



**Subject:**

**Guidance on the Publication of a Development Proposal  
(Replacement for Circular DE 2014/21)**

**Circular Number: 2017/09  
Date of Issue: 07 July 2017  
Amended and re-issued  
1 June 2023**

**Target Audience:**

- Principals and Boards of Governors (BOGs) of all grant-aided schools;
- Independent Schools;
- Education Authority (EA);
- Council for Catholic Maintained Schools (CCMS);
- Comhairle na Gaelscolaíochta (CnaG);
- Northern Ireland Council for Integrated Education (NICIE);
- Controlled Schools' Support Council (CSSC);
- Governing Bodies Association (GBA);
- Catholic Schools' Trustee Service (CSTS).

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**Governor Awareness:**

Essential

**Status of Contents:**

For information and action by schools and school managing authorities.

**Related Documents:**

SCHOOLS FOR THE FUTURE:  
[A Policy for Sustainable Schools – January 2009.](#)

[Sustainable Schools Policy User Guide – February 2022](#)

DE Circular: 2015/06 – 21 May 2015 - [Guidance on Implementation of Approved Development Proposals for School Amalgamations.](#)

Department of Education- [Area Planning Guidance 2022 - 2027 – Updated November 2021.](#)

**Superseded Documents:**

DE Circular 2014/21 - Publication of a Development Proposal – 26 September 2014.

Area Planning Terms of Reference -15 December 2011.

Area Planning Guidance - 14 February 2014.

**Expiry Date:**

Not applicable

**DE Website:**

[Education-ni.gov.uk](http://Education-ni.gov.uk)

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## 1 Purpose of the Circular

- 1.1 The purpose of this circular is to explain how Development Proposals (DPs) contribute to the implementation of the [Sustainable Schools Policy](#) (SSP) and give effect to the changes identified through the Area Planning process to reshape provision in an area. It will provide advice and guidance on the DP process as outlined by legislation and should be read alongside [Area Planning Guidance](#).
- 1.2 The statutory power to decide on DPs is a power of the Department of Education. When a Minister is in place the Department must exercise that power subject to any direction the Minister gives. In the absence of a Minister, the decision making powers of the Department in relation to DPs are exercised by the Permanent Secretary.
- 1.3 DPs are the means through which the provision in an area is shaped to deliver the strategic vision outlined in the Area Plan. The Department seeks to ensure that, regardless of the reason for the proposal, all DPs are considered in the wider context of the Department's statutory duties and policies and that all proposals support the implementation of the Area Plans.
- 1.4 The areas covered by this circular are:
- the purpose of DPs;
  - how they contribute to shaping education provision on an area basis;
  - the circumstances when a DP is required;
  - the content, procedures and timing for the publication of DPs;
  - the roles and responsibilities of those involved throughout the procedure;
  - and
  - the evidence required in support of a DP.
- 1.5 This circular applies to DPs for statutory nursery provision, primary schools, post-primary schools and special schools in all sectors.

- 1.6 Those submitting a DP must have regard to the content of this circular and ensure that its requirements are followed at each stage of the process.
- 1.7 In this circular, “statutory planning authorities”, “school managing authorities” and “sectoral bodies” mean the following:-

**Statutory planning authorities** are:

- the Education Authority (EA) which has responsibility for ensuring that efficient primary education and post-primary education are available to meet the needs of Northern Ireland and that each of its Area Planning Districts has sufficient schools of the right size and of the right type; and
- the Council for Catholic Maintained Schools (CCMS), which has a statutory duty to promote and co-ordinate the planning of the effective provision of Catholic maintained schools in consultation with Trustees.

**School managing authorities** are:

- for a controlled school, the EA;
- for a voluntary school (Catholic maintained school) the Board of Governors (BOG) supported by CCMS;
- for a voluntary school and a grant-maintained integrated school, the BOG; and
- for an independent school, the proprietor.

**<sup>1</sup>Sectoral Bodies** are:

- for integrated schools the Northern Ireland Council for Integrated Education (NICIE);
- for Irish-medium schools Comhairle na Gaelscolaíochta (CnaG);
- for controlled schools the Controlled Schools’ Support Council (CSSC);
- for voluntary grammar schools the Governing Bodies Association (GBA); and
- for Catholic managed schools, including Catholic grammar schools, the Catholic Schools’ Trustee Service (CSTS).

While not planning authorities these bodies are funded by the Department to provide support in matters relating to Area Planning to the sectors they represent. In addition,

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<sup>1</sup> There is no definition of “sectoral body” in legislation, other than that provided by section 4 of the Education (Northern Ireland) Act 2014 – Funding of sectoral bodies - <http://www.legislation.gov.uk/nia/2014/12/section/4>

NICIE and CnaG are also charged with assisting the Department in furtherance of its duties to encourage and facilitate the development of integrated and Irish-medium education respectively.

## 2 Policy Context

2.1 The Department of Education's vision is –

*“To ensure that every learner fulfils his or her full potential at each stage of development”.*

This aligns with the commitment in the draft Programme for Government (PfG) which identifies a number of key indicators for education. Although the work of the Department extends across many of the 12 outcomes its key focus lies within PfG Outcome 12 namely that -

*“We give our children and young people the best start in life”.*

2.2 All Departmental policies contribute to the delivery of that vision and all have, as a central principle, the educational well-being of the children and young people for whom the education service is designed. It is essential that schooling reflects the needs of the pupils and addresses those needs in the most efficient and effective way possible. This can best be achieved through a network of viable and sustainable schools that are of the right type, the right size, are located in the right place and have a focus on raising standards.

2.3 The implementation of “Schools for the Future: A Policy for Sustainable Schools” (SSP) is being taken forward through a process of collective strategic planning of education provision for the primary and post-primary sectors on an area basis. Although the SSP does not apply to the pre-school phase or the special education sector, strategic planning work is also being taken forward for those sectors as reflected in the current Area Plan.

2.4 Area Planning is the process through which a network of viable and sustainable schools will be developed. Full details of the aims and objectives of the Area Planning process are contained in the [Area Planning Guidance](#). This process is an important driver for achieving the Departmental vision for education since it is about identifying future education needs and planning to meet those needs on an area basis.

2.5 The SSP sets out six sustainability criteria and associated indicators. These are the key reference for assessing existing and future provision.

2.6 The six criteria are:-

- Quality Educational Experience;
- Stable Enrolment Trends;
- Sound Financial Position;
- Strong Leadership and Management by BOGs and Principals;
- Accessibility; and
- Strong Links with the community.

### **3 Planning Context - Legislation and Responsibilities for Planning**

3.1 Area Planning is a complex, multifaceted and ongoing process. The process is being led by the EA working in close conjunction with the CCMS and actively engaging with other sectors. The Education Act (NI) 2014 created the EA with effect from 1 April 2015. The EA assumed, unchanged, the powers, duties and responsibilities of the five previous ELBs and has duties to encourage, facilitate and promote shared education and the community use of school premises,

3.2 Article 5 of the Education and Libraries (NI) Order 1986 requires the EA to ensure that efficient primary and secondary education are available to meet the needs of the community. Article 6 places a duty on the EA to ensure that there are sufficient schools available for providing primary and secondary education. The definition of 'sufficient' refers to the 'character' of the schools as well as the number. This is a significant, overarching role relating to schools in all sectors and of all types. Thus, the EA has a duty as planner of schools that spans all sectors and types. This duty is separate from the EA's power under Article 7 to establish controlled schools.

