



Northern Ireland
Assembly

Committee for Education

OFFICIAL REPORT (Hansard)

Post-primary Transfer: Department of
Education/Education Authority

23 September 2020

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Chris Lyttle (Chairperson)
Ms Karen Mullan (Deputy Chairperson)
Mr Maurice Bradley
Mr Robbie Butler
Mr William Humphrey
Ms Catherine Kelly
Mr Daniel McCrossan
Mr Justin McNulty
Mr Robin Newton

Witnesses:

Mr Sam Dempster	Department of Education
Mr Scott Harbinson	Department of Education
Mrs Janis Scallon	Department of Education
Mr Dale Hanna	Education Authority

The Chairperson (Mr Lyttle): From the Department of Education, I welcome Mrs Janis Scallon, director of sustainable schools policy and planning; Mr Scott Harbinson, head of the school admissions team; and Mr Sam Dempster, head of the curriculum and assessment team. From the Education Authority (EA), I welcome Mr Dale Hanna, acting director of operations and estates.

At the Committee meeting on 2 September, members asked Department of Education and Education Authority officials to explain the new post-primary transfer timetable and to set out the new additional costs. Officials were unable to do that at that time. Part of the reasoning cited was that unregulated transfer tests were not the responsibility of the Department or the EA. Yet we now find on the Department's website an equality screening document relating to a possible ministerial direction made under article 101 of the 1986 Order, apparently requiring the Education Authority to revise post-primary transfer arrangements.

Can you please explain to the Committee the new plan for post-primary transfer and why we have not heard about that information to date? I will hand over to officials for their opening statement.

Mrs Janis Scallon (Department of Education): Thank you, Chair, for the opportunity to appear before the Committee. It may be useful if I commence by providing a succinct explanation of the roles and responsibilities of each of the stakeholders in the process of transfer from primary to post-primary education.

The Education (Northern Ireland) Order 1997 provides the Department of Education with the power to set an admissions number for every school. That is the number of children a school must admit if it is oversubscribed. The Department may vary that number, and it uses that power by way of a temporary variations process, which allows an increased intake at a school where there is a need for additional places.

The Department may also publish guidance on the admissions process, which the Education Authority and individual boards of governors must have regard to. Individual boards of governors are responsible for setting admissions criteria and, where a school is oversubscribed, applying the criteria to select children for admission. While boards of governors must have regard to the Department's guidance, the content of the criteria is a matter solely for governors.

Post-primary schools that make use of academic selection source tests provided by the Association for Quality Education (AQE Ltd) and the Post Primary Transfer Consortium (PPTC). Those bodies are independent of the Department, and the Department has no role in organising, scheduling or the content of the tests.

The Education Authority is responsible for ensuring that parents can express their preferences for the schools that they wish their children to attend, and if a child has been unsuccessful in its application, to appeal the decision of a board of governors to refuse their child admission.

The process of transfer, therefore, operates successfully through the combined efforts of the Department, our colleagues in the Education Authority, individual boards of governors, and, by extension, the entrance test providers.

The test providers announced on 2 September that they would change the dates of their tests for transfer 2021. AQE Ltd announced the dates of 9, 16 and 23 January 2021 for its tests, and the PPTC assessment will operate on 30 January 2021, with its supplementary test on 6 February. That is later than usual, as the tests are normally completed by the end of November or start of December.

Those decisions were taken in the context of a legal challenge to the timing of the tests. Over a number of weeks, the Department engaged with the Education Authority to ascertain whether a delay to the entrance test, and, as a result, a delay to the issue of results, could be facilitated within an overall timetable.

The Department's focus is to ensure that the admissions process is capable of operating successfully for all children, regardless of whether they sit tests. It would be useful to clarify at this stage that the Department considers a successful admissions process to be one that allows all stages of the process, from the nomination of preferences by parents to the selection of applicants by schools and the hearing of all admissions appeals to be completed in advance of September 2021. The outcome of that engagement was that it is possible for an admissions process to operate successfully even when test dates are in January 2021.

On foot of the test providers decisions of 2 September to operate tests in January 2021, the Department has engaged again with colleagues in the Education Authority in relation to the timetable for transfer 2021 and what pressures may emerge in ensuring that it is successfully delivered. A timetable is being finalised and, subject to ministerial clearance, will be issued in the coming days. The timetable will be affected by the test providers' delays in operating tests and issuing results and will see a shorter window between the submission of applications and their consideration by first-preference schools. That reduction will be facilitated by the introduction of an online school application process for post-primary admissions, building on the successful implementation of online admissions at preschool and primary level in the past two years. It is important to say here that the online process will not just be of benefit now but for many years to come.

Engagement is ongoing to ascertain what additional costs associated with the 2021 timetable might arise. As that work has not been completed, I am unable to advise on what additional costs may crystallise. However, I can advise that consideration is being given to a number of key areas: the roll-out of an online portal for school applications; the management of special circumstances applications in the system; the admissions appeals process; and the transfer of information from test providers to the Education Authority.

Transfer 2021 will see a continuation of the pattern of recent years where there has been a significant increase in the size of the cohort transferring to post-primary education. By 2022, we estimate that the competitive admissions process — that is, the process for children who do not have a statement of

special educational needs — will see over 3,000 more children transferring to post-primary education than transferred in 2015. In order to anticipate demand for places, the Department has already allocated 361 year-8 places across 21 schools for September 2021 admission. Those places were allocated following an exercise that identified anticipated pressures and invited applications from schools that wished to be considered for additional places. Those places do not represent the totality of additional places that will be required, and the temporary variation process will be available to cater for localised pressures.

In 2019 and 2020, over 1,000 additional year-8 places were allocated to schools to cater for demand, and we expect a similar number of additional places to be provided in 2021.

The Chairperson (Mr Lyttle): I am sorry to cut across you Janis, but would you repeat very quickly the number of September 2021 places?

