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## **TO ALL PRE-SCHOOLS, GRANT-AIDED SCHOOLS AND EOTAS CENTRES**

On Monday 28<sup>th</sup> February, the Northern Ireland Assembly passed the School Age Bill, which will allow the parents/ guardians of Young for Year children to defer the start of pre-school and/or primary school for their child for one year.

A copy of the Bill is available at [School Age Bill](#) and a copy of the accompanying Explanatory and Financial Memorandum which provides further background can be accessed at [Explanatory Memorandum](#). The purpose of this correspondence is to set out the main legal changes resulting from the Bill.

### **Lower limit of Compulsory School Age**

As you know, parents have a legal duty to educate their children and there is a legal requirement on parents to ensure that any child of compulsory school age receives full-time education. These requirements are set out in Articles 45 and 46 of the Education and Libraries (Northern Ireland) Order 1986.

Previously, children who turned 4 on or before 1<sup>st</sup> July reached compulsory school age on 1<sup>st</sup> August that year and started Year 1 of primary school in September. If a child was not enrolled in primary school, the parent was required to provide alternative full-time education, usually at home.

The new School Age Bill provides legal flexibility so that children born between 1<sup>st</sup> April and 1<sup>st</sup> July (inclusive), or who were due to be born on or after 1<sup>st</sup> April but were born earlier, will be able to commence primary education in September following their fourth birthday (as they do now), or alternatively to defer entry to primary school until the September following their fifth birthday.

Under the Bill's provisions, children who defer do not reach the lower limit of compulsory school age until 1<sup>st</sup> August after their fifth birthday. This removes any requirement to provide full-time home education in the year before deferred children commence primary school.

**Despite this change in the law, it is envisaged that the majority of children born between 1<sup>st</sup> April and 1<sup>st</sup> July (inclusive) will continue to start pre-school in September following their 3<sup>rd</sup> birthday and Year 1 of primary school in September following their 4<sup>th</sup> birthday.**

Deferral will, however, now be available to any child born between 1<sup>st</sup> April and 1<sup>st</sup> July (inclusive) and also to any child who was due on or after 1<sup>st</sup> April but was born before this date due to prematurity. Deferral will be available on parental request and will not involve an educational assessment.

### **Pre-School Education**

The Department aims to provide one year of funded pre-school education for every child whose parents want it. Therefore, children who defer starting primary school will not be prioritised for two years of funded pre-school education. Rather, parents who wish their child to defer would usually nominate to do so instead of applying for pre-school at the usual time. Children who defer would then start pre-school in September following their 4<sup>th</sup> birthday and primary school in September following their 5<sup>th</sup> birthday. This will provide continuity of Early Years education for deferred children, who like all other children, will receive one year of pre-school provision and then enter Year 1 of primary school in the following year.

The School Age Bill also amends the regulations relating to pre-school admissions to facilitate this approach. The revised regulations allow for children born between 1<sup>st</sup> April and 1<sup>st</sup> July (inclusive), and children born earlier but who were due to be born after 1<sup>st</sup> April, to be prioritised for admission to pre-school either in the year after their third birthday (as now) or, alternatively, if their parents chose to defer pre-school admission, in the school year following their fourth birthday. **Children will only be prioritised as target age for pre-school admissions on one occasion.**

If a Young for Year child attends government funded pre-school in the year after their third birthday, and the parent subsequently decides they wish to defer entry to Year 1 of primary school, they will have the option to apply for a second funded pre-school year. They will not, however, be prioritised as target age children within the admissions process.

### **Admissions Process**

Deferred children will be treated as normal members of the school year group below their original school year and will apply for pre-school and Year 1 through the normal admissions process. This means they will be neither advantaged nor disadvantaged within the admissions process. They will usually remain part of their revised year group throughout their time at school.

### **Upper Limit of Compulsory School Age**

The School Age Bill also amends the definition of the upper limit of compulsory school age for those children who defer entry to primary school so that they will continue to receive 12 years of compulsory education. Deferred children will remain of compulsory school age until the end of the academic year when they turn 17, when they will be completing Year 12. This means children who defer cannot leave education at the end of Year 11 mid-way through their qualification courses. This is a very important measure to ensure equity of educational provision for children who defer.

### **2022 Admissions**

Clearly, the School Age Bill represents a significant change and both parents and schools will need very clear guidance on the revised arrangements.

I would assure you that the Department is working closely with the Education Authority (EA) to develop an appropriate process to facilitate the option of deferral for eligible children from pre-school and primary school for September 2022. Parents of eligible children will be able to withdraw their child from either the pre-school or primary school admissions process. It is envisaged that any child who chooses to defer entry to primary school this year will be able to apply for a pre-school place. The EA will advise parents of the process and we will update you as matters progress. Detailed arrangements will also be developed to facilitate deferral as part of the 2023 Admissions Process.

I appreciate that you may have concerns around the impact of this change on your admissions numbers for September but I would assure you that the Department will monitor uptake very closely. The longer-term impact of the School Age Bill on pre-school or primary school numbers is envisaged to be modest, as the number of children deferring in any given year should be counter balanced by the children who deferred in a previous year.

I have attached a short overview of the main provisions of the School Age Bill for information.

Yours faithfully

A handwritten signature in black ink that reads "Suzanne Kingon". The signature is written in a cursive, flowing style.

**SUZANNE KINGON  
DIRECTOR  
CURRICULUM, QUALIFICATIONS AND STANDARDS**

## At A Glance – School Age Bill

- In Northern Ireland, children born in April, May and June are the youngest in the school class (these children are sometimes known as Young for Year children).
- Deferral of primary school starting age will be available on parental request to any child born between 1 April and 1 July and to any child due to be born after 1 April but born before this date due to prematurity. This will **not** involve an educational assessment.
- Most children born between 1 April and 1 July will continue to start pre-school in September following their 3<sup>rd</sup> birthday and Year 1 of primary school in September following their 4<sup>th</sup> birthday.
- However, should they wish to do so, parents of children born between 1 April and 1 July and those born earlier who would have been born after 1 April, will be able to defer their entry to pre-school and in turn primary school by 12 months. This means they would then start pre-school in September following their 4<sup>th</sup> birthday and primary school in September following their 5<sup>th</sup> birthday.
- This approach means children who defer will receive one year of pre-school immediately prior to starting primary school. This provides continuity of Early Years education. It also means that all children, including those whose parents choose to defer, will continue to receive one year of government funded pre-school provision in their immediate pre-school year.
- Parents who wish their child to defer will, therefore, usually nominate to do so instead of applying for pre-school at the usual time.
- Deferred children will be treated as normal members of the school year group below their original school year and will apply for pre-school and Year 1 through

the normal admissions process. They will usually remain part of their revised year group throughout their time at school.

- A parent of a child born between 1 April and 1 July may also choose to nominate to defer entry to primary school at a later stage – at any point prior to the child commencing Year 1. However, if the child has already held a funded pre-school education place, they would not be prioritised for a second time within the pre-school admissions process.
- Deferred children do not reach compulsory school age until 1 August after their 5<sup>th</sup> birthday. This means that there is no legal requirement for parents to provide full-time education prior to a child starting school should they choose to defer entry to Year 1.
- The School Age Bill also amends the definition of the upper limit of compulsory school age for those children who defer entry to primary school so that they will continue to receive 12 years of compulsory education, like all other children. Deferred children will remain of compulsory school age until the end of the academic year when they turn 17, when they will be completing Year 12.