
WELSH STATUTORY INSTRUMENTS

2022 No. 566 (W. 131)

EDUCATION, WALES

**The Transition from Primary to Secondary
School (Wales) Regulations 2022**

<i>Made</i>	- - - -	<i>23 May 2022</i>
<i>Laid before Senedd Cymru</i>		<i>26 May 2022</i>
<i>Coming into force</i>	- -	<i>1 July 2022</i>

The Welsh Ministers, 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⁾, and now exercisable by them, make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Transition from Primary to Secondary School (Wales) Regulations 2022.

(2) These Regulations come into force on 1 July 2022.

Revocation

2. The Transition from Primary to Secondary School (Wales) Regulations 2006⁽²⁾ are revoked on 1 September 2022.

Interpretation

3. In these Regulations—

“the 2002 Act” (“*Deddf 2002*”) means the Education Act 2002;

“the 2021 Act” (“*Deddf 2021*”) means the Curriculum and Assessment (Wales) Act 2021⁽³⁾;

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

“local authority” (“*Awdurdod Lleol*”) means a local authority in Wales that maintains the school;

(1) 2002 c. 32 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) S.I. 2006/520 (W. 64).

(3) 2021 asc 4.

“maintained school” (“*ysgol a gynhelir*”) has the meaning given to it in section 79 of the 2021 Act;

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

“school year” (“*blwyddyn ysgol*”) has the meaning given to it in section 579(1) of the Education Act 1996;

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

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

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

Application of the Regulations

4.—(1) These Regulations apply in relation to maintained schools for which the governing bodies are required to produce Transition Plans⁽⁴⁾.

(2) For the purposes of paragraph (1) Transition Plans are required for—

- (a) each secondary school maintained by a local authority (or which falls within a specified class of such a school), and
- (b) each of its feeder primary schools maintained by a local authority the governing bodies of which are required by the Welsh Ministers, under section 198(1) of the 2002 Act, 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

5. Any dispute as to whether a school is to be regarded as a feeder primary school in relation to a particular secondary school is to be determined by the Welsh Ministers.

Form and content of Transition Plans

6.—(1) Governing bodies of secondary schools and their feeder primary schools must jointly draw up a single Transition Plan for those schools.

(2) A single Transition Plan 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.

(3) A Transition Plan must—

- (a) be in writing,
- (b) briefly explain the purpose of a Transition Plan,
- (c) 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,
- (d) state the names of the secondary school and its feeder primary schools,
- (e) state 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,
- (f) state the date on which it was published, and

(4) The requirement to draw up a Transition Plan is set out in the Requirement for the production of Transition Plans and guidance 2022 (WG22-21) (“the 2022 Requirement”). The 2022 Requirement is made by the Welsh Ministers as Welsh subordinate legislation but is not a statutory instrument.

- (g) deal with the matters specified in the Schedule.

Publication of Transition Plans

7.—(1) The first Transition Plan for a secondary school and each of its feeder primary schools must be published on or before 1 September 2022.

(2) The pupils to which a first Transition Plan applies are those pupils who, from the beginning of the 2022 to 2023 school year, are in year 6 of each feeder primary school and expect to transfer from the feeder primary school to the secondary school in the next school year of the secondary school.

(3) Subsequent Transition Plans must be published on or before 1 September of the school year the Plan is to take effect.

(4) The pupils to which a subsequent Transition Plan applies are those pupils who, from the beginning of the school year in which the subsequent Transition Plan takes effect, are in year 6 of each feeder primary school and expect to transfer from the feeder primary school to the secondary school in the next school year of the secondary school.

Review of Transition Plans

8. 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 a primary school ceases to be a feeder primary school of a secondary school,
- (c) if the curriculum of either the primary or secondary school is reviewed under section 12 of the 2021 Act,
- (d) if the assessment arrangements of either the primary or secondary school made under the Education (Arrangements for Assessing in the Curriculum for Wales) Regulations 2022(5) are reviewed,
- (e) if the governing bodies of all of the schools concerned consider it appropriate to do so, or
- (f) at the end of the period of 3 years beginning on the date on which the Transition Plan (or revised plan) was published.