Mrs Scallon: The number of pupils who will be transferring in 2021 or what I have just said?

The Chairperson (Mr Lyttle): I think you said the number of pupils transferring and then the number of additional places.

Mrs Scallon: OK. In order to anticipate demand, the Department has already allocated 361 additional year-8 places across 21 schools for September 2021 admission.

The Chairperson (Mr Lyttle): OK, thanks.

Mrs Scallon: In conclusion, I wish to highlight one more very important group of stakeholders who are involved in the transfer process: the children who will be moving to post-primary education next year and their parents and guardians. I can assure the Committee that the interests of children and their families are central to the decisions that we are now making about transfer 21, although I acknowledge that the decision of the test providers to move the tests to January 2021 has not met with universal approval.

I would like to take this opportunity, however, to highlight the important role that parents can play in securing a place at a school of their preference for their child. The Department strongly recommends that parents should nominate at least four schools on their child's application, at least one of which should be a non-grammar school. Unfortunately, many of the children who are unplaced when placement letters are issued had only one or two preferences listed on their application form. In nominating sufficient and realistic preferences, parents can maximise the likelihood of securing a place for their child at a school of their preference.

I am happy to answer any questions that the Committee might have. It may be useful for me to explain that my colleague Sam Dempster, head of curriculum and assessment team in the Department, has policy responsibility for academic selection and should therefore be able to assist with questions on the testing process. I am also joined remotely by Dale Hanna, director of operations and estates in the Education Authority, who should be able to assist with questions on the admissions process. To my left is Scott Harbinson, head of the school admissions team, who will have the departmental detail on transfer 2021.

The Chairperson (Mr Lyttle): Thanks for your initial briefing. I welcome the encouragement that you have given to parents to inform themselves about the extremely complex process that they have in front of them. In addition to listing a number of preferences, they need to work extremely hard to understand the nature of the criteria at each school. As you will be aware, some non-selective schools require you to place them as first choice in order to be eligible for, or be likely to gain, a place there. So, it is an extremely complex process, and it is encouraging to hear the Department of Education making an attempt to explain it to parents and children and young people. Maybe there is a bit more work to do in that regard.

The information that you have provided us with today is not particularly new or additional. You still cannot give us a timetable for post-primary transfer arrangements for the next academic year.

Mrs Scallon: The Education Authority furnished us in Department with the timetable in the last 48 hours, and it is under consideration. It is still subject to ministerial clearance, so I expect that the timetable will be issued imminently.

The Chairperson (Mr Lyttle): OK. So, the decision to delay tests to January was made in the absence of a timetable.

Mrs Scallon: The decision to delay the tests to January was made by the test providers; it was not a decision made by the Department. At that stage, the timetable had not been published.

The Chairperson (Mr Lyttle): When I asked on 2 September whether a costing had been calculated for that decision, I was told that it had been costed but that the figures were not available. What will the change to post-primary transfer cost the public purse?

Mrs Scallon: Any costs related to the operating of tests in January are a matter for the test providers. In relation to the admissions process, however, there may be costs associated with operating a shorter process. The costs, should they arise, are being scoped. Additional costs may be incurred in four key areas, and I can ask Dale to provide some more detail on them if you require it. Those areas are the development of the online portal for school applications, not just for present but for future benefit; a new approach to handling special circumstances applications in the process; the admissions appeals process; and the transfer of information from the test providers to the Education Authority. There may also be costs for appeals tribunal panel members that we need to consider. Although we had a number of appeals lodged last year, we need to figure out the cost if there is an increase in appeals this year. So, there are a number of areas where costs might arise.

At the time of the last Committee meeting that we attended, when the question on costs was asked, some indicative costs had been produced. Since then, we have had an accelerated timescale from the Education Authority, and we still need the space and time to scope out those costs. It would be unfair of me to give indicative costs at this stage when I do not have any; if I did, I would be misleading the Committee, which I do not want to do. We need the space and time to work out how much each of the four areas will cost and see where the best value for money lies in getting a streamlined process. We do that every year; we always look at the process with a view to streamlining.

The Chairperson (Mr Lyttle): Look, if the answer is no, just tell me that because otherwise we are wasting time. I find it strange that the Minister of Education has decided to truncate the post-primary transfer process without any costs being available.

Mrs Scallon: The costs associated with a later admissions process as a result of the test providers moving their tests to January was not the Minister's decision. However to ensure that transfer 2021 can operate successfully for every child, additional costs may unavoidable.

The Chairperson (Mr Lyttle): OK. According to the equality screening document on the Department of Education's website, the Minister is considering the use of article 101 of the Education and Libraries (Northern Ireland) Order 1986 to direct the Education Authority to delay the commencement of post-primary transfer processes for 2020-21 until March 2021. This is obviously a wide-ranging power that the Department has rarely used. It has not, to our knowledge, ever been tested in the courts. Can the Department confirm whether the Minister is indeed using article 101, and why is it felt necessary to compel the Education Authority in this regard?

Mr Scott Harbinson (Department of Education): That work was undertaken on the basis that, whilst the Department issues the timetable every year, it is provided to us by the Education Authority, which has statutory responsibility for delivering the admissions process. That was in case the Minister had to direct the Education Authority to operate a timetable that would allow all children to make use of test results and be placed by the start of term. In reality, it does not look as if it will be required, because, as Janis explained, the Education Authority has provided a draft timetable to us that is under consideration, and that timetable does reflect the realities on the ground. So, it appears that that direction will not be required.

The Chairperson (Mr Lyttle): In the context of Janis's description of a process that is being widely steered by AQE and PPTC, the Minister of Education was considering the use of article 101 to direct this process.

Mrs Scallon: Yes, that is correct, and, although it had to be under consideration, Chair, it is not needed.

The Chairperson (Mr Lyttle): OK. In the case of the public health situation changing and there being further lockdowns, either in individual schools or localities or for the whole of Northern Ireland, what contingency plan have the Education Authority and the Department put in place to manage post-primary transfer?