3.3 CCMS also has a statutory role in relation to planning for the Catholic Maintained sector. The key provisions are articles 141 and 142 of the Education Reform (NI) Order 1989. Article 141 establishes CCMS. Article 142 sets out the main functions of CCMS. The key provision is Article 142(1) (b), which gives CCMS the function: 'to promote and co-ordinate, in consultation with the trustees of Catholic maintained schools, the planning of the effective provision of Catholic Maintained schools.'

3.4 The Department of Education has a duty under Article 64 of the Education Reform (NI) Order 1989 to encourage and facilitate the development of Integrated

Education and a duty under Article 89 of the Education (NI) Order 1998 to encourage and facilitate the development of Irish-medium education. Those bodies with a statutory duty to plan education provision are expected to assist the Department, through their planning activities, to exercise this duty.

3.5 The Shared Education Act (Northern Ireland) 2016 also places a duty on the Department to encourage, facilitate and promote Shared Education. It also places a duty on DE, EA and CCMS to consider Shared Education when:-

(a) developing, adopting, implementing or revising policies, strategies and plans;

and






(b) designing and delivering public services.

### **Area Planning Support Structures**

3.6 It is under this existing legislation that Area Planning has been taken forward. The process is informed by the Area Planning Guidance and its implementation supported through the Area Planning support structures which include the Area Planning Steering Group (APSG), the Area Planning Working Group (APWG) and the Area Planning Local Groups (APLGs). Details of the support structures in place and the aims and objectives of Area Planning can be found in the [Area Planning Guidance](#).

## 4 Legislation Governing Development Proposals

4.1 When a significant change to a school is proposed (including opening, closing, amalgamating), and significantly altering its size or character, publication of a DP is a statutory requirement. The key legislative provisions are:

Brief description of Primary Legislation <sup>1</sup>	Article (including link to legislation.gov.uk website).
DPs for controlled and voluntary primary and secondary schools. These include Catholic maintained, other maintained and voluntary grammar schools, but exclude grant-maintained integrated and controlled integrated schools.	<b><u><a href="#">Article 14 of the Education and Libraries (NI) Order 1986</a></u></b> 
DPs for acquisition of grant-maintained integrated status.	<b><u><a href="#">Article 71 of the Education Reform (NI) Order 1989</a></u></b> 
The “21 day rule” in respect of the publication of proposals for acquisition of grant-maintained integrated status.	<b><u><a href="#">Article 71(6) of the Education Reform (NI) Order 1989</a></u></b>
Proposals for alteration, etc. of schools eligible for grant-maintained integrated status	<b><u><a href="#">Article 74 of the Education Reform (NI) Order 1989</a></u></b> 
Significant changes to grant - maintained integrated schools.	<b><u><a href="#">Article 79 of the Education Reform (NI) Order 1989</a></u></b> 
DPs for the establishment of controlled integrated schools and the acquisition of controlled integrated status.	<b><u><a href="#">Article 92 of the Education Reform (NI) Order 1989</a></u></b> 

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<sup>1</sup> On 1 April 2015, the Education Authority<sup>1</sup> became operational and took over all of the roles and responsibilities of the former Education and Library Boards (ELBs) and the Staff Commission.



- 4.2 Much of the process is determined by the requirements of the legislation and it is therefore essential that all those intending to bring forward a DP for publication should familiarise themselves with the relevant Articles in order to understand fully the statutory requirements and their roles and responsibilities in fulfilling those requirements.
- 4.3 As the publication of a DP is a statutory process it is essential that the correct legislation is quoted in the published DP advertisement to make the process lawful.

## **5 Need for a Development Proposal**

- 5.1 Each school is an integral part of the network of schools that makes up the education system which caters for the needs and aspirations of all children and young people in an area. Any significant change to an existing school or the establishment of a new school must therefore be considered in the wider context of the network of schools and must be in line with the Area Plan.
- 5.2 The overriding aims of the process are to facilitate meaningful and timely consultation with interested parties (primarily but not exclusively Boards of Governors of the schools concerned, teachers, non-teaching staff, parents and where appropriate pupils – see paragraph 8.11) and to provide an opportunity for the Department to consider the full implications of a DP within the policy framework, taking account of the views of interested parties. The publication of the DP gives the proposer an opportunity to outline the proposal and make the Case for Change. The process allows all interested parties to comment on any proposals that may affect them before decisions are taken on the proposal.
- 5.3 The legislation states that a DP should be brought forward for grant-aided schools (this applies to grant-aided nursery, primary, post-primary and special schools) in the following circumstances:-
- i. to establish a new grant-aided school;
  - ii. to amend the status of an existing grant-aided school;
    - this includes proposals to have a voluntary school recognised as a controlled school (other than a controlled integrated school) or to have a controlled school recognised as a voluntary school. In either case, “voluntary school” includes Catholic and other maintained schools. In the case of the transfer of a voluntary school to controlled status, Article 17 and Schedule 9 of the Education and Libraries (NI) Order 1986 will apply in addition to the requirement for a DP. The procedure to be followed in these

circumstances is set out in the Department's guidance [Procedure For Transfer of a Voluntary School To Controlled Status](#).

- iii. to discontinue an existing grant-aided school;
  - to discontinue an existing grant-aided school means the school and any unit (nursery or Irish-medium) attached to the school will close under approval of a single DP.
- iv. to make a significant change in the character or size of a grant-aided school; and
- v. to make any other change in a school which would have a significant effect on another grant-aided school.

5.4 It is a matter for the Department to determine “a significant change in the character and size” (5.3.iv) and “a significant effect on another grant-aided school” (5.3.v) in line with the stated priorities and policies pertaining at that time. It will be for the Department to decide, when introducing a new policy or revising an existing policy, if the aims and objectives of that policy are likely to create a situation whereby a DP will be required. Schools and school managing authorities will be notified of any such requirement at the time the new or revised policy is published.

#### ***Significant Change in Character and Size (5.3.iv)***

- 5.5 The character of a school is determined by many attributes. Significant changes are not defined in legislation, but the Department has power to determine what is significant, and for the purposes of the DP process deems the proposed changes listed in paragraphs 5.8 - 5.11 to be “a significant change in the character or size” (which may have the potential to have “a significant effect on another grant-aided school” – paragraph 5.12) and each instance will require the publication of a DP.
- 5.6 Should a school or a school managing authority have plans to make a change to a school which is not covered by the lists below, or there is uncertainty as to whether the change is significant in the context of a school's individual circumstances, guidance should be sought from the Department on the need to publish a DP. Guidance on what should be included in the published advertisement is contained in Section 9. In the specific cases of a move away from the use of academic admissions criteria or, conversely, of their introduction, the Department's view is that a DP should be published in the interests of clarity and openness.

5.7 The list below is indicative only. It is not exhaustive and may be revised in light of new and emerging policies and the availability of resources.

#### 5.8 **Nursery Schools and Nursery Units in Primary Schools**

- i. To increase or decrease the total approved enrolment of a grant-aided nursery school or unit.
- ii. To alter the pattern of attendance of the pupils from part-time to full-time or vice versa at a grant-aided nursery school or unit.
- iii. To relocate a grant-aided nursery school or to move a nursery unit from one primary school to another outside its normal catchment area.
- iv. To amalgamate two or more grant-aided nursery schools.

