase in its tenure share between 2001 and 2019. The impact of COVID19 on rising levels of unemployment, lending restrictions and growing social housing waiting lists will ensure that demand for the private rented sector will continue grow.

Rental values in Dungannon and to a lesser extent Cookstown are very high and there is significant difference between actual rental charges and Local Housing Allowance amounts. In addition, the largest number of housing benefit claimants are living in properties belonging to the private sector. There is a real need for intervention. If a solution is not found, the social housing crisis will continue to escalate and the social issues heighten. It will also cause further problems with regard to housing allocation in terms of meeting need, vulnerable people, family unity, strong communities, etc.

Mid Ulster Community Planning advocates for Executive intervention in the rental market to monitor rental values in our main hub towns and cities (which are where the populations are concentrated) and to intervene where the market is creating real issues of poverty and social deprivation. Good practice models have been developed in the South of Ireland in the form of Rent Pressure Zones and in other EU countries such as Germany, whereby rules introduced in 2015 prevent landlords in certain towns and cities from setting rents for new tenants any higher than 10% above the local average from the previous four years.

Quality Housing

The central principle of Community Planning is the wider integrated impact of one policy on another and on resources. It is important that housing provision takes account of the long term sustainability of areas and lifetime homes. Housing is one of the basic hierarchy of needs for people. The provision of suitable homes for people is critical to all elements of wellbeing. Families should have adequate space for children to grow and develop in all areas of life. This is similar in the allocation of housing to people who are separated and have children for part of a week. Maintaining the family unit and bond with parents is invaluable to the wellbeing of the child.

Council also seeks to ensure the Planning gain of adequate green space provision in housing; that green space are not edge strips of green around an estate but a central space that is accessible to all. Evidence would show that where our social housing provision has been well planned with good space and green space provision there are less social issues in the longer term. Green space needs to be integral to the design for social and affordable housing and to the allocation of the housing grant to build developments with good open space. NIHE needs to have a greater say in the final design that allows for good practice.

As previously stated, to address these issues of quality social housing provision, Council is developing a set of corporate Planning principles that we will seek to have

adopted and implemented by Council when assessing social housing planning applications.

House quality does not just relate to new housing, but to existing provision. There are quite a number of people renting in poor accommodation. The repair grant is still available in NI but it is very hard to access. To be eligible you must have a statutory notice from Environmental Health to apply.

There is need for a greater legislative remit and provision of associated resourcing for the inspection of housing conditions to ensure they are fit for purpose for health and wellbeing. Many lung related conditions and asthma that have a long lasting impact on health and wellbeing, life expectancy and the resource burden on the health service can be linked to people living in houses of poor quality.

Housing Standards and Fitness

The Department of Communities' urgent measures under the Private Tenancies (Coronavirus Modifications) (Northern Ireland) Act 2020 to provide additional protections for private rented tenants from eviction during the COVID-19 outbreak are welcome. However, evictions by the 'back door' are still common. Unscrupulous landlords are essentially evicting tenants by increasing rents to extortionate levels. Tenants who cannot afford to pay find it impossible to remain in the property.

This is particularly evident when tenants have asked landlords to make basic improvements or repairs to the property. Some houses are still being rented with single glazed windows and outdated heating systems, causing dampness, extra fuel costs and health related problems. While tenants have the right to carry out work themselves and deduct the cost from their rent, some have faced the consequences of this, quickly receiving notice of a substantial rental increase soon after.

A single independent body responsible for assessing and enforcing housing quality standards would be beneficial, as would more awareness of tenants' rights and encouragement to report underhand practice and poor quality housing in the private rented sector. Rent regulation measures would help to eradicate unfitness and ensure that tenants live in a healthy and safe environment. This particularly applies to the regulations covering Houses in Multiple Occupation across the private rented sector. There are a considerable number of, mostly unregistered, HMOs in Mid Ulster. The current regulation of HMOs is based on the Belfast model, mainly occupied by the student population. This is not the case in Mid Ulster, where the majority are occupied by the migrant worker population, many of whom have been wrongly told they will be deported if they report concerns about overcrowding and housing unfitness.

The majority of responsible landlords and letting agents in the private rented sector would welcome more definitive standards and stricter regulations. Additionally, a

wider range of grants available through the Northern Ireland Housing Executive would provide significant encouragement for landlords to keep properties up to standard.

