WELSH STATUTORY INSTRUMENTS

2003 No. 1732 (W.190)

EDUCATION, WALES

The Education (School Organisation Plans) (Wales) Regulations 2003

Made - - - -	*9th July 2003*
Coming into force - -	*1st August 2003*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 26 and 138(7) and (8) of the School Standards and Framework Act 1998(**1**) and now vested in the National Assembly for Wales(**2**):

Name, commencement and application

1.—(1) These Regulations are called the Education (School Organisation Plans) (Wales) Regulations 2003 and shall come into force on 1st August 2003.

(2) These Regulations apply in relation to Wales.

Revocation

2. These Regulations revoke the Education (School Organisation Plans) (Wales) Regulations 1999(**3**).

Interpretation

3. In these Regulations—

"the Act" ("*y Ddeddf*") means the School Standards and Framework Act 1998;

"authority" ("*awdurdod*") means a local education authority in Wales;

"plan" ("*cynllun*") means a school organisation plan and "draft plan" is to be construed accordingly;

"school year" ("*blwyddyn ysgol*") means the school year which applies for the schools maintained by the authority concerned or, if the same school year does not apply for all such

(**1**) 1998 c. 31. Section 26 was amended by section 149 of, and paragraphs 1 and 80 of Schedule 9 to, the Learning and Skills Act 2000 (c. 21).
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 1999/499, amended by S.I. 2001/3710 (W.306).

schools, the school year which applies for the highest number of schools maintained by that authority; and

"special educational needs" ("*anghenion addysgol arbennig*") has the meaning given to that term by section 312(1) of the Education Act 1996(**4**).

Content and duration of school organisation plan

4.—(1) For the purposes of section 26(2)(a) and (ab) of the Act (which provides that a school organisation plan is a statement which sets out how the authority propose to exercise their functions and powers during the prescribed period with a view to securing the provision of primary and secondary education that will meet the needs of the population of their area during that period) the prescribed period is the period starting with the date upon which the draft plan is adopted by the authority under regulation 8 or 9 and ending at the end of the fifth school year after the school year in which that draft plan was published.

(2) The reference in paragraph (1) to the publication of a draft plan is a reference to the initial publication of that draft plan under regulation 5 irrespective of whether a fresh draft plan replacing that draft plan was subsequently published under regulation 9(1).

(3) The plan must in particular deal with—

(a) demographic information relevant to the supply of places in schools maintained by the authority;

(b) statistical information relating to the number of existing places in primary and secondary schools maintained by the authority;

(c) a statement of policies and principles relevant to the provision of places in schools maintained by the authority;

(d) conclusions, drawn from the demographic and statistical information, policies and principles, about any excess or insufficiency in the provision of primary and secondary education in schools maintained by the authority during the period to which the plan relates;

(e) the authority's proposals for remedying any excess or insufficiency in the provision of primary and secondary education in schools maintained by the authority during the period to which the plan relates; and

(f) the provision which the authority proposes to make during that period for children with special educational needs.

(4) In connection with the preparation of a plan in accordance with this regulation, and in relation to the operation of a plan, the authority is to have regard to guidance issued from time to time by the National Assembly for Wales.

Publication of draft plan

5.—(1) The authority must publish a draft plan by—

(a) sending (subject to paragraph (2)) a copy to—

(i) the governing body of each school maintained by the authority;

(ii) the Diocesan Director of Education of every diocese of the Church in Wales, where the whole or any part of the area of the diocese falls within the authority's area;

(iii) the Diocesan Director of Education of every diocese of the Roman Catholic Church, where the whole or any part of the area of the diocese falls within the authority's area;

(**4**) 1996 c. 56.

(iv) the Council for Mission and Ministry of the Church in Wales;

(v) the Qualifications, Curriculum and Assessment Authority for Wales;

(vi) the Welsh Joint Education Committee;

(vii) the Welsh Language Board;

(viii) the National Council for Education and Training for Wales;

(ix) the Higher Education Funding Council for Wales;

(x) the Community Consortium for Education and Training, or such other body representing local providers of education and training for persons over compulsory school age, in the authority's area; and

(xi) the National Assembly for Wales; and

(b) depositing a copy in such public libraries in the area of the authority as they consider appropriate.

(2) Sub-paragraph (1)(a)(i) is not to apply in relation to the governing body of any school if the authority publishes the draft plan on the Internet on the authority's web-site and the school has facilities which enable access to be gained to the Internet.

(3) The first draft plan after the coming into force of these Regulations must be published on or before 31st December 2003.

(4) The authority must prepare and publish further draft plans on or before 31st December 2006 and on or before 31st December in every third year thereafter.

(5) The authority must prepare and publish an additional draft plan in any year in which they are not required to publish a draft plan under paragraph (4) if there has been any change of policy or local circumstances relating to the provision of primary or secondary education since the last plan was prepared.

(6) Before publishing a draft plan the authority must consult such persons as appear to them to be appropriate.

Publication of notice of draft plan

6. At the same time as they publish a draft plan the authority must publish a notice in at least one newspaper circulating in the area of the authority—

(a) stating where the draft plan can be inspected,

(b) giving a summary of the conclusions of the draft plan,

(c) where the conclusion of the plan is that steps should be taken to remedy any excess or insufficiency in the provision of primary or secondary education in maintained schools in parts of the authority's area, specifying those parts of the authority's area, and

(d) stating the effect of regulations 7 to 11.

Comments on draft plan

7.—(1) Any person is permitted to submit comments on a draft plan.

(2) Such comments must be sent to the authority within the period of two months after the date of publication of the notice in accordance with regulation 6 (or if notices were published in different newspapers on different dates, the date of the publication of the last such notice).