

**DEPARTMENT OF EDUCATION**

**EQUALITY AND HUMAN RIGHTS POLICY SCREENING**

**FOR**

**AMENDING THE DEFINITION OF “SOCIALLY DISADVANTAGED CIRCUMSTANCES” IN THE PRE-SCHOOL EDUCATION IN SCHOOLS (ADMISSIONS) REGULATIONS (NORTHERN IRELAND) 1999**

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**Part One**

**Policy Scoping**

* 1. Title of policy: Amending the definition of “socially disadvantaged circumstances” in the Pre-school Education in Schools (Admissions Criteria) Regulations (Northern Ireland) 1999.
  2. Type of policy development

This is a legislative amendment necessary to reflect the outworking of the introduction of Universal Credit, which will replace benefit payments named in the current legislation.

* 1. Description of policy

**Policy:** In allocating pre-school places to children, schools are currently required to give priority to children from “socially disadvantaged circumstances”, defined as “a child whose parent is in receipt of income support or income-based job seekers allowance”.

This policy change will amend this statutory requirement to include all children whose parent is in receipt of Universal Credit or one of its legacy benefits.

The legacy benefits are:

* Housing Benefit
* Income-related Employment and Support Allowance (ESA)
* Income-based Jobseeker’s Allowance (JSA)
* Child Tax Credits (CTC)
* Working Tax Credits (WTC)
* Income Support

**Rationale:** The original criterion was introduced because research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children. [EPPNI 2004; Abecedarian Project; Perry Pre-school Programme (Ramey & Ramey, 1998); Schweinhart and Weikart, 1997)]

The Effective Pre-school Provision NI (EPPNI) Pre-School Research Summary Report No 1998-2004 demonstrated the positive effects of high quality pre-school provision on children’s intellectual and social behavioural development up to the end of Key Stage 1 in primary school. This research indicated that pre-school can play a part in combating social exclusion for disadvantaged children by promoting a better start to primary school, and that pre-school has a positive impact on children’s progress over and above family influences.

Although the original policy intention was primarily to prioritise access to the (at that time) limited number of pre-school education settings, it remains relevant in the current context of universal pre-school provision due to the mixed model of pre-school education provision, as it can prioritise eligible children for access to full time pre-school paces where they are available, thereby enabling them to avail of a school meal and a longer pre-school session and the resulting increased opportunities for socialisation.

The amendment takes into account the introduction of Universal Credit, which will replace both the benefits listed in the legislation, along with several others. Once an individual is in receipt of Universal Credit, it is not possible to distinguish if they would have previously been eligible for one of the benefits named in the current Regulations, or one of the other legacy benefits. Therefore, in order to continue to prioritise everyone who the original legislation intended to prioritise, it is essential to prioritise all recipients of Universal Credit.

As Universal Credit is being rolled out over a period of time, some people will continue to receive legacy benefits while others in very similar circumstances will be migrated to receive Universal Credit. This, together with the policy intention to expand the criterion to include children from lower-paid working families, has led to the decision to also include legacy benefits in the definition.

The legislative amendment will increase the number of children who are eligible for preference in pre-school admissions by increasing the number of relevant state payments/benefits. All children who are currently prioritised will continue to be prioritised under the revised definition.

**Background:** When the Pre-School Education Expansion Programme (PSEEP) was established in 1998, the Department based the indicators for social disadvantage on those used to determine entitlement to Free School Meals. At that time, funded pre-school education places were available for only 45% of children in their final pre-school year and the social disadvantage criteria ensured that those children most in need were afforded priority. Over time, the indicators for Free School Meal entitlement have changed, but the pre-school admissions criteria have not kept apace of these developments.

In June 2004, the Department of Education (DE) carried out a review of pre-school provision. This review included a four month public consultation period, during which some 7,023 responses were received. This consultation included a question ‘asking whether the current definition of socially disadvantaged circumstances was still suitable. Of those who provided a response to this question, over 94% answered ‘No’.