The regulations covering Houses in Multiple Occupation should be strengthened across the private rented sector with rent regulation used as a lever to bring substandard properties up to standard, including energy efficient standards.

Land

Public Sector Asset Mapping

Mid Ulster District Council is committed to the release of public sector land for the provision of social housing where possible and are working with NIHE to identify appropriate land for same. Council has already made land available to Causeway and Mid Ulster Women's Aid for the development of over 20 units of Move On accommodation for their clients to help them move forward in their lives. We also continue to encourage other statutory partners to identify unused land assets for social and affordable housing. Council understands that SIB are currently undertaking Asset Management Plans for the entire public sector and believes this will be hugely beneficial for the supply of social and affordable housing across the region. We would urge NIHE to ensure this work is not delayed and is completed as quickly as possible.

Planning

Land Banking

Land banking is an issue in Mid Ulster with a number of developments having gone through the Planning process but not materialised in buildings on the ground. This has an impact on the analysis of Waste Water and Sewerage capacity by skewing the figures, which in turn impacts on the approval of future housing schemes. This issue is mainly experienced in Dungannon, adding further stress to housing demand.

Greater use of vesting land by NIHE would not only ensure the release of necessary lands for the development of social and affordable housing but may also discourage other landowners from banking land and holding up the supply of housing.

Affordable Housing in New Build Developments - Social Housing Development Ratios

New Planning Regulations should be put in place setting a standard and regionally consistent ratio for the number of social housing units provided in every new development. There is a great deal of inconsistency in the requirements across NI Council areas, some with ratios of 1:50, some with no ratio requirement at all. Often it is only with the agreement of the developer that properties are made available to a housing association for social renting. This approach is to the developers benefit as they are guaranteed the sale of their buildings and cash flow to further invest or borrow. As previously stated, the cap on the amount that shared housing schemes can purchase properties for (£165,000) should be removed entirely.

Adequate Green Space Requirement in Planning

As previously referred to, we are seeking to ensure the Planning gain of adequate green space provision in housing; a central green space that is accessible to all. Evidence shows that well planned social housing with good green space provision has less social issues in the longer term. Green space needs to be integral to the design for social and affordable housing and to the allocation of the housing grant to build. NIHE needs to have a greater say in the final design that allows for good practice.

Infrastructure

WasteWater & Sewage Infrastructure

The issue of water and wastewater management in Mid Ulster will have detrimental impact on the district achieving a number of key PfG outcomes. Many people living in the Mid Ulster District Council area are facing significant housing stress because of house building not keeping up with housing demand. New housing developments particularly in our urban towns and key settlements are being refused by NI Water, due to lack of upgrading to WasteWater Treatment works and new water mains not being delivered. Significant WasteWater network capacity issues are emerging in our five main hub towns including Magherafelt, Cookstown, Dungannon, Maghera and Coalisland. These towns have been identified within the Area Plan for Mid Ulster for growth status. Mid Ulster is currently completing on the development of the Area Plan and has estimated a need for approximately 10,950 new houses by 2030. In addition to the WasteWater Treatment Works, WasteWater network capacity issues are emerging in 20 areas across the district. Because of this, new connections are being declined in parts of the catchment.

Mid Ulster boasts Northern Ireland's fastest growing manufacturing business base, and the largest outside Belfast. Our district produces 7.3% of Northern Ireland's economic output. As part of our evidence gathering in the process of preparing the Local Development Plan, we plan to meet the needs of our growing population by providing an adequate supply of economic development land to facilitate the creation of at least 8,500 new jobs up to 2030. 10,950 houses are required to support the delivery of this economic growth across the District. Given this significant increase, it is essential that significant investment be prioritised to upgrade and provide new sewerage infrastructure across the District.

NI Water have confirmed to Mid Ulster Community Planning that pump away solutions to provide easement on problematic areas of the sewer network were not an expensive option. More sustainable solutions such as SUDs need to be explored, to offset rainwater capture to alleviate pressure on the sewerage system re capacity. Council would therefore support greater consideration of SUD systems through development.