Mrs Scallon: In the event of a future lockdown, or anything that would result in a cancellation of the test, any decision to cancel the test would be a matter for the test providers and should, as you rightly say, be based on Public Health Agency (PHA) and wider medical advice. However, admissions criteria are where we need to put that consideration on the part of boards of governors. Admissions criteria are a matter for individual boards of governors, and schools that are using academic selection in their admissions criteria will need to carefully consider the circumstances that may arise in relation to admissions 2021 in light of the COVID-19 situation.

The circumstances could arise that, for example, test scores were not available for schools to apply their usual admissions criteria. Equally, circumstances could arise where a proportion of the intake is unable to take tests for whatever reason and some applicants have a test score on an application and some applicants do not. Those boards of governors need to conceive of each potential eventuality and ensure that their admissions criteria are robust and thoroughly constructed to ensure that they can be applied in all circumstances. Every autumn, the Department provides advice to schools on, among other things, their admissions criteria, and the Department will shortly be communicating the information to boards of governors of schools specifically that will be used in academic selection.

The Chairperson (Mr Lyttle): Thank you. I am almost out of my time. What contacts have the Department of Education and the Education Authority had with post-primary schools, primary schools, parents and children to determine what they want to do in 2020-21 in respect of post-primary transfer?

Mr Dale Hanna (Education Authority): We know from our previous engagement with parents and schools that having an online application process is very welcome, so we know that that approach will be welcomed by parents, and that is currently what we are looking at to try to digitise as much of the process as possible. So, there has been engagement in the past with parents and schools around that part of the process.

The Chairperson (Mr Lyttle): OK. The Committee conducted an online engagement that received 8,500 responses from a mix of parents, teachers, children and young people. We will report on that in due course and, hopefully, bring it to the Chamber.

This is my final question, Janis. You said that the proposal to delay tests until January has not been met with universal approval. In my experience, it has been met with almost universal rejection. Is the Minister determined that the tests will be delayed and will take place in January 2021?

Mr Sam Dempster (Department of Education): I will answer that one, Chair. That is not really a decision for the Minister. He made it clear that those are decisions for the providers. Our role is then to make sure that the timetable fits with that.

The Chairperson (Mr Lyttle): I do not find that response adequate. The Minister was considering an article 101 to direct the transfer process, so saying, "It's not my responsibility" is not going to cut it, but I am out of time. Thanks very much indeed for your answers.

Ms Mullan: Thank you, everybody, for attending today. The Chair asked most of my questions, so I will come back to some of them, particularly those on the engagement that has happened. In your answers, you highlighted that the responsibility for criteria clearly goes back to the board of governors. So managing the whole process of the changing public health advice, tests not happening or a small number happening goes back to the board. Dale said that there was engagement in the past. What level of ongoing engagement and support will be provided to boards of governors aside from updated leaflets or documents on criteria?

Mr Hanna: We are in a pretty intense planning cycle of looking at the various areas. As Janis outlined, there are four areas: the online application; transfer test results; special circumstances; and appeals. As that starts to evolve and we start to come up with options, we will, obviously, try to engage with school leaders and probably the broader public at that stage on some of those options. However, until we bottom some of those out, we will not be in a position to engage with people. We want to have something meaningful to engage with them on.

Ms Mullan: There is, obviously, a very heavy workload on principals and boards of governors at the minute with the ongoing issues about keeping our schools, staff and pupils safe. On top of that, they have responsibility for this. There is division in boards of governors in my city about whether tests should continue. There needs to be a level of support.

Janis, you answered some of this for the Chair, but does the Department have a real picture of the level of oversubscription that may happen in some schools if the transfer test does not take place?

Mrs Scallon: We deal with oversubscription in schools every year. As I explained at the outset — Scott can certainly come in with the detail — there are two things: oversubscription in individual schools; and the increased cohort that we know is coming to this year 8. We have experienced an increased cohort in the past two years and a further slight reduction of 61 pupils on the cohort this year, but it is still much increased on what it would have been in 2015 or 2016. In advance of that, we undertook extensive planning at a very low level of geography in Northern Ireland to anticipate where the pressure points might be. As we have done in the past two years, we allocated 361 additional places across 21 schools for intake this September and September 2021. Scott, do you want to give some more detail on that?

Mr Harbinson: We first did that in 2019 when we put in in excess of 400 additional places. When temporary variations kicked in, that led to over 1,000 additional year 8 places. In the year gone past, we put in 443 before the procedure started, and, again, we have ended up with over 1,000 additional places. Next year, across the 21 schools, it will be 361. Whenever we look at the difference in numbers, we do so by region, locality and sector. Whilst the numbers across the piece are broadly similar, the pressures in individual areas are such that we felt that we did not need to put in quite as many places. However, when the process is up and running, we can approve additional places via temporary variation.

One additional point is that when looking at where we need to put additional places in, we look at four sectors: denominational schools; non-denominational schools; integrated schools; and Irish-medium schools. If, for example, there was an additional pressure in a grammar school, because, perhaps, a test was taken away, if that grammar school is normally oversubscribed and there are places available in the non-grammar sector, the assumption will be that there will still be places in the non-grammar sector. Just because first-preference applications rise in a particular school does not equate to more children getting into that school. It depends on the availability of places in the wider area.

Ms Mullan: Yes, I suppose that I was looking for an assurance that, if the test did not take place, more places would not go to the grammar schools and the non-selective schools would not be penalised again. Janis, you know that that happened before in my city, and I had to come to you. It is about getting the reassurance that, if the test does not take place, we are clear on how places will be allocated. Thank you. You answered that.

The Chairperson (Mr Lyttle): Karen, would it be useful for us, as a Committee, to request a breakdown of oversubscription in selective and non-selective schools and where additional places are given?

Ms Mullan: Yes.