#### 5.9 **Primary Schools**

- i. To increase or decrease the total approved enrolment of a grant-aided primary school.
- ii. To add or remove a key stage of education (Foundation, Key Stage 1 or Key Stage 2) at a grant-aided primary school hence changing the age profile of the pupils attending the school.
- iii. To relocate a grant-aided primary school (and if applicable the nursery unit attached to that primary school) outside its normal catchment area.
- iv. To add or remove a nursery unit.
- v. To add or remove an Irish-medium unit.
- vi. To change arrangements under which admission to the school is done on the basis of gender.
- vii. To amalgamate<sup>1</sup> two or more grant-aided primary schools.
- viii. To amalgamate a grant-aided nursery school and grant-aided primary school to form a primary school with a nursery unit.

#### 5.10 **Post-primary Schools**

- i. To increase or decrease the total approved enrolment of a grant-aided post-primary school.
- ii. To add or remove a key stage of education (Key stage 3, Key Stage 4 or Post-16) at a post-primary school, hence changing the age profile of the pupils attending the school.

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<sup>1</sup> "Amalgamation – a new school is formed to replace two or more schools of similar size coming together and usually means a new name, uniform etc. (This differs from a closure where a small school closes and pupils are able to transfer to available larger schools)." Source: Sustainable Schools Policy

- iii. To relocate a grant-aided post-primary school outside its normal catchment area.
- iv. To add or remove an Irish-medium unit.
- v. To change arrangements under which admission to the school is on the basis of gender.
- vi. To change admissions arrangements of the school either in part or in full to introduce selection on the basis of perceived academic ability (see paragraph 5.6).
- vii. To change admissions arrangements to the school either in part or in full to eliminate selection on the basis of perceived academic ability (see paragraph 5.6).
- viii. To open or close a preparatory department attached to a grammar school.
- ix. To amalgamate two or more grant-aided post-primary schools.

#### **5.11 Special Schools**

- i. To increase or decrease the size of a grant-aided special school.
- ii. To add or remove a key stage of education (Key Stage 3, Key Stage 4 or Post-16) at a special school hence changing the age profile of the pupils attending the school.
- iii. To change the specialism of the school e.g. from Moderate Learning Difficulty (MLD) to Severe Learning Difficulty (SLD) or vice versa.
- iv. To relocate a grant-aided special school outside its normal catchment area.
- v. To amalgamate two or more grant-aided special schools.

#### **Significant impact on another grant-aided school (5.3.v)**

5.12 Where a school proposes to make a change which is not significant in its own circumstances, but the proposed change may nonetheless have an effect on one or more other schools, a DP will be required. The Department considers any proposed change by one school that has the potential to affect another school's ability either to remain sustainable or to comply with other Departmental statutory duties or policies as significant. Should this circumstance arise, a DP should be published for the school making the change. The circumstances in which such a situation is likely to arise are limited, as a change significant enough to affect another school is usually also sufficiently significant to require the publication of a DP by the proposing school.

5.13 Should there be a dispute as to whether a change is "significant" or would have "a significant impact on another school" then the Department will, under Article 14 (10) of the 1989 Order, determine if a DP is required.

### **Timing of publication**

5.14 The Department requires that the EA produces an Area Plan covering a three year period, supported by Annual Action Plan for each of the years covered by the Area Plan. The Area Planning cycle can be found in Annex C of the [Area Planning Guidance](#).

5.15 While the Area Plan will not identify individual schools it acts as a catalyst for discussion at regional and local level. These discussions will lead to the development of the Annual Action Plan which will contain details of the work programme of the planning and managing authorities to address specific issues at local level. The actions identified in the Annual Action Plan will then lead to firm proposals which will be given effect through the DP process.

5.16 When bringing forward proposals it will be important for proposers to take into account the approval processes of the various organisations and to build this into the timetable for progressing proposals. As the EA brings all DPs to its Board for approval to publish it is particularly important to be aware of the EA approval dates and to ensure that any proposals being brought forward align with these meetings.

5.17 Bearing in mind the timescales outlined above meaningful consultation needs to take place while proposals are still at a formative stage, in order to find out the views and aspirations for future educational provision in an area well in advance of the publication of the statutory DP. DPs should therefore normally be published at

least one year before the implementation date and in line with Area Plan and Annual Action Plan. In practice this will usually mean publication by September in the year prior to the proposed date of implementation. The principal consideration must be the educational wellbeing of the children and young people who may be affected by the changes proposed in the DPs.

- 5.18 Experience has shown that, where a DP is published and approved well in advance of the implementation date, it inspires public confidence because approval provides clarity for schools and parents on the shape of provision in an area. Timely publication in relation to the proposed implementation date is of particular importance as it provides a reasonable period for the necessary arrangements arising from a DP approval to be put in place. Assessing the steps needed to deliver the project, should the DP be approved, will be one of the key determinants of the publication and implementation dates. All these considerations are essential and allow for public expectations to be better handled.
- 5.19 Planning authorities should aim to bring forward a co-ordinated suite of proposals that reflect the changes needed to deliver the vision in the Area Plan through the actions identified in the Annual Action Plan. By bringing them forward together, the school managing authority will be better able to make a robust Case for Change, and provide clarity on education provision, on an area basis. The same principle applies to area solutions which require changes to schools of different management types.

## 6 The Case for Change

- 6.1 It is a matter for the proposer to make the Case for Change for any DP being presented to the Minister or Permanent Secretary for consideration. The proposer should provide sufficient evidence to support the Case for Change to enable those affected by the proposal to understand the educational and other merits of the change proposed. The Department should be fully furnished with all pertinent background and supporting information relating to the DP. The Case for Change should also indicate other options that were considered through the Area Planning process and why they were discounted. Such information must be robust and verifiable.
- 6.2 Any proposal must demonstrate its contribution to the overall education provision in the area. Provision of high quality education must be the central tenet of all proposals. Proposers should draw on Departmental policy documents when developing the Case for Change. It is not sufficient simply to quote the policy; the Case for Change should clearly demonstrate how the proposal will aid delivery of the relevant Departmental policies and the Area Plan. DPs for nursery provision are brought forward in the context of the planning of the Pre-school Education Group (PEG) and their view must be sought and included in any Case for Change before it is signed off and submitted to the Department. If the PEG comment is not included the Department will return the Case for Change to the EA for completion.
- 6.3 Consideration must be given to the realistic financial implications of a DP. As well as savings, proposals may involve additional resource and capital costs. All relevant costs and benefits should be set out and should be supported by robust educational and financial evidence. Potential options for delivering the proposed change should be considered prior to the publication of the DP as the DP process does not provide for consideration of options or for determining which option is best value for money. This is particularly important when there is a need for capital expenditure for adjustments to or additional accommodation. A proforma to record accommodation costs is available on the DE website and can be accessed through this link [Accommodation Template](#). The minimum day one costs needed to facilitate the implementation of the proposal should be detailed in the Case for Change. However, approval for capital funding is outside of the DP process and subject to all the necessary business case approvals and will be dependent on the availability of capital resource.

- 6.4 A detailed implementation plan proportionate to the level of change must also be included. This should outline the key activities and milestones for successful implementation of the proposal should it be approved. This will inform the chosen implementation date and will be a key consideration for the Department when deciding on the proposal.
- 6.5 All sectoral bodies should note that the Case for Change is not considered to be representative of the views of that organisation for the purposes of submissions during the objection period. A separate submission from the sectoral bodies must be presented during the objection period to have the views included in the submission to the Department.
- 6.6 More detail on the information the Department requires the proposer to provide is contained in Annex C.