Skills

Local Market Partnerships & Mid Ulster Skills Forum

Mid Ulster Community Planning welcomes proposals from DfC to create Labour Market Partnerships (LMP) in each council area, allowing for tailored interventions to address the district's particular issues. Key areas for delivery would be the retraining of sectors no longer providing sustainable employment, an issue that has been further exacerbated by the Pandemic. Complimentary to this is the Mid Ulster Skills Forum, an industry-led body that works closely with the education sector to ensure that future talent aligns with the needs of business. The Mid Ulster Skills Forum is a groundbreaking initiative uniquely led by the private sector in collaboration with Community Planning partners and other statutory organisations and is the first of its kind to be developed in Northern Ireland. The Forum is currently overseeing the delivery of the Skills Strategy for Mid Ulster. Council underlines the necessity for DfC to engage with these bodies in developing and delivering any skills programmes in this district.

Conclusion

Northern Ireland is experiencing a significant shortage in the provision of Social and Affordable Housing. NIHE has identified that the unmet need in Mid Ulster for 2020-2025 is 718 properties - Dungannon 293, Magherafelt 92, Cookstown 71 and Coalisland 132. There are pressures in Coalisland for bespoke wheelchair and ground floor accommodation. Housing Associations have found it challenging to find land to develop a housing mix on. The Social Housing Development Programme has 93 units on site and 227 units programmed for 21/22 and 23/24. It is clear from the Social Housing Programme that housebuilding is not keeping up with housing demand resulting in rising housing stress, homelessness and chronic homelessness figures. New ways for increasing the supply of social housing must be prioritised. Council recommend the following action:

- purchase of land and development of mixed housing types and tenures in both urban and rural areas by the Housing Executive;
- widening the offering of 'Affordable Housing' by Housing Associations, enabling people the opportunity to avoid rental market pressures and accessing low cost home ownership;
- Flexible models to include the purchasing of new and existing housing from the open market by social housing providers, particularly in rural areas
- enforcement of policy on new build private developments to ensure delivery of social and affordable housing at appropriate rate based on housing need;
- clearance schemes to see demolition and rebuild of older social housing schemes to prevent high levels of housing unfitness.
- Further consideration must be given to future sales of social housing stock. The current 'Right to Buy Scheme' amended to 'Buy Back Scheme' where purchasers are obliged to sell the property back to social housing landlords in the event of disposing.

Other key priorities for Mid Ulster District Council are affordability and quality housing. Housing costs must not push our residents into poverty. Government bodies have a responsibility to the citizens of Northern Ireland to intervene in both failing social policies and commercial markets when this happens. People should live in homes that are of a good quality and standard to ensure good physical and mental health, social wellbeing, cohesion and the prosperity of society as a whole.



CONSULTATION

PRE-SCHOOL EDUCATION

Review of the Statutory Admissions Criteria

April 2021



Department of
Education
www.education-ni.gov.uk

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Review of the Statutory Admissions Criteria

FOREWORD

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

Pre-school children access funded pre-school education places through an admissions process which is set out in legislation. This consultation is seeking views on reviewing one element of the current admissions process; that pre-school education settings must prioritise children from 'socially disadvantaged circumstances' in their admissions criteria. The legislation regarding this criterion was first introduced in 1998 in order to ensure that the children considered to be most in need could access a pre-school education place at a time when there were a limited number of pre-school education places available. In 1998, there were approximately 11,100 funded pre-school education places available, which meant that only 45% of children in their immediate pre-school year could access a funded place.

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

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





education sessions also present an opportunity to review the criterion in the modern policy context.

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

Peter Weir
Minister for Education

April 2021

BACKGROUND

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

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

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

Pre-school Education Programme

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





Children with a statement of Special Educational Needs

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

Pre-school Education Programme - Admissions

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

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

Admissions Criteria

Pre-school education settings are required to admit all children who apply for a pre-school education place, as long as the number admitted does not exceed their approved admission number¹. Where the number of applications is more than the admission number, the setting is required to apply its published admission criteria. This ensures that settings can distinguish between applicants and allocate places in a fair and transparent way, to the last available place.

Since 1998, the Department has required, by law,² that pre-school education settings give priority in their admission criteria to children from socially disadvantaged circumstances (SDC).

¹ Or, in the case of non-statutory pre-school providers, the number of funded places available

² Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999, and as a requirement of funding for non-statutory pre-school education providers

The reason for establishing the priority criterion was the availability of places at that time. In 1998, there were approximately 11,100 funded pre-school education places available, which meant that only 45% of children in their immediate pre-school year could access a funded place. The Department sought at that time to prioritise access to these limited number of places for those children considered to be most likely to benefit from a pre-school experience.