The Chairperson (Mr Lyttle): Clerk, is that something that we can request?

The Committee Clerk: Yes.

Mr Newton: I thank Janis and her team for appearing with us today. I have two questions, which are quite straightforward. Janis, you referred to the fact that schools are responsible for their admission criteria. I will not mention the school involved but will talk about my recent experience. I attended an appeal and, when we arrived at the appeal, the parent and I were confused about the exact admissions criteria. The school did not turn up at the appeal. Indeed, I can only take from what I read from the appeals panel that it was not clear about the criteria either. The appeal was adjourned with the intention of asking the school to attend, but, on the appeal being heard again, the school did not attend.

I am not sure whether that is a unique situation, but I got the impression that it might not have been. In a situation such as that, is there not an onus on some sort of screening of the criteria or, at least, advice on them? Is there also not an onus on a school to turn up to an appeal?

Mrs Scallon: OK. Thank you, Robin. I will take the advice and guidance first. The Department produces advice and guidance to all schools and boards of governors in a circular that details what they should do with their admissions criteria. We do not specifically recommend what to use, but we do specifically guard against certain types of admissions criteria. I am happy for Scott to come in with more detail on that, but we provide that advice to boards of governors.

On the admissions appeal question, I will ask Dale to come in, because those are conducted through the Education Authority. I ask Scott to come in first on the advice and guidance.

Mr Harbinson: We publish advice, including advice on admissions criteria, and, legally, schools have to have regard to that guidance. Furthermore, controlled schools need to have regard to any guidance that is issued by the Education Authority, whereas Catholic maintained schools need to have regard to any guidance that is issued by the CCMS. We provide that advice.

I will touch very briefly on appeals before I hand over to Dale. The Department receives a report every year on the outcome of the appeals in the Education Authority. We use that, essentially, to monitor how schools are performing. We accept that, on occasion, appeals are lost. However, if we see a recurring pattern or too many appeals being lost, we will raise that issue with the school. We cannot have the position where children who should have got into a school are not getting in because they did not appeal. We follow that up with individual schools. Whilst we cannot compel schools to go to appeals panels, it really would be good practice. If schools were to lose appeals, that would come to our attention. We follow it up with schools when we think there is a problem that needs to be addressed.

Mr Hanna: Scott has covered that really well. We cannot compel schools to attend. Ultimately, it is an appeal from the parent. The panel members that we have in place are very experienced and able to understand the admissions criteria. However, it is an interesting point that we can go away and consider again.

Mr Newton: It is a pretty stressful situation for the child, obviously, but also for the family as a whole. The remark of the parent, as we were leaving the appeal, was, "I do not think that I got a fair hearing". That was not because of the panel. The panel were, I think, as expert as they could have been. It was really because the school was not represented at the appeal. A parent was walking away feeling disappointed on behalf of her child because the outcome was that the child did not get into the school of choice.

Mr Hanna: Robin, it is important to remember that the appeal is very much a technical exercise. It is very much in the space of, "Did the school apply its admissions criteria in the correct way?". I think that, sometimes, parents feel that they are going to an appeal that is more around their individual or special circumstances. This appeal is very much in the space of a technical piece of work to make sure that each individual has conducted the appeal properly.

Mr Newton: I accept exactly what you have said, but it really would have been good for the parent to hear the answers from the school in what was, as I described initially, a confused situation on the criteria as far as I was concerned. I anticipated — I cannot say that they did — that the panel had a number of questions in their minds as well, but the school did not turn up. It was disappointing.

Mr Butler: Thank you for coming on today, guys. I will make a statement and ask two brief questions. A lot of the stuff has already been covered. This is obviously an issue that people are very passionate about. Whether it is a young person who is taking the exam, a parent or guardian, a teacher from either sector, a Committee member or one of you guys, we all have views on IQ and transfer testing. I am probably in favour of some kind of streaming and testing under a system that is better than the one we have, as opposed to abolishing what is there.

However, what I find incredibly frustrating is the constant stand from under that is done with regard to responsibility for making this the best that it can be. A number of questions have been asked for months now. One of the answers sought at the start was about where responsibility lies for different component parts of this. The first hurdle that any child has to get over is that this could be a whole lot better. If we are going to do this properly, someone — that person will be the Minister — has to take

absolute responsibility for it. I have to declare an interest as a governor for a primary school. The offloading of responsibility onto the board of governors in a school is slightly unfair when you look at the whole way that the education system is set up. I find it really frustrating. My frustration is directed at the Department and, perhaps, the Minister, although I applaud him for the work on educational under-achievement that he is embarking on. If we are going to look at this, it will be a major factor as to whether we are to get the best out of all our pupils across the piece. I just need to get it off my chest. This constant stand from under — the deflecting of responsibility — does not bode well for a system which gets the best and offers the best.

I want to ask one question about the schools, mostly in the maintained sector, that, very early on, decided that they were not going to offer the test. Forgive me if this has been asked; I had to nip out. Do those schools require a development proposal in order to opt out?

Mrs Scallon: OK. Thank you, Robbie. Yes, in July 2020, 11 grammar schools and Lagan College announced that they would temporarily remove academic selection from their admissions criteria in response to the COVID-19 situation. The Department has written to those schools, to 46 neighbouring post-primary schools and to 203 feeder primary schools. It is a fact-finding and evidence-gathering exercise to ask for information as to what impact such changes would have on their respective schools. Considering that schools were restarting in late August, an extension of time, until 18 September, was provided for schools to respond. To date, seven of the 11 grammar schools that made the announcement have responded. Two neighbouring schools and four of the 203 feeder primary schools have chosen to respond.

We are currently in the process of analysing the information, given that the closing date was 18 September. We will make a recommendation to the Minister as to whether the changes are considered significant and if they are likely to have a significant effect requiring a need for those schools to submit a development proposal.

