

NATIONAL ASSEMBLY FOR WALES

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SUBORDINATE  
LEGISLATION

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**2006 No. 12**

**EDUCATION, WALES**

Requirement for the production of  
Transition Plans and guidance 2006

*Made* 28 February 2006

*Coming into force* 1 September 2006

**The National Assembly for Wales has powers under section 198(1) of the Education Act 2002 (“the Act”) to make it a requirement (“the 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 (“transition plans”) to facilitate the transition of pupils from primary to secondary school. Guidance may be given by the Assembly, including, by virtue of subsection (2), guidance 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 (“the Guidance”). In determining that question, regard must be had to the Guidance. Those two powers are exercised by this Instrument.**

**Application and status**

**This Instrument is to come into force on 1 September 2006 and the Requirement and Guidance accordingly have effect on that date. It does not repeal or amend previous legislation.**

Associated Regulations (The Transition from Primary to Secondary School (Wales) Regulations 2006) also come into force on 1 September 2006 with Transition Plans to be in place by 1 September 2007. The first cohort to transfer under these arrangements will be those transferring in September 2008.

**Categories of schools subject to the Requirement**

(a) Background

As explained below, the National Assembly has decided to limit the categories of maintained primary schools which are to be regarded as feeder primary schools of a secondary school for the purposes of section 198 of the Act and so required to draw up Transition Plans to those where there is significant movement of pupils between the primary and secondary schools at the end of Year 6.

(b) The Requirement

**Accordingly, the Requirement is to apply to :**

- **community, voluntary and foundation secondary schools where they have feeder primary schools as defined below in the Guidance; and**
- **community, voluntary and foundation primary schools as so defined.**

**Guidance on definition of a “Feeder Primary School”**

(i) Background

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.

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 to transfer to the appropriate secondary school on moving to Key Stage 3. Transfer of information on pupils is governed by existing regulations - The Education (Pupil Information) (Wales) Regulations 2004 (Welsh Statutory Instrument 2004 No.1026 (W.123)).

Transition Plans will build on and add value to the current arrangements for the transfer of information on pupils and the arrangements for the transfer of young people with a statement of special educational needs. In particular, as recommended by Estyn, Transition Plans will focus on continuity in the delivery of the curriculum and better alignment of classroom practice.

The Assembly therefore considers 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.

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

It should be noted that the definition of a feeder primary school is only for the purposes of section 198 of the Education Act 2002. It does not affect current admission criteria for secondary schools or determine the catchment area of a particular secondary school.

(ii) Guidance

**Accordingly:**

**For the purposes of section 198 of the Act, a school should be regarded as a feeder primary school of a particular secondary school where more than half of the Year 6 cohort has transferred to the secondary school at the end of the last school year.**

**However, In response to comments registered during the consultation about cohort size in small schools there will be an exemption for primary schools with Year 6 pupils where the total number of registered pupils at the school is fifty or less at the end of the school year.**

**Disputes**

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 Assembly. Procedures will be put in place for such resolution of disputes.

**Further Guidance**

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

Signed on behalf of the National Assembly for Wales

28 February 2006

*D. Elis-Thomas*

The Presiding Officer of the National Assembly