In June 2011, DE conducted a review of the procedures for admission to pre-school places. In undertaking that Review, the Department engaged with a wide range of stakeholders, including ELB Transfer Officers, Pre-School Education Advisory Groups (PEAGS) officers, the Council for Catholic Maintained Schools, Early Years – the Organisation for Young Children, Comhairle na Gaelscolaíochta, the NI Council for Integrated Education and a number of Associate Assessors of the Education and Training Inspectorate who were current practitioners within the pre-school sector. The Review, which was published in January 2012, led to 17 Actions for change, including one to examine the definition of children from ‘socially disadvantaged circumstances’ (as a priority criterion), with a view to mirroring the relevant economic elements of Free School Meal Entitlement.

Learning to Learn: A framework for Early Years Education and Learning was published in October 2013 and included an action that ‘The Department and ESA will implement all remaining actions in the review of Pre-School Admission arrangements aimed at streamlining and simplifying the system for accessing pre-school places, and raising standards’. A number of responses to the focussed consultation on Learning to Learn reiterated support for the revision of the definition of ‘socially disadvantaged’.

Recent political and media discussion on the matter would indicate that there remains significant public and political support for amending the criterion.

The introduction of Universal Credit will replace both the benefits listed in the legislation, along with several others. Once an individual is in receipt of Universal Credit, it is not possible to distinguish if they would have previously been eligible for one of the benefits named in the current Regulations, or one of the other legacy benefits. Therefore, in order to continue to prioritise everyone who the original legislation intended to prioritise, it is essential to prioritise all recipients of Universal Credit.

As Universal Credit is being rolled out over a period of time, some people will continue to receive legacy benefits while others in very similar circumstances will be migrated to receive Universal Credit. This, together with the policy intention to expand the criterion to include children from lower-paid working families, has led to the decision to also include legacy benefits in the definition.

1.4 What factors could contribute to, or detract from the intended aim/outcome of the policy?

Others (please specify)

The legislative amendment will increase the number of children who are eligible for preference in pre-school admissions by increasing the number of relevant state payments/benefits. All children who are currently prioritised will continue to be prioritised under the revised definition.

Eligibility is demonstrated by parents providing evidence of their benefits status, and/or confirmation of status provided by Department for Communities. This process replaces the previous system whereby parents were required to attend and have a form stamped at a Social Security office.

As the legislative change will continue to be implemented through the same processes, and the Department for Communities, which is responsible for Universal Credit and its legacy benefits, has advised that the current systems are appropriate for the proposed change, there is no reason to anticipate any procedural or administrative difficulties.

1.5 Main stakeholders affected (Please delete as appropriate)

Pupils (Actual or Potential)

Parents

Teaching Staff

Other Public Sector Organisations

The amendment will increase the number of children who are eligible for preference in pre-school admissions by increasing the number of relevant state payments/benefits.

All pre-school admissions, apart from those in relation to social disadvantage, will continue to be decided on the basis of sub-criteria set by the Boards of Governors/ Management Committees of individual pre-school providers.

1.6 Who is responsible for?

**(a) Devising the policy.**

DE, in consultation with key education stakeholders, particularly those who participated in the 2021 consultation. Also those who have engaged with the Department on the issue in writing or in person, who are represented on relevant Pre-School/Early Years stakeholder reference groups, or who participated in the 2004 consultation and/or the 2012 Review.

**(b) Implementing it**

The legislative amendment will require Boards of Governors/ Management Committees of individual pre-school providers to modify the criteria applied in awarding pre-school places.

The Education Authority will continue to administer the admissions process and liaise with the Department for Communities to verify benefits status as they currently do under existing arrangements.

**(c) Explain the relationship?**

DE is responsible for setting the strategic policy direction for the pre-school sector.

Boards of Governors/ Management Committees are responsible for setting the criteria for admissions, in line with statutory requirements and DE guidelines, and administering the admissions process for their individual settings.

The Education Authority administers the admissions process, including providing the Citizen Portal to enable parents to claim SDC status. It also works with Department of Communities to verify the benefits received by parents.