Mr Butler: OK. I appreciate that. It is disappointing to see the lack of response from the schools that you wrote to, but I am glad to hear that you did so. If that is the case, I take it that, based on the responses, the Department and the EA will decide what the policy and procedures will be for those schools, because it does not exist and is not the best fit through the temporary variation policy at the moment. Will there be something unique created for those schools?

Mrs Scallon: Regardless of whether they operate academic selection or not, it is for each school's board of governors to decide the admission criteria. Boards of governors have the responsibility to put admissions criteria in place, whatever that criteria may be. As Scott has already said, we provide guidance to boards of governors, and they have to have regard for that guidance.

Mr Harbinson: To add to that, the temporary variation policy relates to changes and increases in the admissions or enrolment numbers of the school. The decisions by the board of governors do not affect the intake numbers.

Mrs Scallon: No, they would not.

Mr Butler: OK. Thank you for that.

One final question. This is slightly different, and it is something that I have been lobbying for since January and before COVID. That is to bring the transfer test back to primary schools. I know, very simply, you would probably say, "Well that it is a matter for PPTC, AQE and the board of governors for the respective schools". Here is the reality, COVID-19 is here, and if we are going to be respecters of policy, guidance and COVID guidance, then we need to ensure that our children are not subjected to bigger bubbles, or areas where they are going to be cross-contaminating and so on. Please do not do a stand from under on this one.

Surely, if tests are going to go ahead this year — and I stress, "if they go ahead" — someone with some authority has to give some direction, even if there is money involved, and say, "We need to keep our children safe. We need to create the safest environment for them to take the test, and their well-being will be given primacy in this".

Mrs Scallon: I will come back very quickly, Robbie, and I will ask Sam to come in shortly. First, on the current situation, the new COVID-19 guidance and the 'New School Day' guidance, the health and safety of staff and children is of paramount importance to the Department, our colleagues and

education stakeholders, and that goes without saying. There is currently no bar on primary schools hosting any tests. There has never been a barrier to that, and there is no barrier there now. Sam, do you want to come in with a bit more detail?

Mr Dempster: That is absolutely right. To a certain extent, you have almost answered your question, Robbie. There is no bar on schools doing this. Some will want to do it, others will not, and it will be a matter for individual boards of governors. However, there is also the issue that they will also need to agree it with the test providers. The current arrangements are that the tests are held in selected post-primary schools. If there is going to be a change to that, it will have to be agreed with the providers.

Mr Butler: Again, this probably highlights my first point about where levels of responsibility lie. That is why there needs to be, at some stage, when we have designed the best process, a single owner of how we stream our children. Thank you.

The Chairperson (Mr Lyttle): I have a couple of brief supplementary questions. Do you have any concern about further inequality and unfairness if there is not a universal policy on where the tests are set?

Mrs Scallon: I will answer, and Sam might want to come in after me. To be fair, I am speculating, some primary schools may wish to do this but some will not, and that could result in some children sitting a test in their own school and other children not being afforded that opportunity. So that would be the level of inequality that I would observe. With no tests taking place in primary school now, everyone is equally sitting tests in an environment that is not their own primary school.

The Chairperson (Mr Lyttle): Exactly.

Mr Dempster: The views of primary schools are as diverse as those of parents. There is no easy way out of this.

The Chairperson (Mr Lyttle): What do you mean?

Mr Dempster: It is about whether primary schools will be prepared to host tests. There is a diverse range of views. Some will want to do it, as Janis said, and some will not. In itself, that could create inequality where some children are able to sit the test in their own school but others are not.

The Chairperson (Mr Lyttle): What is the Minister of Education and the Department of Education going to do about that?

Mrs Scallon: Whether the test takes place in primary schools is a matter for the test providers and the schools who wish to employ that service of having a test to meet admissions criteria and have scores on application forms. The question of whether tests take place in primary schools is a matter for the boards of governors of those schools and the test providers.

The Chairperson (Mr Lyttle): OK. Nothing.

Mr Butler: Sorry for jumping in, I find this frustrating. It is a stand from under. The Minister's position is that he is adamant that the transfer test will go forward. By the way, I do support him and have supported him. I am not an abolitionist, but I accept that there are issues with the transfer test. COVID is not a normal circumstance, and normally I would not be so vociferous. I suggest that, if there is guidance from the Department and EA about bubbles and public safety, it should extend to the transfer test. I know it is optional whether they do the test or not. It is similarly optional for parents whether their children sit the test, but the reality is that 78% of young people will sit the test. Pupil safety must be the paramount consideration at this time. The guidance that is already there for restart should cover the AQE testing.

The Chairperson (Mr Lyttle): Is the Minister more concerned with the test being set than how safe it is for children to sit the test? I will move on.

Mrs Scallon: Chris. Can I come in there?

The Chairperson (Mr Lyttle): OK.

Mrs Scallon: Absolutely not. I was involved in the restart guidance, the 'New School Day'. That applies to the school under any circumstance. It applies to washing, hand hygiene, respiratory hygiene, keeping a distance, regular cleaning of multiply-touched surfaces and all of those mitigation factors. That guidance exists regardless of what is happening in the room, whether it is a test, a lesson or a breakfast club.

Mr Hanna: Just to add to that, Chair —.

The Chairperson (Mr Lyttle): I need to keep this moving.

I asked you what engagement the Department of Education has had with schools on post-primary transfer, but it was not until Robbie asked you a question about development proposals that you divulged that you have written to a number of post-primary schools and feeder schools about assessments of the need or otherwise for development proposals. Why would a post-primary school need a development proposal to amend its admissions criteria if the responsibility and decision-making authority for admissions criteria rest solely with the boards of governors of those schools?