## **7 The Proposer**

- 7.1 The body which brings forward a DP is “the proposer”. Paragraph 7.2 lists the managing authorities which bring forward DPs for publication. The EA and CCMS are also planning authorities.
- 7.2 DPs will therefore be brought forward in a timely manner by:-
- i. the EA under its statutory duty for the schools in the controlled sector (a controlled school cannot bring forward a DP without the agreement of the EA);
  - ii. the EA, if it is proposed to have a voluntary school recognised as a controlled school (other than a controlled integrated school);
  - iii. CCMS under their statutory duty for schools in the maintained sector;
  - iv. Parent groups and BOGs of GMI schools in the integrated sector with the support of NICIE;
  - v. Parent groups and BOGs in other voluntary schools in the Irish-medium sector with the support of CnaG;
  - vi. BOGs with the support of Trustees of voluntary grammar, other voluntary schools and grant-maintained integrated schools;



- vii. School Trustees of voluntary grammar schools in the Catholic sector;
  - viii. The proprietor of an independent school.
- 7.3 The Department also has the power to direct the EA to submit DPs in respect of the schools set out in Article 14 (3) of the Education and Libraries (Northern Ireland) Order 1986.

### **Role of the Proposer**

- 7.4 While much of the process is determined by legislation, the context within which the proposal is being made will be determined by Departmental policies. A key role of the proposer is developing the Case for Change in support of the proposal. When doing so, the proposer should seek to provide robust and verifiable evidence which clearly demonstrates how the proposal is aligned to the relevant area plan and how it will support the implementation of those priorities and policies. Website links to Departmental policies are available at the start of this circular. Section 6 outlines in more detail the areas to be covered by the Case for Change. It should be noted that the Case for Change not only provides the Department with evidence but can be used throughout the pre-publication consultation stage to inform key stakeholders.
- 7.5 The proposer should be mindful that the EA must publish all DPs for all schools, regardless of sector. The legislation requires the EA to conduct consultation with all those schools likely to be affected by the proposals before a DP is published. The aim is to provide sufficient information that will show the manner in which the school will be affected. The information should clearly and concisely describe the proposed changes.
- 7.6 A proposal for a new grant-maintained integrated school, or for transformation to grant-maintained integrated status, is governed by Article 71 of the Education Reform (NI) Order 1989 and is subject to a requirement that the EA publishes a proposal within 21 days of receiving it. In these cases the Department would expect the proposer to have engaged with the EA at the earliest possible opportunity to discuss the proposal in the context of the Area Plan. This should be well in advance of the formal submission of the proposal to the EA which will trigger the 21 day publication requirement.
- 7.7 The onus is on the proposer to ensure that the wording of the DP is clear and unambiguous in order to facilitate meaningful consultation on the intentions of the

DP. It is also important that the EA satisfies itself that the proposal is clearly worded and quoting the correct legislation. If a proposal is submitted to the EA which in its view is capable of misinterpretation and hence renders any consultation meaningless, the EA should notify the Department in writing of its concerns/issues with the wording and indicate that the proposal will be returned to the proposer for clarification and rewording. It will then be a matter for the proposer to clarify the wording of the DP and if necessary seek guidance from the Department. The proposer should note that lack of clarity will undoubtedly delay the progress of the DP to publication and may impact on the implementation date.

- 7.8 When presenting the proposal to the EA for publication, the proposer should seek to ensure that the majority but preferably all of the 2 month objection period will fall outside the school summer holiday period and any other lengthy school holiday period.

## **8 The Development Proposal Process**

- 8.1 The relevant Departmental statutory duties and policies will form the backdrop for all proposals for change, and the Area Planning process and the agreed Area Planning Support Structures, in particular the APLGs, will be central to the development of proposals. Each area, and the schools within it, will have specific issues and challenges to address and it is important that those bringing forward a DP are fully engaged in the Area Planning process and support structures to gain an understanding of the local context. This understanding should extend to all the school sectors within an area and not just focus on any single sector. The Area Planning Support Structures facilitate full engagement with all key stakeholders and provide the appropriate channels for giving full consideration to local circumstances and issues through the APLGs.

- 8.2 The statutory planning authorities should seek to ensure that the key stakeholders understand the links between the Area Planning process and the DP process for primary and post-primary schools. Where possible these processes should be carried out simultaneously to avoid duplicating consultations as this can lead to a protracted timeframe for delivery of the necessary changes. However, where this approach is adopted, the proposer must ensure that the key stakeholders are made aware when the consultation is part of the statutory process relating to the publication of a DP.
- 8.3 Each DP is unique and will require significant research, engagement with key stakeholders, gathering of evidence and preparation of the Case for Change. The table in Annex B summarises the process, roles, responsibilities and activities assigned to various organisations during the distinct stages of the process.
- 8.4 The DP process can be separated into 4 main phases:-
1. identification of need in the Area Planning process;
  2. pre-publication consultation;
  3. publication of a DP; and
  4. statutory objection period leading to a decision by the Department.

***Phase 1 – Identification of need in the Area Planning process***

- 8.5 Proposers should note “Identification of need” is a very important stage of the process. Getting this stage right will impact positively on the success of the proposal. The Area Planning Support Structures provide opportunities, through engagement with the APLG, to fully explore all potential proposals at the formative stage. As with any change process it requires sensitive handling if “buy in” from the key stakeholders is to be secured. The APLGs identified 5 Key Themes based on analysis of current local provision and identified strategic actions required to ensure a network of sustainable schools. Therefore, the focus should be on these Key Themes and issues in order to ensure educational benefits and provision of high quality education that meets the needs of children and young people and takes account of parental preference.

- 8.6 In planning to bring forward any proposal for change, sufficient time should be built into the process to allow for full and meaningful consultation to identify the need, gather the evidence and make the Case for Change. The proposal should align with the Area Planning process timelines and draw from the evidence used to develop the Area Plan to support the Case for Change.
- 8.7 There are educational, economic and societal benefits to be realised through sharing. Innovative, value for money solutions may be available through cross-sectoral co-operation and collaboration and should be explored wherever possible. The Department also has a duty to encourage, facilitate and promote Shared Education and it is through the APLs that the opportunity for the potential for shared education solutions to address sustainability issues can be discussed.
- 8.8 Once the scope of the proposal has been determined and the Case for Change developed through engagement with the key stakeholders, the DP, appropriately worded, should be submitted in a timely manner to the EA. See Section 9 for details of content of the published advertisement for DPs.

## **Phase 2 – Pre-Publication Consultation**

- 8.9 In the case of an existing school, there is a statutory requirement for the proposer of a DP to consult with the BOGs, parents and teachers or representatives of each. Also, it would be important, though not a statutory requirement under Article 14 of the Education and Libraries (Northern Ireland) Order 1986, to consult with non-teaching staff at this early stage. Best practice would also suggest that the views of pupils should be sought and appropriate means of doing so should be directly linked to the age range of the pupils involved.

The proposer will have engaged in the Area Planning process through the APLG and with the key stakeholders during the preparation for the Case for Change. At pre-publication consultation stage written details of the merits of the proposal should be available for affected groups to consider. This may take the form of a draft Case for Change or a similar document that outlines the educational merits of the proposal. The responsibility for consultation with these affected groups falls to:-

- The EA for controlled schools and schools transferring to controlled status
- CCMS for Catholic maintained schools
- The Proposer for schools in other sectors – assisted in the consultation process by the sectoral bodies as outlined in Section 1.