THE CASE FOR CHANGE

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

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

Changes in Welfare Provision

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

Employment and Support Allowance (ESA) was introduced as the benefit for new customers with a health condition or disability from October 2008, and some parents who were previously in receipt of income support had their claim converted, and instead receive ESA. As a result, the pre-school admissions process includes children with a parent who is in receipt of *'Employment*





and Support Allowance where an award of income support has been converted and the amount of the award remains unchanged' within the definition of SDC.

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

In practice, this means that pre-school education settings currently prioritise children whose parents are in receipt of any one four benefits – Income Support, Income-Based Jobseeker's Allowance, Employment and Support Allowance³ or Universal Credit. The remaining admissions criteria for pre-school education settings are determined by each setting's Board of Governors or Management Committee as appropriate, taking into account guidance provided by the Department.

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

Pre-school education settings cannot opt out of the requirement to prioritise children from 'socially disadvantaged circumstances' and this requirement cannot be removed or amended without a change to the relevant legislation⁴. The legislative requirement therefore affects all the children who apply for a funded pre-school education place, not just those who are prioritised.

'Move to Universal Credit' is the process that will be used to support claimants currently receiving one or more of the relevant benefits or payments to make a new Universal Credit claim. The Department for Communities (DfC) will move existing benefit claimants to Universal Credit over a period of time. In terms of the pre-school admissions process, this means that

³ Employment and Support Allowance where an award of income support has been converted and the amount of the award remains unchanged

⁴ Pre-School Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999

within a few years, none of the benefits currently listed in the SDC Regulations may remain in place, and the legislation must be updated to take account of this change if children from SDC are to continue to receive priority in the pre-school admissions process.

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

Changes in Pre-school Education Provision

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

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

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





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

Reviews of Pre-school Education and Admissions

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

A Review⁵ of the Pre-school Admissions Arrangements published in 2012 considered that any definition of 'disadvantage' should be consistent with those used elsewhere within the education system. The review recommended at that time that the definition prescribed in legislation 'is examined with a view to mirroring the relevant economic elements of the definition of Free School Meal Entitlement.'

This recommendation was not implemented, pending changes to the Free School Meals (FSM) criteria as a result of the introduction of Universal Credit (UC). To ensure that those pupils most in need would continue to qualify for free school meals when UC was introduced, the Department revised the FSM criteria in September 2017 to include where a pupil or parent is in receipt of UC and has net earnings not exceeding £14,000 per annum⁶.

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

Policy and Practice - Primary and Post-Primary Admissions

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

⁵ Department of education Review of the Pre-school Admissions Arrangements 2012

post-primary provision is universal, so prescribed prioritisation by the Department is not considered necessary.

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

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

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

Learning to Learn

The pattern of provision for pre-school education and the duration of session time can range from 2.5 hours to below 4.5 hours (part-time, with no meal) and 4.5 hours or over (full-time, with a meal) per day⁶.

The Department's framework for early years, Learning to Learn⁷, included an action that DE will 'over time standardise patterns of attendance as part of the Pre School Education Programme'. Available evidence from the Effective Pre-School Provision in NI (EPPNI) found no discernible difference in children's cognitive development at the start of primary school between those who attended full-time and those with part-time attendance. However, it is also recognised that a longer pre-school education session may have other benefits in terms of opportunities for socialisation, child development and increased engagement with parents.

6 Education (Northern Ireland) Order 1998 Article 22(4)

7 Learning to Learn, A framework for early years education and learning – DE, October 2013





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

Feedback from Stakeholders

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

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

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

OPTIONS FOR REVIEWING THE PRIORITY CRITERION

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

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

The options identified as set out below:

- Option 1** Retain the statutory criterion and amend the definition of 'socially disadvantaged circumstances' to mirror the relevant economic elements of the definition of free school meals entitlement.
- Option 2** Remove the statutory criterion for 'socially disadvantaged circumstances' prescribed in legislation.
- Option 3** Extend the statutory criterion and amend the definition of 'socially disadvantaged circumstances' to include all children with parents in receipt of Universal Credit or one of its legacy benefits.