Mrs Scallon: That is what we are trying to establish, Chair. The development proposal legislation stipulates quite clearly that any significant change to a school, be that the size of the school, the management type of the school or the characteristic of the school, requires a development proposal. We need to explore what the impacts of a such change may be not just on that school but, as the legislation for development proposals sets out, on other schools. We had to do a fact-finding mission to gather the evidence to let the Department decide whether this would be a significant change. If it is deemed to be a significant change, as per the legislation, a development proposal would be required. If it is not deemed to be a significant change, a development proposal would not be required.

The Chairperson (Mr Lyttle): So the Minister is potentially going to utilise development proposal legislation to interfere in the setting of admissions criteria for some post-primary schools?

Mrs Scallon: It is under the development proposal legislation, Chair. It is not a matter of interfering; it is a matter of setting out what is required in statute, should there be a significant change to a school in its size or character.

The Chairperson (Mr Lyttle): OK. Why is this only happening now, when these changes to the admissions criteria were publicly announced in July?

Mrs Scallon: We wrote to the schools in as practical a time as possible.

The Chairperson (Mr Lyttle): When did you write to the schools?

Mrs Scallon: At the end of July and beginning of August.

The Chairperson (Mr Lyttle): OK. Is it possible for the Committee to see that correspondence?

Mrs Scallon: Yes, I am happy to forward the letter that we sent to schools.

The Chairperson (Mr Lyttle): Thank you.

Mr Humphrey: Good morning, everyone. Thank you very much for your attendance. Janis, thank you very much for your presentation. Janis, I want to talk about the criteria that you mentioned. I am a governor of two schools, one of which is the Girls' Model, and I was at the board of governors' meeting there last night. I want to commend the principal and senior leadership team for the tremendous work that they are doing. The fact that the school has a 95% attendance rate, even in the midst of the COVID pandemic, is fantastic.

One of the issues, you will know, in working class areas and working class Protestant areas in particular is around valuing education and educational attainment and encouraging parents and pupils to attend school, value education and strive to do their best academically and all that. There is a problem, though, if we get to the point where we cannot get children into schools. You will know that, in inner Belfast, if I can use that term, we have the two Model schools in north Belfast and the two Ashfield schools in east Belfast, but there is an issue with capacity and getting young people into

those schools. That comes up every year. We do appeal and push for variance. We do push and have pushed for increased facilities at both Model schools, and that has happened, but we still struggle to get children into the schools that they want to get into. That undermines those arguments, if we cannot get children into the schools.

Can you reassure me and my constituents that there is future-proofing? I have mentioned east Belfast, but I am obviously speaking about north Belfast and the greater Shankill, part of which is in west Belfast, and about kids getting into the schools there. Is future-proofing being done there to facilitate young people getting into those schools, given that the population in all the local primary schools across north Belfast and the greater Shankill is growing?

Mrs Scallon: There are a couple of things. I will ask Scott to come in with the detail, William. Thank you for the question. When I came into the Department, we had just had the first year of a huge increase in the cohort, so we relied on the temporary variation process, on a retrospective basis, to be able to allocate additional places. Last year, we took a year-forward look, and it resulted in, I think, 213 unplaced children at the end of the process, but we put in additional places in advance of the transfer process completing. This year, we have taken a two-year look at the process. The aim is that we will be able to look again in the following year and over the next number of years and assess what way cohorts lie in each of those small geographical areas. We aim to look at that in the future. That is on the admissions side and the post-primary transfer side.

In the longer term, I have the delight of having area planning under my bailiwick. We aim to take a long-term strategic view around area planning when planning for spikes and troughs in the population, ensuring that the right school places are in the right locations and are of the right type to meet parental preference, where possible.

I will ask Scott to come in on the detail of the additional places that have been added and the process for this year.

Mr Harbinson: I will briefly cover the areas that you mentioned. In north Belfast, there was pressure in the last number of years. At the Model schools, I cannot remember the exact number, but I think that it was a combined increase of 82 places following a development proposal that was approved just over 12 months ago.

Mrs Scallon: Yes, that is right.

Mr Harbinson: That has, I think, by and large, addressed that issue, more or less anyway. In east Belfast, there is a lot of pressure across the Ashfield schools. This year, we put in 52 additional places before the process started, and, for next year, we put in 30 across the schools before the process started. I cannot recall the quantum, but we have given additional places this year, by way of TV, at those schools in east Belfast. When those pressures arise in the short term, we are able to deal with them, and we would only not approve places if there were alternative schools close enough to children's homes.

Mr Humphrey: I am an ex-pupil of the Boys' Model. When I was there, there were 1,250 boys, and there will soon be a return to 1,250 boys, but the school was not built for 1,250 boys. That is an indication of the success of the school. Both Model schools are successful. The fact that primary schools in north Belfast are growing and are pretty much at full capacity is great, but I respectfully suggest that, instead of looking one or two years down the line, you need to look five or 10 down the line, Janis. I do not mean that to be critical, but I can see what is coming over the hill, and that needs to be done now. We need to look further down the line than one or two years.

The other point is that we have those problems on an ongoing basis. We are talking about a divided city. I would rather it was not like that. We have a divided education system, and I would rather it was not like that, but that is the way it is. I am dealing with cases of trying to get kids into the likes of the Model schools, and we come back with options of going to Catholic maintained schools. You cannot responsibly ask children who live in loyalist estates to go to those schools. That is just the way it is, and I think that officialdom sometimes does not see that. Sending out an offer that a child and the family do not feel that they can accept for safety reasons is not addressing the problem. Those are issues that the Education Authority and the Department need to look at going forward because, although you are right that the issues were not as big this year as they were in previous years, there were some issues. We need to continually work at this or those problems will come back to haunt us in future years.

Mrs Scallon: Absolutely. I agree. As I said, looking one year ahead was OK, and I think that looking two years ahead will prove to be successful again. We will aim to look even further ahead with the next round. We will definitely do that.

There are a couple of things to say. The temporary variation process, as Scott mentioned at the top of the session, looks at four sectors: non-denominational, denominational, Irish-medium and integrated. Those are the things that we look at when we allocate temporary variations. If I am right — Scott, keep me right — we would never turn down a school for a temporary variation where there are no other available places in that sector that are within reasonable travelling distance of the child's home. You make a valid point about the unplaced children.