8.10 On receipt of a DP, there is a statutory requirement for the EA to consult with all schools affected by it, including the school that is the subject of the proposal. This will ensure that all parties have been informed of the proposal and their views sought. In conducting this consultation the EA should:-

- i. furnish the Trustees and managers of every school with such particulars of the proposal as are sufficient to show the manner in which the school would be affected, explaining the educational reasons for it and any implications arising from it (all this information should be contained in the Case for Change);
- ii. where the DP would affect a school in a neighbouring Area Planning district, the EA should consult with the schools prior to publication so that it can carry out the required consultation process with affected schools and comment on the proposal; and
- iii. consider the views expressed by interested parties in the schools being consulted and take such views into account.

8.11 While the above are the minimum requirements for consultation, the Department regards it as good practice that consultation should be as widespread as possible and that the views of local people should be sought while planning is still at a formative stage, preferably at the development stage of the Area Plan. It is particularly recommended that the proposer:-

- i. consults with all staff at the school(s) concerned;
- ii. notifies all parents individually in writing of the DP;
- iii. seeks to explain the Case for Change and provide written copy for consideration;
- iv. highlights the educational benefits which the proposal may have for the education of the children and young people;
- v. makes parents aware of how to make written representations, and the date by which they should be submitted; and
- vi. invites parents to attend any meeting to be held to explain the need for the proposal.

8.12 Where parents' meetings are to be held, it is imperative that schools co-operate with the managing or planning authorities by facilitating these meetings at the earliest opportunity. Such meetings should be held outside working hours and at a place most convenient for parents whom the school managing authority expects

to attend – one potential approach may be to invite parents, teachers and other relevant interested parties to attend a special meeting of the BOGs of the school.

- 8.13 The Department would suggest that in some cases (for example where the date of implementation of a DP is likely to be more than one academic year ahead) consultation with the parents of children not yet at the school to which the proposal relates could be considered. This will allow such parents to express a view on the proposed change as a result of the proposal and their expectations of the school in which their children will be educated in future. School managing authorities will need to consider how this could best be done and the appropriate medium to reach the target audience.
- 8.14 The Department expects that appropriate consultation will have taken place with the groups listed above within the 12 months immediately before publication of the formal DP. It will require confirmation that the statutory consultation has taken place and due regard has been given to issues raised. From the outset, and at every stage in the process, it is important to ensure that there is fully documented evidence demonstrating that the consultation has been open, transparent, timely and meaningful and that the proposer has taken account of the views expressed during that consultation. There therefore needs to be sufficient time for consideration of the feedback from the consultation prior to deciding whether to proceed to publication. All key decisions should be recorded in formal minutes and retained by the proposer. Records of meetings should include details of all those in attendance, the issues covered by the proposer, the issues raised by those attending the meeting and the responses given to address those issues. As a statutory process, the decision on a DP may be subject to Judicial Review (JR). In considering an application, the courts will consider whether the statutory procedures have been adhered to. They will also consider whether all interested parties were treated fairly during the process and given an opportunity to make their views known, and whether these views were taken into account.
- 8.15 As a result of the pre-publication consultation a change to the proposal may be agreed and accepted by the proposer. It will be a matter for the proposer to exercise sound judgement on the extent of the change and consider if the revised proposal would illicit different or additional comments from those already consulted. If it is considered that the change does not fundamentally alter the nature of the proposal (e.g. there is a slight adjustment to the proposed increase or decrease in the size of a school) then it would be sufficient for the proposer to inform all those

previously consulted about the changed proposal, without embarking on the whole pre-publication consultation process again. It will be a matter for the proposer to determine the most effective means of communicating the changes to the original consultees. This notification should include information of the change to the original proposal and advise consultees how to contact the proposer on the revised proposal before it is published and also how to make their views known as part of the statutory two month objection period once the proposal is published.

8.16 Article 14(2) of the Education and Libraries (NI) Order 1986 provides that the EA when submitting a DP to the Department from a proposer other than itself, shall submit its views thereon. The views from the EA should reflect the nature and relevance of the responses to the EA's pre-publication consultation and assess the proposal in the context of its Area Plan. It is crucial that the views of the EA include an assessment of how the DP supports or fails to support the implementation of the Area Plan. An assessment of the level of engagement of the proposer with the Area Planning process should also be included.

### ***Phase 3 – Publication of a Development Proposal***

8.17 The EA publishes all DPs and is required by legislation to publish a DP advertisement in one or more newspapers circulating in the area affected by the proposal (see section 9 for Publication of a Development Proposal). It will be a matter for the EA to decide which daily or weekly newspapers to use to reach the target audience. The EA may also wish to consider the appropriateness of using social media to inform the public of DPs.

8.18 The EA does not have the discretion to refuse to publish a DP. It must keep a record of all views expressed in the consultation process and must pass an assessment of those views on to the Department, along with its own views on the proposal. The EA, as the planning authority with responsibility for securing efficient and sufficient provision in all areas, when submitting a Case for Change to the Department, should include its views on each proposal and confirm whether or not that it aligns with the Area Plans.

8.19 The EA should seek to notify the Department at the earliest opportunity, most likely through the Annual Action Plans, of actions being taken that may lead to new DPs. All new DPs which have been published must be notified to the Department immediately and this should include a copy of the advertisement published in the

local newspapers. Correspondence relating to DPs (including initial notification of publication) should be referred to [Area Planning Policy Team](#).

8.20 Upon receipt of the published proposal the Department will list details of the proposal on its website.

#### ***Phase 4 - Two Month Statutory Objection Period***

8.21 All DPs will be subject to a two month statutory objection period effective from the date of publication of the DP advertisement in the local weekly or regional daily newspaper. The Department regards this as two calendar months from the date of first publication. If the end of this period falls on a non-working day (i.e. Saturday, Sunday or official holiday) then the end date should be extended until the next working day.

8.22 The objection period provides an opportunity for anyone interested or affected by the proposal make their views known directly to the Department. The Department will take receipt of objections to the proposal and other views including expressions of support. These are usually made in writing to the Department but are occasionally made in person through meeting with Department officials or the Minister/ Permanent Secretary. The Minister/ Permanent Secretary endeavours to facilitate all requests for such meetings, diary permitting. Those seeking a meeting with the Minister/ Permanent Secretary should do so as early in the 2 month period as possible. While reasonable effort is made to accommodate these meetings within the two month period, the timing of the request for a meeting and the Minister's/ Permanent Secretary's availability may mean they have to be held outside the two month statutory period. This may impact on the timing of a decision on the proposal but all efforts will be made to avoid undue delay.

8.23 At the end of the two month statutory objection period the Department compiles and assesses all the relevant information in relation to the DP before making a recommendation to the Minister/Permanent Secretary. The recommendation takes account of:-

- i. the proposer's Case for Change;
- ii. objections received within the two month objection period;
- iii. other views including those of support received within the two month objection period;
- iv. advice from policy teams within the Department;



- v. the professional advice of the Education and Training Inspectorate for the Department of Education; and
- vi. any other information considered pertinent to the proposal.

8.24 The Minister/Permanent Secretary considers the information and the Department's recommendation and makes the decision in the context of the Department's statutory duties, stated priorities and policies. The Department endeavours to complete this process and notify the proposer of the Minister's/Permanent Secretary's decision in a timely manner. The Minister's/Permanent Secretary's decision concludes the process.

8.25 There is no mechanism for appeal. In the event of the proposal being turned down, a proposer may pursue approval for the proposal through the publication of another DP (See Paragraph 10.13).

