WELSH STATUTORY INSTRUMENTS

# 2002 No. 1187 (W.135)

# EDUCATION, WALES

## The Education Development Plans (Wales) Regulations 2002

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| *Made - - - -* | *25th April 2002* |
| *Coming into force - -* | *26th April 2002* |

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred by sections 6(4) and (5), 7(1) and (9) and 138(7) and (8) of the School Standards and Framework Act 1998(**1**) and now vested in the National Assembly for Wales(**2**):—

## PART I

## GENERAL

### Name, commencement and application

**1.**—(1) These Regulations are called the Education Development Plans (Wales) Regulations 2002 and shall come into force on 26th April 2002.

(2) These Regulations apply only in relation to local education authorities in Wales.

(3) These Regulations apply only in respect of 2002—05 full plans and subsequent plans (whether full or supplementary).

### Revocation and saving

**2.**—(1) These Regulations revoke the Education Development Plans (Wales) Regulations 1999(**3**).

(2) The revocation of the regulations at (1) above is without prejudice to the continued validity of plans already made under those regulations.

### Interpretation

**3.**—(1) In these Regulations, unless the context otherwise requires—

(**1**) 1998 c. 31. For the meaning of "prescribed" and "regulations" *see* section 142(1).
(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672).
(**3**) S.I. 1999/1439.

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996(**4**);

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

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999(**5**);

"to achieve the Core Subject Indicator" ("*cyflawni'r Dangosydd Pynciau Craidd*") means—

(i) in relation to second key stage pupils, that those pupils are to be assessed as having achieved level 4 or above in NC tests for that key stage in English or Welsh (other than Welsh second language) and in both mathematics and science,

(ii) in relation to third key stage pupils, that those pupils are to be assessed as having achieved level 5 or above in NC tests for that key stage in English or Welsh (other than Welsh second language) and in both mathematics and science, and

(iii) in relation to pupils who will attain the age of 16 years during the school year in question, that those pupils are to have achieved any grade from A* to C in a GCSE examination in English or Welsh (other than Welsh second language) and in both a GCSE examination in mathematics and a GCSE examination in science;

"annexes" ("*atodiadau*") means annexes to a statement of proposals comprising part of an education strategic plan;

"authority" ("*awdurdod*") means local education authority;

"the core subjects" ("*y pynciau craidd*") has the meaning given to it in section 354(1) of the 1996 Act;

"education strategic plan" ("*cynllun strategol addysg*") means an education development plan prepared by an authority in accordance with section 6(1) of the 1998 Act;

"ELQ" ("*ELQ*") means a qualification described and approved as an Entry Level Qualification by the National Assembly under section 99 of the Learning and Skills Act 2000(**6**);

"the Financing Regulations" ("*y Rheoliadau Cyllido*") means the Financing of Maintained Schools Regulations 1999(**7**);

"the first day of the plan" ("*diwrnod cyntaf y cynllun*") in relation to an education strategic plan means the first day of the period to which that plan relates;

"full plan" ("*cynllun llawn*") means an education strategic plan prepared by an authority dealing with the matters and containing the material specified in Parts II and III of these regulations, and "2002—05 full plan" ("*cynllun llawn 2002—05*") means the full plan referred to in Regulation 4(1);

"GCSE" ("*TGAU*") means a General Certificate of Secondary Education, and "GCSE examination" ("*arholiad TGAU*") means an examination, the course leading to which is a full GCSE course of study;

"GCSE short course" ("*cwrs byr TGAU*") means a GCSE course designed to cover a proportion only (being not less than half) of the corresponding full GCSE course of study, and to which the same grading standards are applied, and "GCSE short course examination" ("*arholiad cwrs byr TGAU*") means an examination, the course leading to which is a GCSE short course;

"GNVQ" ("*GNVQ*") means a General National Vocational Qualification;

"level 4" ("*lefel 4*") and "level 5" ("*lefel 5*") mean levels 4 and 5 respectively of the National Curriculum level scale as determined by the results of NC tests;

(**4**) 1996 c. 56.
(**5**) S.I. 1999/1811.
(**6**) 2000 c. 21.
(**7**) S.I. 1999/101 as amended by S.I. 2000/911(W.40), S.I. 2001/495 (W.22) and S.I. 2002/136 (W.19).