1.7 Other policies or objectives with a bearing on this policy.

The context for the allocation of pre-school places supported by DE has been considered in light of the policy environment within the Education sector and beyond. There are a number of relevant policies that could impact on, or which pre-school provision could contribute to, or that are relevant to the same cohort of children who may use pre-school provision including:

* Executive’s Draft Childcare Strategy
* Learning to Learn (DE)
* DE strategic priorities
* Every School a Good School (DE)
* UN Convention on the Rights of the Child
* Play Matters (DE)
* Child Poverty Strategy (DfC)
* Children and Young People’s Strategy (DE)
* Welfare Reform policy (DfC)
* Special Educational Needs policy

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| 1. **EVIDENCE**   1.8 What evidence/information (both qualitative and quantitative) have you gathered to inform this policy?   * 2021 Consultation on the Socially Disadvantaged Circumstances criterion and standardisation of Pre-School session length. * 2012 Review of Pre-School Admissions Arrangements engaged with a wide range of stakeholders, including ELB Transfer Officers, Pre-School Education Advisory Groups (PEAGS) officers, the Council for Catholic Maintained Schools, Early Years – the Organisation for Young Children, Comhairle na Gaelscolaíochta, the NI Council for Integrated Education and a number of Associate Assessors of the Education and Training Inspectorate who were current practitioners within the pre-school sector. * The Effective Pre-school Provision NI (EPPNI) Pre-School experience and Key Stage 2 performance in English and Mathematics Research Report No 53, which in turn referenced a range of statistical and research reports commenting on pre-school provision. [EPPNI 2004; Abecedarian Project; Perry Pre-school Programme (Ramey & Ramey, 1998); Schweinhart and Weikart, 1997)] * 2004 Consultation on the Review of Pre-School Education to establish the views from within the pre-school sector, wider educational service and parents. * Key DE statistics on pre-school education.   There are currently around 23,112 children in funded pre-school education: 15,468 in nursery schools or nursery units in primary schools; 180 in reception classes in primary schools and 7,464 in funded places in voluntary and private pre-school education centres.[[1]](#footnote-1)  Religious Belief  The reported religion of children in pre-school settings is recorded in the DE school census.  In 2020-21, this was recorded as: 46.6% Roman Catholic, 27.4% Protestant, 26% Other Christian, Non Christian, Other/No Religion/Not recorded[[2]](#footnote-2)    Political Opinion  There is no information available on the political opinions of children in this age  group, as they have not yet reached voting age.  Racial Group  The reported ethnicityof pupils in pre-schools, in order of size, is 94.6% white (excluding Irish travellers), 0.8% Black, 0.6% Indian/Sri Lankan and 4% mixed or other minority ethnic groups.[[3]](#footnote-3)  Age  Whilst pre-school education provision is targeted at children in their immediate pre-school year, legislation allows children from the age of two years and two months to be admitted to a school if there are places remaining.  Marital Status  This category is not applicable to children attending pre-school provision due to their age.  Pre-school provision is open to all children regardless of the marital status of their parents, although statistics show that a greater proportion of lone parents are in receipt of some parents, compared to couples with children. In November 2020, 30% Universal Credit claimants were lone parents, compared to 10% who were couples with children.[[4]](#footnote-4)  The SDC criterion is applicable to a child regardless of the marital status of their parents – that is, the benefits status of either parent can be considered.  Sexual Orientation  There is no information available on the sexual orientation of children in this age group.  Pre-school provision is open to all children regardless of the sexual orientation of their parents.  Men And Women Generally  Children registered with pre-school providers are 51.6% male, 48.4% female. [[5]](#footnote-5)  Although there are differences in the number of male and female claimants of UC and legacy benefits, the SDC criterion is applicable to a child regardless of the sex their parents – that is, the benefits status of either parent can be considered.  Disability  It is reported that 7.6% of children in non-statutory pre-school settings, and 21% in statutory pre-school settings are at stage 1 -5 of the SEN Code of Practice[[6]](#footnote-6),[[7]](#footnote-7)  Dependants |
| Due to their age, it is considered that it is unlikely that young people in pre-school provision have any responsibilities as a carer for children or relative(s) who are incapacitated. |
|  |

**needs, experiences and priorities**

1.9 Taking into account the evidence gathered at 1.8 what are the needs, experiences and priorities of each category in relation to this particular policy?