## **9 Advertisement of a Development Proposal**

9.1 The publication of a DP is the public notice of the intention of the proposer to make a change to a school or schools.

9.2 All published DPs should state (where appropriate) -

- i. the relevant legislation;
- ii. the name of the school;
- iii. the school management type, i.e. - whether it is controlled, maintained, voluntary, etc;
- iv. the size of the school as a single figure and not a range;
- v. the nature of the proposed change;
- vi. the effective date of the proposed change (including statement, or as soon as possible thereafter);
- vii. the location or proposed location of the school – (the DP process should not be used to try to secure approval for a particular site if there are options as all siting issues will be subject to all the necessary business case approvals and availability of capital resource);
- viii. where a copy of the proposal, the Area Plan and the Case for Change can be inspected (e.g. EA address/website);
- ix. that the proposal has been submitted to the Department of Education;
- x. that objections to the proposal can be made in writing to the Department within two months of the date of publication;

- xii. that any letters of objection or support may be published on the Department's website, with appropriate redactions, if they are included in full in the submission on which the outcome of proposal is decided.
- 9.3 Normally a separate DP should be published for each school. Composite DPs covering several schools should be avoided even if the proposals are interdependent as the non-approval of any element of a composite proposal may render the proposal unworkable. Where a suite of proposals is required to reshape provision in an area, all interlinked proposals should be published at the same time and cross-referenced, including proposals from different sectors. The sequencing of the publication of the full suite of proposals should be a matter for the APLGs to consider and make recommendations to the relevant managing authorities about co-ordination and timing.
- 9.4 Amalgamation is the closure of two or more schools and their replacement by a new school. In these cases it is essential that all the proposals are published at the same time and clearly inter-linked. The Case for Change should outline how the amalgamation will take effect and the reasons for adopting that approach so that interested parties are provided with clarity on the eventual outcome if the proposals are approved. Guidance on implementation of approved Development Proposals for School Amalgamations is published on the [Department of Education website](#).
- 9.5 Where a proposal supersedes a previously approved DP that has yet to be implemented then a note to that effect should be included in the revised proposal.
- 9.6 If there is any doubt that the full implications of a proposal are not readily apparent to the general public from the body of the notice that is to be published in the press, then an explanatory statement, which should be clearly distinguished from the proposal itself, should be provided. This should be a rare occurrence as the wording of all DPs should be clear and unambiguous. The wording of the explanatory note should be cleared with the Department prior to publication.
- 9.7 At any time between the publication of the DP and the decision being made the proposer may decide to withdraw the DP. If this is the case, the proposer should, at the earliest possible opportunity, promptly notify the following:
- The Department;
  - The EA (if the EA is not the proposer);

- The appropriate sectoral body; and
- The Board of Governors of the school which is the focus of the DP.

This notification should be initially by telephone or e mail and confirmed formally in writing and should outline the reasons for the withdrawal of the DP and the future action to be taken to address the original intent of the DP.

## **10 The Decision**

10.1 All DPs are considered on a case by case basis within the general DE policy framework. Officials will make a recommendation to the Minister/Permanent Secretary based on the pertinent facts and in the context of relative need, priorities and affordability. The Minister/Permanent Secretary will consider each proposal in the context of Departmental policies and statutory duties. In the case of Integrated, Irish-medium education and Shared Education proposals the Department will take full account of its duties in line with legislation (see paragraphs 3.4 and 3.5).

10.2 A DP will be either approved or not approved, although in some instances approval of a DP can be subject to modification in line with Article 14(7) of the Education and Libraries (NI) Order 1986 – see following paragraphs.

### **Modification of a DP**

10.3 Under Article 14 (7) of the Education and Libraries (Northern Ireland) Order 1986 the Department may, if it deems it necessary, modify a DP. In exercising the discretion under this Article the Department will make only minor modifications in order to avoid creating a new development proposal that differs significantly from the one consulted upon.

10.4 The need for modification may arise from valid points made by objectors or from the Department's analysis of the proposal and supporting evidence. A proposal may only be approved with a modification after consultation with the proposer. If the proposer disagrees with the modification there are a number of possible outcomes:-

- i. the Department rejects the proposal;
- ii. the Department modifies the proposal without agreement;
- iii. the proposer withdraws the proposal and may re-publish at a later date; or
- iv. the proposer withdraws the proposal.

10.5 All modifications will be clearly presented in writing at the time of approval.

### **Conditions for Approval of a DP**

10.6 In the case of the establishment of new grant-aided Irish-medium and Grant-maintained Integrated (GMI) schools, the Department has legislative power to grant approval subject to specified terms and conditions being met. These conditions will be directly related to the approval itself – i.e., the approval will not take effect until the condition is met. They would include:-

- i. achievement of the minimum viability intakes for a new school; and
- ii. site and premises compliance with health and safety requirements.

10.7 When a DP receives approval subject to meeting specified conditions then the Department's letter of approval will clearly outline the conditions for approval and the mechanism and timescale for verification that all the conditions have been met. It will be a matter for the proposer to supply the Department with access to all relevant information on demand. Should the information not be forthcoming then it shall be deemed that the conditions have not been met and the approval will not come into force.

10.8 Other conditions may be imposed when schools are opening or transforming, but they will relate to Departmental policies and not the approval itself. To continue to retain the approved status conditions may be applied and monitored by the relevant policy branch within the Department. It would be possible, for example, for transformation to integrated status to be approved, but with conditions attached to the religious balance which the school must meet within a set timeframe.

### **Notification of the Decision**

10.9 When a decision has been made on a DP the Department will telephone the proposer, and, where applicable, the sponsoring body (e.g. EA, CCMS, NICIE or CnaG) to notify them of the decision. This will be followed up by notification in writing (letter or e-mail) to the EA, sponsoring body and proposer as appropriate.

10.10 In addition, the Department will:-

- i. note the decision on the record of DPs on the [Department's website](#);
- ii. make available the submission (with appropriate redactions) on which the Minister/ Permanent Secretary took the decision on the Department's website; and
- iii. with Minister/Permanent Secretary approval, issue a press release.

10.11 A proposal approved by the Minister/ Permanent Secretary must be implemented in full. No-one other than the Minister/Permanent Secretary has the authority to change the proposal that has been approved. Approval for a proposal remains in place and further changes can only be made through the publication and approval of another DP.

### **Proposer disagrees with the decision**

10.12 On occasions the proposer may disagree with the decision of the Minister/Permanent Secretary. It should be noted that:-

- i. the Department cannot review the decision unless incorrect factual information has been used in reaching the decision; and
- ii. there is no appeal process specified within the legislation to facilitate a challenge of the decision.

10.13 If the proposer believes the decision is incorrect, or that the circumstances relating to the proposal have changed, then they can commence the necessary process to publish another proposal. In these circumstances it is recommended that the additional or new information is clearly set out in the Case for Change supporting the new proposal.

10.14 Although legislation does not provide for appeal, the decision can be challenged through an application for Judicial Review (JR). This is a process by which a Court reviews a decision made by a public body. The JR process analyses the way in which public bodies reached their decision in order to determine whether or not that decision was lawful.

### **Judicial Review (JR)**

10.15 JR is a procedure in the High Court in which a judge reviews the lawfulness of a decision or action made by a public body. It is a challenge to the way in which a decision has been made, rather than the rights and wrongs of the conclusion reached.

10.16 If a DP decision becomes the subject of a JR, all papers relating to the case will have to be made available to the Court. It is therefore essential that all parties in the process have all consultation meetings carefully documented and that all correspondence pertaining to the proposal is retained.