"looked after by a local authority" ("*derbyn gofal gan awdurdod lleol*") in relation to a child has the meaning given to it in section 22 of the Children Act 1989(**8**), and "looked after children" ("*plant sy'n derbyn gofal*") shall be construed accordingly;

"mainstream class" ("*dosbarth prif-ffrwd*") is a class in a mainstream school, which has not been designated by the authority as a special class;

"mainstream school" ("*ysgol brif-ffrwd*") is a school which is not a special school;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school or a community or foundation special school;

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

"NC tests" ("*profion y CC*") means National Curriculum tests administered to pupils for the purpose of assessing the level of attainment which they have achieved in English, Welsh, science or mathematics, being tests laid down in provisions made by the National Assembly under the appropriate order made under section 356(2) of the 1996 Act in force when those tests are administered(**9**);

"NVQ" ("*NVQ*") means National Vocational Qualification;

"period of the plan" ("*cyfnod y cynllun*") means the period specified in regulation 4;

"pupil" ("*disgybl*") has the meaning given to it in section 3 of the 1996 Act;

"school year" ("*blwyddyn ysgol*") means a period of one year beginning on 1st September;

"Schools' Census enumeration date" ("*dyddiad rhifo'r Cyfrifiad Ysgolion*") means the date by reference to which the National Assembly annually requires information to be provided relating to maintained schools in Wales pursuant to section 29(1) of the 1996 Act;

"Schools' Census return" ("*ffurflen Gyfrifiad Ysgolion*") means the return which an authority are required by the National Assembly to complete each year pursuant to section 29(1) of the 1996 Act;

"schools maintained by the authority" ("*ysgolion a gynhelir gan yr awdurdod*") does not include schools which are not maintained schools as defined herein;

"second key stage" ("*cyfnod allweddol dau*") and " third key stage" ("c*yfnod allweddol tri*") mean the periods specified in paragraphs (b) and (c) respectively of section 355(1) of the 1996 Act;

"second key stage pupils" ("*disgyblion cyfnod allweddol dau*") and "third key stage pupils" ("*disgyblion cyfnod allweddol tri*") mean pupils who are in the second and third key stages respectively;

"special educational needs" ("*anghenion addysgol arbennig*") has the meaning given to it by section 312(1) of the Education Act 1996;

"statemented pupils" ("*disgyblion sy'n destun datganiad*") means pupils with special educational needs in respect of whom a statement has been made under section 324 of the Education Act 1996 and "non-statemented pupils" ("*disgyblion nad ydynt yn destun datganiad*") means pupils with special educational needs in respect of whom no such statement has been made;

"supplementary plan" ("*cynllun atodol*") means an education strategic plan dealing with the matters and containing the material specified in Part IV of these Regulations, and "first

(**8**) 1989 c. 41.

(**9**) The appropriate orders currently in force are the Education (National Curriculum)(Assessment Arrangements for English, Welsh, Mathematics and Science)(Key Stage 2)(Wales) Order 1997, S.I. 1997/2009, as amended by S.I. 1998/1977 and the Education (National Curriculum) (Key Stage 3 Assessment Arrangements) (Wales) Order 1997, S.I. 1997/2010, as amended by S.I. 1998/1976 and S.I. 2001/889 (W.40).

supplementary plan" ("*cynllun atodol cyntaf*") and "second supplementary plan" ("*ail gynllun atodol*") in relation to a full plan mean the supplementary plans prepared in respect of the periods specified in regulations 4(3) and 4(4) respectively;

"travellers' children" ("*plant i deithwyr*"), in relation to a plan, means children who—

(a) by reason of their parents' way of life, either have no fixed abode or leave their main abode to live elsewhere for significant periods of each year; or

(b) fell within paragraph (a) above within a period of two years immediately preceding the first day of the plan;

"vocational qualification" ("*cymhwyster galwedigaethol* ") means—

(a) a Part One GNVQ,

(b) an Intermediate GNVQ,

(c) a Foundation GNVQ,

(d) a GNVQ Language Unit, or

(e) an NVQ,

approved under section 99 of the Learning and Skills Act 2000.