Purpose of a review

9.—(1) The purpose of a review under regulation 8(a) is—

- (a) for the governing bodies of the schools which agreed the current Transition Plan and the governing body of the new primary school to jointly consider what revisions (if any) are appropriate, and
- (b) for the governing bodies to jointly agree a new Transition Plan if they think it appropriate to do so.

(2) The purpose of a review under regulation 8(b) to (e) is for the governing bodies of the schools which agreed the current Transition Plan to consider—

- (a) whether it is necessary or desirable to revise the Transition Plan, and
- (b) if it is considered that it is necessary or desirable to revise the Transition Plan, to jointly draw up a revised or new Transition Plan.

(3) In all cases the governing bodies of the schools concerned must take account of how the transition process might be better managed by the governing bodies and head teachers when carrying out a review under regulation 8.

Publication of a statement following a review

10.—(1) If, following a review under regulation 8, the governing bodies decide not to revise the current Transition Plan, they must publish a statement recording that decision, giving brief reasons for it (“a Statement”).

(2) The new (or revised) Transition Plan must be published as soon as reasonably practicable and no later than the beginning of the publication school year.

(3) In the case of a review under regulation 8(a), the first pupils of the new primary school to which the new or revised Transition Plan applies are those pupils who, at the beginning of the school year, are in year 6 and expect to transfer to the secondary school in the following school year of the secondary school.

(4) In this regulation and regulation 11, “Statement” has the meaning given in paragraph (1) of this regulation.

Publication of Transition Plans and provision of copies

11.—(1) A Transition Plan or Statement must be made available for inspection by the schools to which it relates by the governing bodies of those schools.

(2) The governing body of the secondary school must provide a copy of the Transition Plan (or revised plan) to the local authority by which the secondary school and feeder primary schools are maintained or, if they are maintained by two or more different local authorities, to all of them.

23 May 2022

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

SCHEDULE

Regulation 6(3)

Matters Which Must be Dealt With in Transition Plans

1. The proposals generally for managing and co-ordinating the transition of pupils from the feeder primary schools to the secondary school.
2. The proposals generally for how continuity of learning will be achieved through curriculum design and planning for teaching and learning for pupils in year 6 moving to year 7.
3. The proposals for how each individual pupil's progression will be supported as they transition from primary school to secondary school.
4. The proposals for how the learning needs and the well-being of each individual pupil will be supported as they transition from primary school to secondary school.
5. The proposals for reviewing and monitoring the impact of the Transition Plan in respect of how—
 - (a) it has helped achieve the matter in paragraph 2 of this Schedule, and
 - (b) it has helped support the matters in paragraphs 3 and 4 of this Schedule.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 198 of the Education Act 2002 (“the 2002 Act”) provides a power for the Welsh Ministers to require the governing body of each secondary school (or specified class of secondary school) maintained by a local authority in Wales and the governing bodies of their feeder primary schools (“the Requirement”), jointly, to draw up plans to facilitate the transition of pupils from the primary schools to the secondary school (“Transition Plans”).

There is no definition of the term “feeder school” in section 198 of the 2002 Act. Whether a school is a feeder school is determined by school governing bodies having had regard to guidance published by the Welsh Ministers under section 198(2) of the 2002 Act. The guidance is contained in the Requirement for the production of Transition Plans and guidance 2022. That guidance states that the Welsh Ministers 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.

Regulation 5 provides for Welsh Ministers to determine disputes as to whether a primary school is to be regarded as a feeder school for the purposes of Transition Plans.

These Regulations also make provision in relation to Transition Plans, including—

- (a) requirements as to the form and content of Transition Plans, and for their publication (regulation 6 and the Schedule),
- (b) requirements as to when Transition Plans must be drawn up and published and as to the first cohort of pupils to be covered (regulation 7),
- (c) provision for the review of the Transition Plans and, where necessary or desirable, for their revision or replacement (regulations 8 to 10),

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (d) provision as to the manner in which Transition Plans are to be published (regulation 11(1)), and
- (e) a requirement for copies of Transition Plans to be sent to the local authority or authorities by which the schools are maintained and to anyone who requests a copy (regulation 11(2)).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Welsh Government at Crown Building, Cathays Park, Cardiff CF10 3NQ and on the Welsh Government website at www.gov.wales.