Mr Humphrey: Imagine how stressful it is — we have all been there, some more recently than others — if you have a child who is going into first year after being in P7 at a local primary school and, at 11 or 12 years of age, maybe has to get two buses. Add to that the children who are potentially autistic, or whatever. We have all dealt with those types of cases. Variations are fine, but they work only if the schools have the capacity to take the children. If the schools' capacity is maxed out, nothing more can be done. That is the case with both Model schools. I am very grateful, as are the principals and governors, for the money that has gone into those schools. It is greatly needed and very welcome. However, they are now maxed out. Variations will not work now. I have made my point. Thank you very much for your answers. Maybe you will bear that point in mind.

Ms C Kelly: Thanks to everybody for meeting us this morning. What I will say is probably more of a comment than a question, because the Chair and Karen have asked most of my questions. As recently as 2016, the UN Committee on the Rights of the Child (CRC) recommended that the practice of unregulated tests to access post-primary education in the North needs to be abolished. Right now, in these abnormal circumstances, where children have lost out on so much teaching time and are likely to again, action needs to be taken. This morning, Holy Cross College in my constituency, West Tyrone, has had to close its doors due to an increase in cases. That is possibly what is ahead of us across the primary and post-primary sectors in the weeks ahead.

Why are the Department and Minister wearing blinkers on the issue of the transfer test? An alternative method needs to be used, especially in this year. Planning should take place right now, with children's well-being at the heart of it. Principals and teachers have enough on their plates in keeping children safe and trying to adjust to the new normal. There is talk about a reduced curriculum for primary-school children, yet an insistence that primary 7s go through those tests. The mind boggles.

I have one final point. Going back to what the Children's Commissioner said a number of weeks ago, the same logic needs to be applied to transfer tests as was applied to other exams. Why is that not an option for our 10- and 11-year-olds?

Mrs Scallon: Thank you, Catherine. Sam, do you want to come in?

Mr Dempster: I will answer that, if I may. There are a number of issues. The first is that academic selection remains on the statute book. To change that would require agreement at the Executive and in the Assembly. While we have academic selection, we have to test because that is the schools' preferred choice.

The second issue that you asked about was alternative methods. I think that the Minister is on the record saying that he does not see anything better at this point in time. There is no evidence that primary schools would support the sort of assessments that happen at GCSE and A level. There is no evidence to suggest that post-primary schools would accept those assessments. Therefore, there are a number of issues, but the core issue is that academic selection remains on the statute book. For that to change, it would need the agreement of the Executive and the Assembly.

Ms C Kelly: Thanks for that, Sam. Going back to what I said about the well-being of children and young people, I reiterate the fact that we are talking about 10- and 11-year-olds sitting those exams. Under these circumstances, where decisions have been taken to alleviate pressures on other cohorts of children and young people, the youngest children still have to go ahead and sit those exams. In my opinion, plans should be put in place, especially in the light of current circumstances, such as at, as I mentioned, Holy Cross College. That is possibly something that we will see going forward. I reiterate the need for plans to be put in place in case the transfer tests cannot and do not ahead.

Mrs Scallon: May I come in there, Chair? At the outset, I spoke about things that boards of governors will need to be aware of in the current situation. There may be situations in which tests have to be cancelled and no score will be put on an application form. Some children may have a score to put on their application form and some will not, for whatever reason, be that because of self-isolation or school closure. It will be for the test providers to make a decision on any mitigations, be it that they want to allocate additional time or whatever method they choose to put in place. That is a matter for them, however.

In the New School Day guidance, there is an expectation that if, for any reason, a child, a bubble of children, a class or whatever other group of children — a series of close contacts — need to be at home for that 14- or 10-day period, depending on their circumstances, blended learning will kick in. Schools are best placed to assess what additional learning young people may need now that they have returned to school. Is there anything else?

Mr Dempster: Catherine, on your question about well-being, the Department is working with other partners to develop a well-being framework. It will take a multidisciplinary approach. This morning, the Minister is launching the Engage programme in Dungannon. That will look at a number of areas, including one-to-one support for children, small-group support and teacher support. It will also look at support to work through the curriculum, pastoral care and well-being.

Ms C Kelly: Thank you.

Ms Mullan: Sam, I know that you say that it is an Executive decision, but many schools have already shown leadership by not going ahead with the test, and that can be done now by the other schools. We will not put young people aged 15 and 16 into a room to test them because of a health pandemic, but we are going to do everything that we can to put 10- and 11-year-olds into a room to test them when it is not required.

Mr M Bradley: I am in favour of academic selection at the minute. I know that that is a pretty contentious view, but I am in favour of retaining it in a very much revisited and reworked way.

I agree with the previous members who spoke. I am not in favour of a transfer test taking place this year, and I wonder whether the Department, instead of being reactionary to the increasing level of coronavirus infections across the country and what may or may not come, could be a bit proactive and think about some other method than a transfer test for this year, and this year only. That would take the pressure off teachers and pupils. Many of the teachers whom I have spoken to are in favour of that. Is there any way of preparing for that eventuality should it come about?

Mrs Scallon: As I have already said, the matter of the test taking place or not taking place is (a) for the test providers and (b) for schools' admissions criteria. I referred to the admissions criteria at the top of the meeting when I spoke about what admissions criteria boards of governors choose to put in place for their school and whether those are sufficiently robust and can cope in the event of some children having a test score and others having no test score or no child having a test score. We plan to write to schools to ensure that a contingency plan is in place in their admissions criteria that will cope with that type of pressure.

Mr M Bradley: OK. It is a bit of a cop-out to put the onus on the boards of governors to set the criteria on whom they will or will not allow into their school. It would be better for the Department to work with the test providers to come up with an answer now rather than later.