Religious Belief

Participation in pre-school provision is voluntary. Pre-school provision service is open to all children regardless of their religious belief.

The new policy will not have a different impact or effect on children based on their religious belief. There is no evidence to suggest that children’s needs, experiences or priorities, in relation to this policy decision on pre-school provision, are affected by religious belief.

All pre-school providers use the same curricular framework.

Political Opinion

Participation in pre-school provision is voluntary. Pre-school provision service is open to all children regardless of political opinion.

The new policy will not have a different impact or effect on children based on their political opinion. There is no evidence to suggest that children’s’ needs, experiences or priorities in relation to this policy decision on pre-school provision are affected by political opinion.

Racial Group

Participation in pre-school provision is voluntary. Pre-school provision service is open to all children regardless of their racial group.

The new policy will not have a different impact or effect on children based on their racial group. There is no evidence to suggest that children’s needs, experiences or priorities in relation to this policy decision on the pre-school provision are affected by their racial group.

Age

Pre-school provision is available for children aged from 2 years 2 months until they reach statutory school age. There is no evidence to suggest that children’s needs, experiences or priorities in relation to this policy decision on the pre-school provision are affected by age.

Marital Status

Participation in pre-school provision is voluntary. Pre-school provision service is open to all children regardless of the marital status of their parents.

It is acknowledged that single parents are more likely to experience social disadvantage and require the assistance of state payments and benefits. Evidence shows that children from socially disadvantaged circumstances are at greater risk of underachievement. This policy seeks to prioritise these children in the pre-school admissions process, and increase the number of disadvantaged children who are prioritised, although all children can access a funded pre-school place, regardless of background.

Sexual Orientation

Participation in pre-school provision is voluntary. Pre-school provision service is open to all children regardless of sexual orientation.

The new policy will not have a different impact or effect on children based on sexual orientation. There is no evidence to suggest that children’s needs, experiences or priorities in relation to this policy decision on pre-school provision are affected by sexual orientation.

Men And Women Generally

Participation in pre-school provision is voluntary. Pre-school provision service is open to all children regardless of their gender.

The new policy will not have a different impact or effect on children based on their gender. There is no evidence to suggest that children’s needs, experiences or priorities in relation to this policy decision on pre-school provision are affected by gender.

Disability

Participation in pre-school provision is voluntary. Pre-school provision is open to all young people regardless of whether they have a disability or not.

Support is currently available in pre-school provision for young people with additional support needs because of special educational needs and/or disability. Legislation facilitates the placement of children with a Statement of Special Educational Needs to be arranged outside the open enrolment process, meaning that this policy is not relevant to those children. The legislative provision currently in operation for young people with special educational needs is unaffected by the proposed legislative changes.

There is no evidence to suggest that children’s needs, experiences or priorities in relation to this policy decision on pre-school provision are affected by disability.

Dependants

Participation in pre-school provision is voluntary.

This category is considered to be of little relevance to pre-school aged children; however the proposed changes will not affect the availability of pastoral and other support mechanisms currently available from pre-school providers.

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| **Part two – screening questions**  **likely impact** |
| 3.1 2.1 What is the likely impact of this policy/policy review/revised  Poli policy/pilot/project on equality of opportunity for each of the Section 75  equality categories?  Religious Belief None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children on their religious belief.  Political Opinion None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on their political opinion.  Racial Group None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on their racial group.  Age None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on their racial group.  Marital Status None  This category is not relevant to pre-school aged children themselves.  It is acknowledged that single parents are more likely to experience social disadvantage and require the assistance of state payments and benefits, however the policy takes account of the benefits status of both parents, including those who are not married or cohabiting. Evidence shows that children from socially disadvantaged circumstances are at greater risk of underachievement.  This policy seeks to prioritise these children in the pre-school admissions process.  Sexual Orientation None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on their sexual orientation.  Men And Women Generally None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on their gender.  Disability None  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on disability.  Dependants None  This category is considered to have little relevance to pre-school aged children.  The new policy is not considered to have an adverse impact on the equality of opportunity of pre-school children based on dependents. |

**opportunities to better promote equality of opportunity**

2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equality categories?

