
STATUTORY INSTRUMENTS

1999 No. 1439

The Education Development Plans (Wales) Regulations 1999

PART I
GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Education Development Plans (Wales) Regulations 1999 and shall come into force on 16th June 1999.

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

Interpretation

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

“the 1996 Act” means the Education Act 1996(1);

“the 1998 Act” means the School Standards and Framework Act 1998;

“the 1998 Regulations” means the Education (School Performance Targets) (Wales) Regulations 1998(2);

“the 1999 Regulations” means the Financing of Maintained Schools Regulations 1999(3);

“to achieve the Core Subject Indicator” 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” means annexes to a statement of proposals comprising part of an education strategic plan;

“the Assembly” means the National Assembly for Wales(4);

(1) 1996 c. 56.

(2) S.I. 1998/2196.

(3) S.I. 1999/101.

(4) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the Assembly by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) with effect from 1st July 1999. Accordingly, in relation to Wales, references to the Secretary of State in the relevant sections of and Schedules to the School Standards and Framework Act 1998 and the

- “authority” means local education authority;
- “CoEA” means Certificate of Educational Achievement;
- “the core subjects” has the meaning given to it in section 354(1) of the 1996 Act;
- “education strategic plan” means an education development plan prepared by an authority in accordance with section 6(1) of the 1998 Act;
- “the first day of the plan” in relation to an education strategic plan means the first day of the period to which that plan relates;
- “full plan” means an education strategic plan to be prepared by an education authority dealing with the matters and containing the material specified in Parts II and III of these regulations;
- “GCSE” means a General Certificate of Secondary Education, and “GCSE examination” means an examination, the course leading to which is a full GCSE course of study;
- “GCSE short course” 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” means an examination, the course leading to which is a GCSE short course;
- “GNVQ” means a General National Vocational Qualification;
- “interim year” means a school year beginning either one or two years after the expiration of the first school year in the period of a full plan and “first interim year” and “second interim year” shall be construed accordingly;
- “key stage 2” and “key stage 3” mean the periods specified in paragraphs (b) and (c) respectively of section 355(1) of the 1996 Act;
- “level 4” and “level 5” mean levels 4 and 5 respectively of the National Curriculum level scale as determined by the results of NC tests;
- “maintained school” means, in the period ending immediately before 1st September 1999, a county, voluntary or maintained special school or a grant-maintained or grant-maintained special school and, in relation to any time on or after 1st September 1999, means a community, foundation or voluntary school or a community or foundation special school;
- “NC tests” 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 Secretary of State or the Assembly under the appropriate order made under section 356(2) of the 1996 Act in force when those tests are administered⁽⁵⁾;
- “NVQ” means National Vocational Qualification;
- “period of the plan” means the period specified in regulation 3;
- “pupil” has the meaning given to it in section 3 of the 1996 Act;
- “school year” means a period of one year beginning on 1st September;
- “Schools' Census enumeration date” means the date by reference to which the Secretary of State or the Assembly annually requires information to be provided relating to maintained schools in Wales pursuant to section 29(1) of the 1996 Act;
- “schools maintained by the authority” do not include schools which are not maintained schools as defined herein;

Education Act 1996 are to be construed as being, or including, a reference to the Assembly *see* section 43 of the Government of Wales Act 1998.

(5) The appropriate orders currently in force are in 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*.

“second key stage pupils” and “third key stage pupils” mean pupils who are in the second and third key stages respectively;

“special educational needs” has the meaning given to it by section 312(1) of the Education Act 1996;

“supplementary plan” means an education strategic plan dealing with the matters and containing the material specified in Part IV of these regulations; and

“vocational qualification” 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 400 of the 1996 Act or section 37 of the Education Act 1997(6).

(2) In these Regulations a reference—

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

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—

- (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

3.—(1) The statement of proposals in the first full plan must relate to a period of 3 school years beginning on 1st September 1999.

(2) The statement of proposals in a subsequent full plan must relate to a period of 3 school years, beginning at the expiration of the period of the most recent previous full plan.

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

Submission of education strategic plans to the Secretary of State or the Assembly

- 4.—(1) Each authority must—
- (a) submit its first full plan to the Secretary of State on or before 30th June 1999; and
 - (b) submit a subsequent full plan to the Assembly on or before 30th April preceding the first day of that plan.
- (2) Each authority must submit a supplementary plan to the Assembly on or before 30th April preceding each interim year.

Publication of the education strategic plan

- 5.—(1) Each authority must publish a full copy of its approved plan by—
- (a) making it available for inspection at the authority’s offices, and
 - (b) laying it before the 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 its 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.