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





OPTION 1

Retain the statutory criterion and amend the current definition of 'socially disadvantaged circumstances' to mirror the relevant economic elements of the definition of free school meals entitlement

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

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

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

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

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

Advantages

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

Disadvantages

- a. Some children who are currently prioritised under the SDC criterion would no longer be eligible for priority.
- b. Retaining the statutory criterion and expanding the definition of 'socially disadvantaged circumstances' would increase the number of children to be prioritised and reduce the impact of other admissions criteria set by individual settings. This could impact children living in disadvantaged areas more than others, as more children in these areas may be entitled to free school meals.
- c. Expanding the definition of the statutory criterion and increasing the number of children to be prioritised would increase administration in terms of a greater number





of parents having to provide additional documentation in support of their claim for priority.

- d. Parents would be required, in addition to providing proof of benefits, to provide proof of income in some cases.
- e. With a greater proportion of children prioritised, some settings which are oversubscribed with children from 'socially disadvantaged circumstances' may have to apply other criteria to determine which 'socially disadvantaged' children should be admitted.
- f. The definition would not include other children who do not meet the free school meals criteria (for example, care experienced children) but who may be considered socially disadvantaged for non-economic reasons.
- g. Changing the criterion to mirror the economic elements of the free school meals criteria could suggest to some parents that their child would receive a free school meal, which is not the case in all settings, as only children in full-time provision can currently access a meal.
- h. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, despite there being sufficient provision to provide a place for every child whose parents want it.
- i. The Department does not define a statutory admissions criterion in the primary and post-primary admissions process, therefore, retaining the criterion for pre-school admission arrangements is inconsistent with the admission arrangements in primary and post-primary education.
- j. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, instead of individual pre-school education settings determining their own priority admissions criteria in line with guidance.

- k. It could limit the benefits to SDC of attending pre-school provision. Research⁸ suggests that where *'disadvantaged children attended centres that included children from mixed social backgrounds they showed further benefit than if they attended centres containing predominantly disadvantaged children'*. This option could result in some settings enrolling a higher proportion of children from SDC, particularly in more disadvantaged areas.
- l. Some of the data used to inform the 2012 Review has changed and/or improved which could suggest that the implementation of the 2012 actions, as proposed, may no longer be appropriate and should be reconsidered. Parents are more likely to avail of a pre-school education place now than they were in 2012. Expanding the criterion is unlikely to significantly impact on the overall take-up of places as the majority of children access a pre-school education place whether or not they are prioritised.

OPTION 2

Remove the statutory criterion for 'socially disadvantaged circumstances' as prescribed in legislation

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

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

8 EPPNI 2006





Advantages

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

⁹ Research suggests that there is no discernible difference in children's cognitive development at the start of primary school between those who attended full-time and those with part-time attendance and Inspection findings have highlighted that the majority of settings, whether statutory or voluntary, provide a good or better quality pre-school experience.

Disadvantages

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

OPTION 3

Retain the statutory criterion and amend the current definition of 'socially disadvantaged circumstances' to include universal credit and all its legacy benefits

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

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





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

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

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

Advantages

- a. All children who were eligible to be prioritised under the current arrangements would continue to be prioritised.
- b. Children who may be at risk of underachievement and who would benefit most from a pre-school education experience would be prioritised for a funded pre-school education place and more likely to be offered a place in a preferred setting including, where available, a full time session and where a school meal is provided.
- c. As the expanded criterion would include additional welfare benefits, it is likely that a greater number of children, including those from working families, would be given priority in the admission process.
- d. The process of claiming priority would not require parents to provide proof of income.
- e. It could help to support the DE corporate goal of 'Closing the performance gap, increasing access and equality' by prioritising those children most likely to benefit

from a pre-school experience (i.e. those children entitled to Free School Meals (FSM)), although there are sufficient pre-school education places for all children.

Disadvantages

- a. Retaining the statutory criterion and expanding the definition of 'socially disadvantaged circumstances' would increase the number of children to be prioritised and reduce the impact of other admissions criteria set by individual settings. This could impact children living in disadvantaged areas more than others, as more children in these areas may be entitled to free school meals.
- b. Expanding the definition of the statutory criterion and increasing the number of children to be prioritised would increase administration in terms of a greater number of parents having to provide additional documentation in support of their claim for priority, although potentially this option would involve less administration than mirroring the economic elements of Free School Meals, which includes verification of income in some cases.
- c. With a greater proportion of children prioritised, some settings which are oversubscribed with children from 'socially disadvantaged circumstances' may have to apply other criteria to determine which 'socially disadvantaged' children should be admitted.
- d. Working parents not in receipt of benefits would not welcome the change, as it would decrease their chances of securing their first preference setting for their children, and would decrease their chances of securing a full time place, which could factor in their childcare arrangements.
- e. The definition would not include other children (for example, care experienced children) but who may be considered socially disadvantaged for non-economic reasons.





