WELSH STATUTORY INSTRUMENTS

2006 No. 520 (W.64)

EDUCATION, WALES

The Transition from Primary to Secondary School (Wales) Regulations 2006

Made - - - -	*28 February 2006*
Coming into force - -	*1 September 2006*

In exercise of the powers conferred on the National Assembly for Wales by sections 198(3) and 210(7) of the Education Act 2002(**1**), the National Assembly for Wales hereby makes the following Regulations:

Title and commencement

1. The title of these Regulations is the Transition from Primary to Secondary School (Wales) Regulations 2006 and they come into force on 1 September 2006.

Interpretation

2.—(1) In these Regulations—

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"school year" ("*blwyddyn ysgol*") means the period beginning with the first school term to begin after July and ending with the beginning of the first such term to begin after the following July;

"Transition Plan" ("*Cynllun Pontio*") means a plan of the kind referred to in section 198(1) of the 2002 Act and regulation 3(2).

"Year 6" ("*Blwyddyn 6*") means the pupil year group of a primary school all or the majority of the pupils in which are expected to transfer to secondary school at the beginning of the following school year;

and references to the publication of a Transition Plan (including an amended plan) or of a statement of the kind referred to in regulation 7(6) are to the publication of the plan or statement in accordance with regulation 8.

(**1**) 2002 c. 32.

Application of the Regulations

3.—(1) These Regulations apply only in relation to schools for which Transition Plans are required.

(2) For the purposes of paragraph (1), Transition Plans are required for each secondary school maintained by a local education authority in Wales (or which falls within a specified class of such a school), and for each of its feeder primary schools maintained by such an authority, the governing bodies of which are, by virtue of a requirement imposed by the National Assembly under section 198(1) of the 2002 Act, required jointly to draw up plans to facilitate the transition from primary school to secondary school of pupils at those primary schools who are admitted to the secondary school.

Disputes as to whether a school is a feeder primary school

4. Any dispute as to whether, for the purposes of section 198 of the 2002 Act, a particular school is to be regarded as a feeder primary school in relation to a particular secondary school is to be determined by the National Assembly.

Form, content and publication of Transition Plans

5.—(1) A single Transition Plan is to be drawn up in respect of a secondary school and its feeder primary schools, but it may contain provision for any one or more feeder primary schools which is different from the provision for the other feeder primary school or schools.

(2) Transition Plans must be in writing.

(3) Each plan must briefly explain the effect of section 198 of the 2002 Act (and, in particular, the purpose of a Transition Plan).

(4) Each plan must state that it was jointly drawn up by the governing body of the secondary school concerned and the governing bodies of its feeder primary schools, and must state the names of all the schools.

(5) Each plan must indicate the first pupil cohort to which it applies by reference to the school year at the beginning of which those first pupils moved up to Year 6 in their primary school.

(6) Each plan must be published and must state the date on which it was published.

(7) Transition Plans must (as a minimum) deal with the matters specified in the Schedule.

(8) In this regulation, references to a plan include references to a revised plan.

Preparation and publication of first Transition Plans

6.—(1) Subject to paragraph (4), the first Transition Plan for a secondary school and each feeder primary school of that secondary school must be published on or before the beginning of the publication school year.

(2) In this regulation, "the publication school year" means the school year of the secondary school immediately following the one at the beginning of which pupils of the feeder primary schools first transferred to the secondary school from those schools (as feeder primary schools), or the 2007/2008 school year (whichever is the later).

(3) The first pupils to which a first Transition Plan applies are those pupils of each feeder primary school who expect to transfer from the feeder primary school to the secondary school in the school year of the secondary school immediately following the publication school year.

(4) This regulation does not apply where there is already a Transition Plan for a secondary school and an existing feeder primary school or schools of that secondary school which falls to be reviewed

under regulation 7(1)(a) (following a "new primary school" becoming a feeder primary school of that secondary school).

(5) Work on drawing up a first Transition Plan must begin in sufficient time for the plan to be published on the date on which it is required to be published under this regulation.

Review of Transition Plans

7.—(1) A Transition Plan must be reviewed—

(a) if a primary school ("the new primary school") becomes a feeder primary school of a secondary school which already has one or more feeder primary schools;

(b) if the governing bodies of all of the schools concerned consider that it might be necessary or desirable for revisions to be made; and

(c) in any event before the expiration of the period of three years beginning on the date on which the first Transition Plan was published and (subject to paragraph (14)) at intervals of three years thereafter.

(2) The purpose of a review under sub-paragraph (a) of paragraph (1) is for the governing bodies of the schools which drew up the current Transition Plan and the governing body of the new primary school, after jointly reviewing the current Transition Plan and considering what revisions it is necessary or desirable to make to it, to jointly draw up a revised or new Transition Plan having regard, in particular, to the views of the governing body of the new primary school on what the plan should contain.

(3) The purpose of a review under sub-paragraph (b) or (c) of paragraph (1) is for the governing bodies of the schools which drew up the current Transition Plan to consider whether it is necessary or desirable to revise the plan and, if it is considered that it is necessary or desirable to revise it, to jointly draw up a revised or new Transition Plan.

(4) A plan which has been reviewed under paragraph (1)(b) may be further reviewed under that paragraph.

(5) Following a review under paragraph (1)(a) the current Transition Plan must be revised or a new Transition Plan drawn up.

(6) If, following a review under paragraph (1)(b) or (c), the governing bodies decide not to revise (or replace) the current Transition Plan, they must publish a statement recording that decision and giving brief reasons for it (a "Statement").

(7) In the case of a review under paragraph (1)(a), the new (or revised) Transition Plan must be published on or before the beginning of the publication school year, and the review must begin in sufficient time for that requirement to be met.

(8) In paragraph (7), "the publication school year" means the school year of the secondary school immediately following the one at the beginning of which the first pupils of the new primary school (as a feeder primary school) transferred to the secondary school.

(9) In the case of a review under paragraph (1)(a), the first pupils of the new primary school to which the new or revised Transition Plan applies are those pupils who expect to transfer to the secondary school in the school year of the secondary school immediately following the publication school year.

(10) In the case of a review under paragraph (1)(b), the new (or revised) Transition Plan or Statement, as the case may be, must be published as soon as reasonably practicable.

(11) In the case of a review under paragraph (1)(c), the new (or revised) Transition Plan or Statement, as the case may be, must be published on or before the expiration of the period of three years beginning on the date on which the current Transition Plan was published, and the review must begin in sufficient time for that requirement to be met.