Religious Belief No

Political Opinion No

Racial Group No

Age No

Marital Status No

The amendment to the social disadvantage criterion will address a potential inequality in the current system which provides preferential access to pre-school education for some children due to economic disadvantage, but does not afford it to others. One-parent families are more likely to experience economic disadvantage than two-parent families[[8]](#footnote-8) although the policy takes account of the benefits status of either/both parents, regardless of their marital status.

Sexual Orientation No

Men And Women Generally No

Disability No

Dependants No

**likely impact on good relations**

2.3 To what extent is the policy/policy review/revised policy/pilot/project likely to impact on good relations between: people of different religious belief, political opinion or racial group?

Religious belief None

Political opinion None

Racial group None

* 1. Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?

Religious belief No

Political opinion No

Racial group No

**Multiple identities**

2.5 Please provide details of data on the impact of the policy/policy review/revised policy/pilot/project on people with multiple identities and specify relevant Section 75 categories concerned.

Support is currently available in the pre-school sector for children with additional support needs due to multiple identities.

Under DE policies, pre-school providers are required to assess the needs of children as appropriate and to address the needs of those young people who may require additional support or who may be at risk of underachievement. Therefore the needs of young people with multiple identities will be considered as a matter of normal practice within early years settings.

The new policy is not considered to have an adverse differential impact or effect on children with multiple identities.

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| 1. **PART THREE** 2. **SCREENING DECISION**   3.1 Please select as appropriate and provide details and reasons:    **Not to conduct an equality impact assessment because the proposal will extend or enhance equality of opportunity.**  Pre-school provision is available for children aged 2 – 5. The change in policy will extend the current priority given during the admissions process to more children who are considered to be in socially disadvantaged circumstances due to their parents being in receipt of certain state payments or benefits.  Currently there is sufficient overall provision of pre-school places for children in Northern Ireland. The continuation and extension of the social disadvantage criteria to cover all children who would be entitled to Free School Meals due to an economic factor would therefore have the effect of prioritising access for these children, without denying other target age children the opportunity to experience a year of funded pre-school education. |
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**Mitigation**

3.2 If option b was chosen.

The proposal will extend or enhance equality of opportunity. See section 4 for monitoring arrangements.

**PART FOUR**

**MONITORING**

**Please detail what data you will collect in the future in order to monitor the effect of the policy on any of Section 75 equality categories:**

Data used for management information and accountability purposes will assist in evaluating the effect the new policy is having on the relevant groups and sub-groups within the equality categories. If this monitoring and analysis of results shows an adverse impact, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the policy position will be reviewed to determine whether better outcomes for the relevant equality groups may be achieved.

**PART FIVE**

**DISABILITY DISCRIMINATION**

5.1 Will the policy in any way discourage persons with disabilities from participating in public life or fail to promote positive attitudes towards persons with disabilities?

No

The policy does not discourage persons with disabilities from participating in public life or fail to promote positive attitudes towards persons with disabilities. Support for children and young people with disabilities to participate in pre-school provision is already available and will be unaffected by this change in policy.

5.2 Is there an opportunity to better promote positive attitudes towards persons with disabilities or encourage participation in public life by making changes to the policy or introducing additional measures?

No

Support for children and young people with disabilities to participate in pre-school provision is already available and will be unaffected by this change in policy.

5.3 Please detail what data you will collect in the future in order to monitor the effect of the policy with reference to the disability duties.

The Department of Education collects statistical information on pre-school pupils as part of the Schools Census. This will continue and any changes to the participation of children with disabilities will be monitored and acted upon if necessary.

**PART SIX**

**HUMAN RIGHTS ISSUES**

6.1 Does the policy/policy review/revised policy/pilot/project review/revised policy/pilot/project affect anyone’s Human Rights?