- f. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, despite there being sufficient provision to provide a place for every child whose parents want it.
- g. The Department does not define a statutory admissions criterion in the primary and post-primary admissions process, therefore, retaining the criterion for pre-school admission arrangements is inconsistent with the admission arrangements in primary and post-primary education.
- h. The Department would continue to determine a group of children who should be prioritised for a pre-school education place, instead of individual pre-school education settings determining their own priority admissions criteria in line with guidance.
- i. It could limit the benefits to SDC of attending pre-school provision. Research¹⁰ suggests that where *'disadvantaged children attended centres that included children from mixed social backgrounds they showed further benefit than if they attended centres containing predominantly disadvantaged children'*. This option could result in some settings enrolling a higher proportion of children from SDC, particularly in more disadvantaged areas.
- j. Some of the data used to inform the 2012 Review has changed and/or improved which could suggest that the implementation of the 2012 actions, as proposed, may no longer be appropriate and should be reconsidered. Parents are more likely to avail of a pre-school education place now than they were in 2012. Expanding the criterion is unlikely to significantly impact on the overall take-up of places as the majority of children access a pre-school education place whether or not they are prioritised.

Emerging preferred option

Taking into consideration the advantages and disadvantages of each of the options presented, the current context for pre-school education, the wider policy remit for the Department (which

¹⁰ EPPNI 2006

now includes policy responsibility for leading on the Executive's Childcare Strategy), the level of uptake of pre-school education places, the progress made in recent years in improving the admissions process, and plans to standardise pre-school sessions lengths, the Department considers that the revision of the statutory criterion should be a two-stage process.

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

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

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





RESPONDING TO THIS CONSULTATION

You can respond electronically to this consultation on [Citizen Space](#)

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

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

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

CONFIDENTIALITY OF CONSULTATIONS

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

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

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

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

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

EQUALITY SCREENING AND RURAL NEEDS IMPACT ASSESSMENT

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

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

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





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

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

What happens next?

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

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

CONSULTATION QUESTIONNAIRE

REVIEW OF THE STATUTORY CRITERIA FOR PRE-SCHOOL EDUCATION ADMISSIONS

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

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

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

- Option 1** Retain the statutory criterion and amend the definition of 'socially disadvantaged circumstances' to mirror the relevant economic elements of the definition of free school meals entitlement.
- Option 2** Remove the statutory criterion for 'socially disadvantaged circumstances' prescribed in legislation.
- Option 3** Retain the statutory criterion and amend the current definition of 'socially disadvantaged circumstances' to include Universal Credit and all its legacy benefits.





Preferred approach:

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

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

QUESTIONS

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

Do you agree with the approach set out above?

*Tick one
option only*

Yes

No





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

Tick one option only

Yes

No

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

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

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





Please give the reason/s for your response

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

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

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

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





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

Choose one option only

My answers at questions 2 and 3 would be the same

My answer to question 2 and/or 3 may change

Please give the reason/s for your response

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

[Empty box for providing comments]





INFORMATION TO INFORM AN EQUALITY SCREENING AND RURAL NEEDS IMPACT ASSESSMENT

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

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

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

If so, please describe any such impact.

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





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

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

Name (capitals): _____ Date: _____

- Completed as an individual
- Completed on behalf of an organisation

Name of organisation: _____

RETURN COMPLETED FORM

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

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





PRE-SCHOOL ENROLMENTS 2020/21

Key Statistics

	Full-time	Part-time	Total
Enrolments	9,056 (39%)	13,876 (61%)	22,932
Pupils given priority in admission process	2,541 (28%)	1,210 (9%)	3,751 (16%)
Pupils entitled to FSM	3,911 (43%)	1,242 (9%)	5,153 (22%)
Enrolment in 20% most deprived areas (SOAs)	4,493	1,994	6,487
Pupils given priority in admission process in 20% most deprived areas (SOAs)	1,493 (33%)	323 (16%)	1,816 (28%)
Pupils entitled to FSM located in 20% most deprived areas	2,328	328	2,656

