
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),
- (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.