(2) In these Regulations a reference—

(a) to a numbered regulation is to the regulation in these Regulations bearing that number;

(b) to a numbered paragraph in a regulation or Schedule is to the paragraph bearing that number in that regulation or Schedule;

unless the context requires otherwise.

(3) Any reference in these Regulations to a pupil achieving—

(a) a grade in a GCSE examination,

(b) a vocational qualification, or

(c) a grade in a GCSE short course examination,

by the end of a school year, shall be construed as a reference to that pupil achieving that grade or qualification in the school year in which he or she—

(i) takes that examination, or

(ii) (as the case may be) completes the course leading to the award of that qualification,

and irrespective of whether the decision to award the grade or qualification is made in a later school year.

**Period to which the statement of proposals must relate**

**4.**—(1) The statement of proposals in the first full plan prepared under these Regulations (referred to in these Regulations as "the 2002—05 full plan") must relate to a period of three school years beginning on 1st September 2002.

(2) The statement of proposals in a subsequent full plan must relate to a period of three school years, beginning at the expiration of the period of the most recent previous full plan.

(3) The statement of proposals in a first supplementary plan must relate to a period of two school years beginning at the expiration of the first school year in the period of the most recent full plan.

(4) The statement of proposals in a second supplementary plan must relate to a period of—

(a) in respect only of the setting of targets specified in regulation 30, two school years beginning at the expiration of the second school year in the period of the most recent full plan;

(b) in all other respects, one school year beginning at the expiration of the second school year in the period of the most recent full plan.

**Intervals at which education strategic plans must be prepared and submission of plans to the National Assembly**

**5.**—(1) Education strategic plans must be prepared each year.

(2) Each authority must submit their 2002—05 full plan to the National Assembly on or before 31st May 2002.

(3) Each authority must submit a subsequent plan (whether full or supplementary) to the National Assembly on or before 30th April preceding the first day of that plan.

**Publication of the education strategic plan**

**6.**—(1) Each authority must publish a full copy of their approved plan by—

(a) making a written or electronic copy available for inspection at the authority's offices, and

(b) laying it before the National Assembly,

on or before the first day of the plan, or as soon as reasonably practicable after the plan has been approved, if later.

(2) Each authority must provide a copy of their approved plan, or a summary version thereof, to—

(a) the head teacher and chair of the governing body of every school maintained by the authority; and

(b) any other person on the written request of that person.

(3) In this regulation "approved plan" means a full, supplementary or modified education strategic plan, in which the statement of proposals has been approved under section 7(2) or 7(8) of the 1998 Act, and "approved" in relation to such a plan shall be construed accordingly.

(4) The requirement in paragraph (2)(a) shall be deemed to be satisfied if the authority have notified the persons referred to in that paragraph that the authority's approved plan or a summary version thereof is available on a website which the authority maintain on the Internet.

# PART II

## FULL PLANS — STATEMENT OF PROPOSALS

**Priorities for school improvement**

**7.** The statement of proposals in a full plan shall—

(a) set out the priorities identified by the authority for raising the standards of education provided for children in the authority's area during the period of the plan and for improving the performance during that period of schools maintained by the authority, and of pupil referral units and maintained nursery schools in their area;

(b) specify in respect of each of the priorities identified in accordance with paragraph (a) the basis on which it was identified and how it will contribute to achieving the targets referred to in regulation 11;

(c) in respect of each of the priorities identified in accordance with paragraph (a), list the activities the authority propose to undertake during the period of the plan to address that priority;