Source: DE Statistics, DE School Census



CONSULTATION

PRE-SCHOOL EDUCATION
Review of the Statutory Admissions Criteria



Comhairle Ceantair
Lár Uladh
Mid Ulster
District Council

**Consultation on Department of Education's Pre-School Education: Review of
the Statutory Admissions Criteria
Mid Ulster District Council's Draft Response
June 2021**

Mid Ulster District Council welcomes the opportunity to respond to the Departments for Education's Pre-School Education: Review of the Statutory Admissions Criteria. Mid Ulster Council.

Focus on early years development is fundamental to improving the outcomes of young people. Mid Ulster Community Planning supports the huge benefits of early years education provides to a child's development, educational attainment and overall outcomes.

"Early childhood care and education (ECCE) is more than preparation for primary school. It aims at the holistic development of a child's social, emotional, cognitive and physical needs in order to build a solid and broad foundation for lifelong learning and wellbeing. ECCE has the possibility to nurture caring, capable and responsible future citizens." **(United Nations Educational, Scientific and Cultural Organization)**

Given this importance, Mid Ulster District Council takes the position that Pre-School Education should be available to all children in their immediate school year, regardless to socio-economic background. Council is a strong advocate for the provision of enhanced services and support to those in poverty and disadvantage, which can be evidenced through the development of its Mid Ulster Anti-Poverty Plan. However, the link between pre-school education and the long-term outcomes of the child is so great that it must be universally available to every child. There should be no barriers to a pre-school place for any child. The concept of prioritisation for those most disadvantaged is good in theory but in reality, it has taken away from providing for every child. The use of criteria based provision allows for a system that is content for all need not being met. Criteria based on socio economic background also runs the risk of economic segregation within the pre-school sector. The target should be on

places for all children, while still ensuring those from more financially challenged backgrounds don't miss out.

Council strongly supports the Department's efforts to standardise the pre-school session lengths and move to full time provision. This is again evidenced within our Anti-Poverty Plan, which includes the action to lobby for full time pre-school provision, in line with other UK regions. Council fully agrees with the Department's framework for early years 'Learning to Learn' that,

"longer pre-school education session may have other benefits in terms of opportunities for socialisation, child development and increased engagement with parents".

It will also support our work to reduce poverty and social disadvantage by giving parents, and more importantly women, greater ability to seek employment. This will have many positive outcomes to the family's economic security and ultimately moving children out of poverty.

However, this work on the standardisation of pre-school sessions is not as progressed as is needed in Mid Ulster, where full time places still do not meet need. Council would advocate that, priority for full time places is required in areas of disadvantage. The provision of the longer day for children in poverty to assist with provision of lunch, which is an essential to a child's development.

Whilst the provision of pre-school should be provided to all children for at least one year before school admission, where pre-school settings have the capacity to offer sessions for 2 year old, this should be encouraged. Mid Ulster District Council is aware of recent examples where due to low numbers of 3 year old children for the 2021/22 pre-school intake, there has been a number of pre-school settings that have had to suspend for a year due to not having enough numbers. This means they are no longer able to offer sessions to 2 year old children. Whilst Council recognises this is not a statutory requirement, it is of the opinion that this provision does provide positive outcomes to children, especially those from disadvantage backgrounds. Council would ask the Department to provide greater flexibility to the funding model used for pre-school places and for the provision of sessions for 2 years, to be taken into consideration.

One final point, is with regard to the accessibility of pre-school places. The Mid Ulster Community Plan includes the action “Ensure accessible preschool places for every child”. Council takes the position that an appropriate pre-school place should be made available in the pre-school setting closest to the child’s home. This is particularly necessary in areas of higher social deprivation where families are less likely to have access to a car and will be walking to the pre-school. In Dungannon town, where some pre-school places are offered to children on the other side of town, families have instead taken their children to rural pre-schools as it can be quicker and more accessible than travelling across town, especially in morning traffic. This can put additional and unnecessary pressure on rural pre-schools.

Mid Ulster District Council looks forward to the completion of the review and the implementation of a Pre-School Admissions Criterion that benefits all children in our district.