## DP Process - Summary of Roles and Responsibilities

## Annex A

4 Main Phases	Proposer	Education Authority	Department of Education
Identification of need in the Area Planning Process	<ul style="list-style-type: none"> <li>• Plan process taking account of the key milestones required to deliver specific types of proposals being mindful of key parental decision making points for admission and transfer</li> <li>• Engaging with key stakeholders initially through the APLG who will consider the needs of all sectors for primary and post-primary provision.</li> <li>• Agree scope of proposal</li> <li>• Evidence gathering</li> <li>• Prepare Case for Change including any equality screening details</li> <li>• Impact assessment:                             <ul style="list-style-type: none"> <li>○ Own school</li> <li>○ Partner schools</li> <li>○ Other schools</li> </ul> </li> <li>• Notify DE/EA of intention to publish</li> </ul>	<ul style="list-style-type: none"> <li>• Prepare for consultation</li> </ul>	<ul style="list-style-type: none"> <li>• Notify relevant Policy Teams</li> </ul>

Pre-publication consultation	<ul style="list-style-type: none"> <li>• Consultation with key stakeholders</li> <li>• Submit proposal and supporting Case for Change</li> <li>• Keep stakeholders informed</li> </ul>	<ul style="list-style-type: none"> <li>• Notify all schools likely to be affected by the proposal</li> <li>• Preparation for publication</li> </ul>	
Publication	<ul style="list-style-type: none"> <li>• Submit DP for publication</li> <li>• Submit Case for Change</li> </ul>	<ul style="list-style-type: none"> <li>• EA publish DPs in one or more newspapers circulating in the area affected by the proposal</li> <li>• EA to notify DE of date of publication</li> <li>• EA publish on website</li> </ul>	<ul style="list-style-type: none"> <li>• Publish on website</li> </ul>
Statutory 2 months objection period		<ul style="list-style-type: none"> <li>• Submit DPs and supporting material to DE</li> <li>• Submit the EA view on the proposal</li> </ul>	<ul style="list-style-type: none"> <li>• Publish on website</li> <li>• Assess proposal and supporting Case for Change</li> <li>• Assess pre-publication consultation confirming compliance with requirements</li> <li>• Engage with Education and Training Inspectorate (ETI) and Policy Teams</li> <li>• Receive objections/support</li> <li>• Facilitate meetings with interested parties. Make recommendation to Minister/Permanent Secretary based on evidence</li> <li>• Convey Ministerial/Permanent Secretary's decision to proposer and wider education sector</li> </ul>



**Annex B**

**CASE for CHANGE – Supporting Information**

**SUMMARY/OVERVIEW**

AREA PLANNING DISTRICT	
DP NUMBER	
PROPOSER	Contact: Include name and telephone number/mobile  <i>(Note: DE will use these contact details for providing notification of the Minister's/Permanent Secretary's decision.)</i>
SCHOOL(S) NAME	
SCHOOL REFERENCE	
TYPE	Nursery, Primary, Post Primary (11-16) (11-19), Special (3-19)
MANAGEMENT	Controlled, Voluntary, Roman Catholic Maintained, Irish-medium, Controlled Integrated, GMI, Other
DP PUBLICATION DATE	Date:-----  <i>(Note: Proof of publication should be submitted without delay)</i>
PROPOSAL	<b>Proposed to...with effect from...or as soon as possible thereafter</b>

## STATUTORY CONSULTATION

*Note: It may be necessary for documentary evidence to be provided to show that the statutory procedures have been followed. It is essential that relevant parties retain this information.*

The following is to be completed by the Proposer and signed off by them.

## EDUCATION AUTHORITY COMMENTARY ON PRE-PUBLICATION STATUTORY CONSULTATION

<p><b>PROPOSER</b></p> <p>Provide detail of consultation with the BOGs, teachers and parents of the affected school(s) – dates of meetings/letters. Good practice suggests all staff (including non-teaching) should be consulted as well as pupils.</p> <p>Summary and assessment of views received – how were these taken into account before publication of the DP?</p>	
<p><b>CONFIRMATION BY THE PROPOSER</b></p>	<p>I confirm that the school(s) BOGs, Staff and Parents of pupils were consulted on and Equality Screening of the proposal has been carried out and the statutory requirements of the Rural Needs Act (NI) 2016 (where appropriate) have been considered.</p> <p>NAME:                      OFFICE HELD:</p> <p>SIGNED:                      DATE:</p>

## ASSOCIATED PROPOSALS

<p>DP XXX</p> <p>Published DD/MM/YY</p>	<p><b>Proposed to ... with effect from ... or as soon as possible thereafter</b></p>
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The following is to be completed and signed off by the EA.

**EDUCATION AUTHORITY COMMENTARY ON PRE-PUBLICATION STATUTORY CONSULTATION**

<p><b>THE EDUCATION AUTHORITY</b></p>	<p>I confirm that the schools which the EA consider might be impacted by this proposal were consulted on</p> <p>NAME:                      OFFICE HELD;</p> <p>SIGNED:                      DATE:</p>
<p>Provide detail of consultation with schools that may, in the EA's opinion, be affected by the proposal - list of schools, dates of letters issued to schools/meetings.</p> <p>Summary of views received (number of responses, recurring themes, petitions, community support or opposition).</p> <hr/> <p>Responses/Assurances in respect of issues raised during consultation.</p> <hr/> <p>Dates of EA meetings e.g. Education Committee/ Board etc.</p> <p><u>Details of issues raised by members of EA Board</u></p>	
<p><b>EDUCATION AUTHORITY COMMENTS</b></p> <p>In the context of planning on an area basis - what is the EA's view of the proposal, taking into account any pre-publication consultation. Does the EA support the proposal?</p> <p>SIGNATURE:          PRINT NAME:          POSITION:          DATE:</p>	

## **BACKGROUND**

Provide a snapshot on existing school/s, such as:-

- Brief description of school/s
- Location including any relocation details
- Supporting statistics to explain / highlight the evidence of need for change taking account of the SSP criteria. These could include:
  - School Enrolments – approved, historical and current actual enrolments, available places
  - School Admissions – first preference applications, total applications accepted at end of admissions process, approved admission, actual admission
  - Alternative Schools
  - Exam Performance
  - Maps (where possible) showing location of school, pupil distribution, alternative provision
- Current accommodation/site
- Current capital proposals/minor works applications with the Department.

## **SUSTAINABILITY ASSESSMENT**

- Summary of the school/s Sustainability supported by statistical data linked to the SSP 4 indicators.
- As the SSP does not apply to pre-school or Special Education provision the assessment should be in the context of pre-school provision policy and current practice and if a unit attached to a school the SSP assessment of the host school.

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## **AREA PLANNING IMPACT**

Outline the Area Planning context and how this proposal will contribute to the delivery of education provision within the area. How does the proposal align with the current Area Plan, its key strategic themes and actions outlined in the Annual Action Plan.

Specify links to other proposals. Provide detail on other DPs (including those in planning and not yet published) that could impact on education provision in the area, affecting consideration of this proposal and outline any reason for not bringing them forward together.

*Note: <sup>4</sup>Where possible proposed changes for a single area should be published simultaneously so full area impact can be assessed.*

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What other options/size were explored and why was this the most appropriate area solution?

What is the potential impact on other schools, what account has been taken of this?