Particularly consider:

* [The Human Rights Act (1998)](http://www.opsi.gov.uk/acts/acts1998/ukpga_19980042_en_1)
* [The United Nations Convention on the Rights of the Child](http://www.unicef.org/crc/index_understanding.html)
* [The United Nations Convention on the Rights of Persons with Disabilities](http://www.un.org/disabilities/convention/conventionfull.shtml)
* [The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)](http://www.un.org/womenwatch/daw/cedaw/cedaw.htm)

Yes

Potential positive impact to access to education

6.2 If you have identified a negative impact; what Human Right is impacted, what is the nature of the impact and who is affected and how?

N/a

6.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy.

**Normative instruments of the United Nations and UNESCO lay down international legal obligations for the right to education. These instruments promote and develop the right of every person to enjoy access to education of good quality, without discrimination or exclusion.**

Research has shown that children from socially disadvantaged circumstances tend to experience more difficulty at school than other children. This change will prioritise more children from economically disadvantaged circumstances in the pre-school admissions process.

**PART SEVEN**

**RURAL NEEDS**

The undertaking of a [Rural Needs Impact Assessment (RNIA)](http://nics.intranet.nigov.net/education/documents/rural-needs-act-northern-ireland-2016) is an integral part of the development, adoption, implementation or review of a policy, strategy or plan or the design or delivery of a public service.

Will a separate RNIA be completed? No

Participation in pre-school provision is voluntary and the pre-school provision service is open to all children regardless of where they live.

Currently there is broadly sufficient overall provision of pre-school places for all target age children in all areas across Northern Ireland, including rural areas.

Evidence also shows that the majority of areas of high social deprivation, where most children eligible for social disadvantaged circumstances would be concentrated, are in large urban towns. The continuation and extension of the social disadvantage criteria would have the effect of prioritising access for these children, without denying other target age children the opportunity to experience a year of funded pre-school education.

The amendment to the policy is unlikely to have a detrimental impact on children living in rural areas.

All pre-school admissions, apart from those in relation to social disadvantage, will also continue to be decided on the basis of sub-criteria set by the Boards of Governors/ Management Committees of individual pre-school providers.

**PART Eight**

**APPROVAL AND AUTHORISATION**

FOR COMPLETION BY Policy TEAM

Screened by: Christine Leacock Grade G7 Date 14/4/2021

Approved by: Paul Brush Grade G5 Date 14/4/2021

Notes:

The Screening Form must be approved and ‘signed off’ by a senior manager responsible for the policy.

The TRIM version of the completed Screening Form must be sent to the Equality Team (DE.Equality@education-ni.gov.uk) for quality assurance

FOR COMPLETION BY EQUALITY TEAM

Screening Decision Agreed

Quality Assured by: Richard Magowan Date 15/04/21

Team Informed: Date 15/04/21

RECORDING AND PUBLISHING BY POLICY TEAM

You must store this completed screening form on Content Manager and finalise it. Use the record naming convention “Completed Screening form of……”

Content Manager Ref No: ED1/21/106822

Placed on Internet by policy team Date 19/04/2021

As soon as possible, following quality assurance, you must publish a copy of the screening form on the Department’s website: <https://www.education-ni.gov.uk/publications> with a link on the “Policy Screening" page: <https://www.education-ni.gov.uk/de-equality-screenings>

1. DE: Annual enrolments at schools and in pre-school education in Northern Ireland 2020-21 (2021) [↑](#footnote-ref-1)
2. DE: Annual enrolments at schools and in pre-school education in Northern Ireland 2020-21 (2021): Religion of pupils by school type and management type, 2020/21 [↑](#footnote-ref-2)
3. DE: Annual enrolments at schools and in pre-school education in Northern Ireland 2020-21 (2021) [↑](#footnote-ref-3)
4. DfC: Northern Ireland Benefits Statistics Summary November 2020 (2020) [↑](#footnote-ref-4)
5. EA Admissions statistics 2020/21 academic year [↑](#footnote-ref-5)
6. DE: Annual enrolments at schools and in pre-school education in Northern Ireland 2020-21 (2021) [↑](#footnote-ref-6)
7. Suitable data for children with a disability is not available for the pre-school sector [↑](#footnote-ref-7)
8. DfC: Universal Credit claims November 2020: 30% lone parents, 10% couples with children [↑](#footnote-ref-8)