

(WG22-21)

EDUCATION, WALES

**Requirement for the Production of
Transition Plans and Guidance 2022**

Made 23 May 2022

Coming into force 1 July 2022

The Welsh Ministers have powers under section 198(1) of the Education Act 2002⁽¹⁾ to make it a requirement for the governing bodies of maintained secondary schools (or maintained secondary schools of a specified class) and their feeder primary schools, jointly, to draw up plans to facilitate the transition of pupils from primary to secondary school.

Guidance may be given by the Welsh Ministers, including, by virtue of section 198(2) of the Education Act 2002, for the purpose of determining whether a particular school is to be regarded as a feeder primary school in relation to a particular secondary school. In determining that question, regard must be had to the Guidance.

Those two powers are exercised by this instrument.

PART 1

General

Title, application and status

1.—(1) This instrument is called the Requirement for the Production of Transition Plans and Guidance 2022.

(1) 2002 (c. 32) as amended by S.I. 2010/1158. The functions conferred on the National Assembly for Wales were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). For the definitions of “prescribed” and “regulations” see section 212(1) of the Education Act 2002.

(2) This instrument comes into force on 1 July 2022 and the Requirement and Guidance accordingly have effect on that date.

(3) The Transition from Primary to Secondary School (Wales) Regulations 2022 also comes into force on 1 July 2022 with Transition Plans required to be in place from 1 September 2022.

(4) The first cohort of pupils to transfer under these arrangements will be those transferring from primary school to secondary school in September 2023.

Revocation

2. This instrument revokes and replaces the Requirement for the production of Transition Plans and guidance 2006 instrument (2006 No 12).

Interpretation

3.—(1) In this instrument—

“the 2002 Act” means the Education Act 2002;

“the 2021 Act” means the Curriculum and Assessment (Wales) Act 2021;

“class” has the meaning given to it in section 82(1) of the 2021 Act;

“the curriculum” means the curriculum adopted under the 2021 Act;

“the Requirement” means the requirement to jointly prepare a Transition Plan set out in regulation 5;

“the Regulations” means the Transition from Primary to Secondary School (Wales) Regulations 2022(1);

“Transition Plan” means a plan of the kind referred to in section 198(1) of the 2002 Act and regulation 4(2) of the Regulations;

“year 6” means the school year in which the majority of pupils in the class attain the age of 11;

“year 7” means the school year in which the majority of pupils in the class attain the age of 12.

(2) Words and expressions used in this instrument have the same meaning as they have in the 2002 Act except so far as a contrary intention appears.

PART 2

Schools subject to the Requirement

Background

4. The Welsh Ministers have decided to limit the maintained primary schools which are to be regarded as feeder primary schools of a secondary school for the purposes of section 198 of the 2002 Act to those where there is significant movement of pupils between the primary and secondary schools at the end of year 6.

The Requirement

5. The Requirement to jointly prepare a Transition Plan is to apply to—

- (a) community, voluntary and foundation secondary schools where they have feeder primary schools as defined below in the Guidance, and
- (b) community, voluntary and foundation feeder primary schools.

PART 3

Guidance on definition of a “Feeder Primary School”

Background

6.—(1) Transition Plans aim to foster a close working relationship between a secondary school and its feeder primary schools. This relationship is based on an ongoing commitment to work together to develop and deliver the curriculum in a manner that supports continuity and progression in learning for pupils as they move from year 6 to year 7.

(2) However, it is recognised that every primary school in Wales already has links with a number of secondary schools as a result of existing requirements for information on pupils who transfer to the appropriate secondary school on moving to year 7.

(3) The Welsh Ministers therefore consider that the Requirement for the drawing up of Transition Plans should be limited to instances where there is an established and ongoing relationship between a primary school and a particular secondary school founded on the majority of the year 6 cohort from the primary school transferring to that particular secondary school.

(4) This approach ensures that Transition Plans will be put in place where there is a solid basis for schools to work together and take practical measures to improve continuity in the delivery of the curriculum. It

also minimises the burden on schools by ensuring that a primary school is not required to work with more than one secondary school in developing a Transition Plan.

(5) It should be noted that the guidance on the definition of a feeder primary school in paragraph 7 below is only for the purposes of section 198 of the 2002 Act. It does not affect or relate to current admission criteria for secondary schools or determine the catchment area of a particular secondary school.

Guidance

7.—(1) For the purposes of section 198 of the 2002 Act, a school will be regarded as a feeder primary school of a particular secondary school only where more than half of the year 6 cohort has transferred to the secondary school at the end of the last school year.

(2) There is an exemption for primary schools where the total number of registered pupils at the school is fifty or less at the end of the school year.

Disputes

8. The Regulations provide for any dispute as to whether a school is a feeder primary school of a particular secondary school to be determined by the Welsh Ministers. Procedures will be put in place for such resolution of disputes.

Further Guidance

9. Further guidance will be issued on the exercise of functions under section 198 of the 2002 Act in due course.

Jeremy Miles

Minister for Education and Welsh Language, one of the Welsh Ministers

23 May 2022