The Chairperson (Mr Lyttle): I will be honest: after this session, I am more concerned about how post-primary transfer will go this year than I have been to date. You are writing to schools, now, about having contingencies in place in response to some pupils having scores and some pupils not having scores; and there is the possibility of tests being cancelled, but it will be left to test providers and schools to respond to that. That seems like a huge abdication of responsibility, particularly when a decision has been made to intervene in the administration of the process.

I have a couple of final questions. Dale, are you still there?

Mr Hanna: Yes.

The Chairperson (Mr Lyttle): What human and financial resource pressure has the ministerial request to delay post-primary admissions to March 2021 placed on the Education Authority?

Mr Hanna: As we referenced earlier, there will be implications for financial and human resources. We are working our way through the process and trying to digitise as much of it as possible. We recognise that we have COVID this year, so we want to do as much as possible to put in place something that is robust, but we have to balance that with risk. At this stage, Chair, all I can say is that we are looking at the balance between what we can digitise and what we will need in additional human resources. Some of our processes will place additional pressure on staff. However, until we have properly worked our way through what we can digitise and what is possible, I cannot give you an exact answer.

The Chairperson (Mr Lyttle): You cannot estimate what additional human and financial resources EA will need to administer post-primary admissions from the delayed date of March 2021.

Mr Hanna: I am saying that a variety of options will be available to us. We have four key areas: the online application process; the transfer of test results; special circumstances; and appeals. We are trying to find the best way to deal with each area, and it is a balance between digitalisation and doing something manually. At this stage, we have not bottomed out in each of those areas what we intend to do and what will be the best option.

The Chairperson (Mr Lyttle): Surely, the Minister and the Education Authority would not take a decision of this scale without having estimated the human and financial resource implications of doing so?

Mr Hanna: We work with colleagues in the Department of Education, and they have said that compressing the timetable is doable. How we do that is the work that we are involved in at the minute.

The Chairperson (Mr Lyttle): Do you have an estimated figure for the additional human and financial resource that will be needed for it?

Mr Hanna: At this stage, Chair, we have an initial estimate. As Janis referenced earlier, I do not believe that it is an accurate figure at this stage. It would be misleading of me to give you a figure.

The Chairperson (Mr Lyttle): What is the initial estimate?

Mr Hanna: At this stage, Chair, I do not want to give out that information.

The Chairperson (Mr Lyttle): Why?

Mr Hanna: It would be misleading.

The Chairperson (Mr Lyttle): Why would it be misleading?

Mr Hanna: The actual figure could be lower or higher.

The Chairperson (Mr Lyttle): That is why it is called an estimated figure, surely.

Mr Hanna: Given the circumstances, and the fact that we will have to revisit it once the test dates have been agreed by the testing authority, I do not think that it is appropriate to give you that figure now — it could be wildly misleading.

The Chairperson (Mr Lyttle): OK. It is fairly irregular not to provide the Committee with the estimated additional human and financial resource of this decision. Hopefully, we will get it in due course.

With regard to the additional resource that the Department of Education may allocate to this decision to delay post-primary admissions to March 2021, will the Department allocate commensurate resource to ensure that any development proposals needed in response to a change in admissions criteria at other schools will be allocated as well?

Mrs Scallon: Chair, there was a word that I did not pick up. Sorry, will you ask me that again?

The Chairperson (Mr Lyttle): OK. I will recap: working on the scarce information that the Department and the Education Authority are willing to disclose about the additional cost of the decision to delay to March 2021, will you also be willing to allocate additional resource to assist schools that take a decision to adjust their admissions criteria for post-primary transfer in 2021?

Mrs Scallon: OK. Right. Sorry, the first time, your question mentioned development proposals, and that is what I was not quite sure about.

The Chairperson (Mr Lyttle): OK, maybe I will recap again, Janis. Additional resource will be required to truncate post-primary admissions in 2021. That is a fairly sensible assumption. OK?

Mrs Scallon: OK.

The Chairperson (Mr Lyttle): If additional resource is needed to expedite development proposals to allow schools to adjust their admissions criteria, will you allocate the same amount?

Mrs Scallon: OK, thank you, it is clearer now. I am sorry, I did not pick that up at all the first time.

Some elements of the existing timescale for development proposals are statutory. The pre-publication consultation phase is a statutory phase, and, after a development proposal is published, the statutory objection period is a statutory phase. So, any alterations to those would require legislative change, The front end for development proposals, however, is a non-statutory piece, and the Department is already looking to accelerate that.

The Chairperson (Mr Lyttle): Has the Minister scoped changing the timescales needed for development proposals in that context, given that he was willing to consider issuing an article 101 direction to the Education Authority to change the length of time that is needed for post-primary admissions?

Mrs Scallon: Not in relation to this situation, but we are already looking at a project as part of Delivering Schools for the Future, the education transformation programme, to accelerate the front end of development proposals. We have been looking at that for the last year.

The Chairperson (Mr Lyttle): OK. Thank you very much indeed for your time. It has been three weeks since the initial decision was taken to delay post-primary admissions to March 2021 and to delay tests until January 2021. We still have no timetable and no costs. It is extremely concerning that that is where we are as we move towards the start of October 2020. When will the Department be able to provide those details to the Committee and, indeed, to the children and young people who await their participation in those tests, and their families?

Mrs Scallon: We can come back when we have costs. I am more than happy to come back and talk you through those. I said at the top of the meeting that the timetable was imminent. We got it from the Education Authority in the last 48 hours, and it is under consideration by the Department, after which we will seek ministerial clearance. I hope that the timetable will be out imminently. We will not delay that at all.

The Chairperson (Mr Lyttle): OK. Are you content to return to the Committee when that information is available?

Mrs Scallon: Yes.

The Chairperson (Mr Lyttle): OK. Thanks very much indeed for answering our questions today. We look forward to ongoing engagement with you on this important matter.