In the case of pre-school provision the EA's Pre-school Education Group (PEG) are responsible for planning pre-school provision and overseeing the allocation of places to the non-statutory sector.

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## **RATIONALE FOR PROPOSAL**

Explain the objectives of the proposal and the desired outcomes if approved – for example to reduce number of available places or to increase enrolment to meet demand. Detail how this aligns to Departmental policies and consideration given to Statutory Duties.

If the proposal is part of a set of inter-linked proposals for an area solution, the Case for Change should be presented as one over-arching document which sets out the strategic position and explains current provision in the area, why change is needed and how all the proposed changes fit together to reshape provision in the area for the benefit of children and young people. This approach should reduce the need for repetition of the rationale on a set of individual proposals. The Department also requires an individual assessment for each school to be part of the overall Case for Change as each proposal must be able to stand alone if necessary. Each individual assessment should be appended to the over-arching rationale for the proposal.

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## **EDUCATIONAL IMPACT**

What are the educational benefits of this proposal?

Provision of high quality education should be the desired outcome of all proposals - outline how this proposal aims to achieve this outcome.

Outline how the proposal will benefit children and young people in the school(s) and in the area overall.

Provide details of how the specific requirements of pupils with SEN will be catered for under the new arrangements.

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## **IMPLEMENTATION PLAN (IF THE PROPOSAL IS APPROVED)**

*Note: The timeline should be considered in advance of DP publication, this will impact on when the DP should be published to allow sufficient time from decision to implementation.*

Outline all actions required to deliver the proposal if approved. Does the implementation date reflect this, is it deliverable? If phasing is being proposed explain why it is necessary?

Depending on type of proposal, this could include arrangements for pupils transferring to other school(s), maintaining continuity for examination classes, applications for additional accommodation and timeframe for delivery which takes account of time needed to secure all the necessary approvals to allow accommodation to be provided.

In the case of an amalgamation, this should also include a timeline of events should the proposal be approved, including appointment of interim BOGs staff recruitment, establishing new name, uniform and date of amalgamation.

In the case of the transfer of a voluntary school to controlled status which is given effect through a DP presented by the EA to change an existing school to a controlled school, the implementation is governed by Article 17 of the Education and Libraries (NI) Order 1986. The procedure to be followed is set out in guidance "[Procedure for Transfer of a Voluntary School to Controlled Status](#)". The Case for Change for this type of change should confirm that Stages 1 and 2 outlined in the aforementioned guidance have been completed and signed off by the relevant body.

Details of any arrangements for Shared Education Partnerships and how they would be impacted should be included in this section.

Explain how an increase or decrease in enrolment numbers will be managed through phasing.

Outline how the proposal will impact on the management of the school - in the case of an increase/decrease in enrolment, how will the change be managed? Will there be composite classes or will they be removed, will the school operate a double entry?

How will the School/EA ensure that the education of the children is protected during / after the proposed change?

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## RESOURCE IMPLICATIONS

Detail finance/resource implications (both capital and recurrent) of the proposal and approximate costs where available.

Is the proposal cost effective?

*Finance* – Budget position, impact on budget, cost of proposal.

- *A trend analysis of the school's financial position. This should detail the school's end year surplus/deficit position for each of the last five years and forecast for the current year end.*
- *Commentary on the financial trend provided.*

*Staffing* – Additional teaching staff required, cost / redeployment, redundancy cost

*Transport* – Any additional cost

*Accommodation* – brief description of current accommodation / site, any capital proposals or minor works applications. Immediate day one minimum capital requirements should the DP be approved, site suitability to support changes, estimated cost and timescales for delivery of changes. *Note: Approval of a DP does not automatically attract additional funding or accommodation and that these issues will be dealt with separately by the Department.*

*Other issues requiring resources*

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*It should be noted that all proposals are assessed in line with the Sustainable Schools Policy and are subject to Equality Screening and the statutory requirements of the Rural Needs Act (NI) 2016 (where appropriate) by the proposer. \*These lists are not exhaustive any other relevant information should be included if it supports the Case for Change. In all cases assurance must be given on suitability of new arrangement for pupils with SEN or Statements*

Establish a new grant-aided school or unit	Close an existing grant-aided school	Decrease/increase enrolments at an existing grant-aided school	Establish Nursery provision or change pattern of attendance	Amalgamation
<ul style="list-style-type: none"> <li>• <i>Proposed initial admission/enrolment at date of opening</i></li> <li>• <i>Projected enrolments – 5 years</i></li> <li>• <i>Impact on local alternative provision</i></li> <li>• <i>Curriculum delivery plan</i></li> <li>• <i>Staffing requirements</i></li> <li>• <i>Immediate &amp; future accommodation needs</i></li> <li>• <i>Site requirements</i></li> <li>• <i>Site issues</i></li> <li>• <i>Related costs</i></li> <li>• <i>SEN considerations</i></li> <li>• <i>Integrated: transformation considerations/outcomes</i></li> <li>• <i>Religious balance</i></li> <li>• <i>Irish-medium Unit considerations / outcomes</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Enrolments</i></li> <li>• <i>Financial position</i></li> <li>• <i>Sustainable Schools Criteria:</i></li> <li>• <i>Quality education experience</i></li> <li>• <i>Stable enrolment trends</i></li> <li>• <i>Strong leadership and management</i></li> <li>• <i>Accessibility</i></li> <li>• <i>Strong community links</i></li> <li>• <i>Redundancy implications</i></li> <li>• <i>Related costs</i></li> <li>• <i>Alternative provision – capacity/quality of education provision/accessibility</i></li> <li>• <i>phased closure – arrangements to ensure smooth transition of pupils</i></li> <li>• <i>timeframes for the phased closure/affected year groups</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Impact on current approved enrolment/admission numbers</i></li> <li>• <i>School:</i></li> <li>• <i>Quality of education</i></li> <li>• <i>Sustainability</i></li> <li>• <i>Capacity to manage change</i></li> <li>• <i>Impact on local provision</i></li> <li>• <i>First preference/historic enrolments</i></li> <li>• <i>Current accommodation</i></li> <li>• <i>Additional accommodation requirements</i></li> <li>• <i>Staffing impact/requirements</i></li> <li>• <i>Related costs</i></li> </ul>	<ul style="list-style-type: none"> <li>• <i>Current pattern of attendance</i></li> <li>• <i>Proposed pattern of attendance</i></li> <li>• <i>Details of other local options or solutions explored (e.g. dual pattern)</i></li> <li>• <i>Pre-school Education Group (PEG) view</i></li> <li>• <i>Other local pre-school provision</i></li> <li>• <i>Displacement details /impact on existing playgroup /reception class</i></li> <li>• <i>Impact on other local providers</i></li> <li>• <i>Staffing and accommodation requirements</i></li> <li>• <i>Site issues</i></li> <li>• <i>Management arrangements</i></li> <li>• <i>Related costs</i></li> </ul>	<p><i>Existing schools:</i></p> <ul style="list-style-type: none"> <li>• <i>Sustainability - enrolments</i></li> <li>• <i>Quality of education provision – curriculum offer, results:</i></li> <li>• <i>Financial viability</i></li> <li>• <i>Accommodation issues</i></li> <li>• <i>Proposal</i></li> <li>• <i>Operational issues - split site</i></li> <li>• <i>Size of new school</i></li> <li>• <i>Staffing- redundancies</i></li> <li>• <i>Costs</i></li> <li>• <i>Impact on local alternative provision</i></li> <li>• <i>Implementation plan and timescales</i></li> </ul>