



Mesur Addysg (Cymru) 2009

2009 mccc 5

RHAN 1

APELAU A HAWLIADAU ADDYSG GAN BLANT

Apelau anghenion addysgol arbennig

1 Hawl plentyn i apelio mewn cysylltiad ag anghenion addysgol arbennig

- (1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.
- (2) Ar ôl adran 332 mewnosoder—

“Appeals by children

332ZA Right of a child to appeal to the Welsh Tribunal

- (1) This section applies to the rights of a parent of a child to appeal to the Welsh Tribunal under any of the following provisions—
 - (a) section 325(2) (appeal against decision not to make statement);
 - (b) section 326(1) (appeal against contents of statement);
 - (c) section 328(3)(b) (reviews of educational needs);
 - (d) section 329(2)(b) (assessment of educational needs at request of child's parent);
 - (e) section 329A(8)(b) (review of assessment of educational needs at request of responsible body);
 - (f) paragraph 8(3)(b) of Schedule 27 (change of named school);
 - (g) paragraph 11(2)(b) of Schedule 27 (ceasing to maintain a statement).
- (2) The child may exercise the rights conferred on the parent in respect of that child.
- (3) The child's rights are exercisable concurrently with the parent's rights.

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

(4) The exercise of rights under this section is subject to provision made by regulations under sections 332ZC and 336(1).”.

Gwybodaeth Cychwyn

- I1** A. 1 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**
I2 A. 1 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(a)**

2 Hysbysu a chyflwyno dogfennau

- (1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.
 (2) Ar ôl adran 332ZA mewnosoder—

“332ZB Notice and service of documents on a child

- (1) This section applies if a local education authority in Wales is required to give notice to or serve a document on a parent of a child under any of the following provisions—
- section 325 (appeal against decision not to make statement);
 - section 328 (reviews of educational needs);
 - section 329 (assessment of educational needs at request of child’s parent);
 - section 329A(8) (review or assessment of educational needs at request of responsible body);
 - paragraph 3 of Schedule 26 (manner and timing of assessments);
 - paragraph 2A of Schedule 27 (amendments to a statement);
 - paragraph 2B(2) of Schedule 27 (provision of additional information);
 - paragraph 6 of Schedule 27 (service of statement);
 - paragraph 8 of Schedule 27 (change of named school);
 - paragraph 11 of Schedule 27 (ceasing to maintain a statement).
- (2) The local education authority must give notice to, or serve the document on, the child as well as on the parent.
- (3) Any provision applicable to notices given to or documents served on a parent applies equally to notices given to or documents served on a child.”.

Gwybodaeth Cychwyn

- I3** A. 2 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**
I4 A. 2 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(b)**

3 Cyfeillion achos

- (1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.
 (2) Ar ôl adran 332ZB mewnosoder—

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

“332ZC Case friends — Wales

- (1) The Welsh Ministers may provide by regulations for a child to have a person (referred to in this Part as a “case friend”)—
 - (a) to make representations on behalf of a child with a view to avoiding or resolving disagreements about the exercise by local education authorities in Wales of functions under this Part, and
 - (b) to exercise the rights of a child under section 332ZA on the child’s behalf.
- (2) A child’s case friend must—
 - (a) make representations and exercise rights fairly and competently,
 - (b) have no interest adverse to that of the child;
 - (c) ensure that all steps and decisions taken by the case friend are for the benefit of the child and take account of the child’s views.
- (3) Regulations made under this section may (among other things)—
 - (a) confer functions on the Welsh Tribunal;
 - (b) make provision about procedures in relation to case friends;
 - (c) make provision about the appointment and removal of case friends;
 - (d) specify the circumstances in which a person may or may not act as a case friend;
 - (e) specify the circumstances in which a child must have a case friend;
 - (f) specify further requirements in respect of the conduct of case friends.”.

Gwybodaeth Cychwyn

I5 A. 3 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I6 A. 3 mewn grym ar 10.2.2012 gan **O.S. 2012/320, ergl. 2(a)**

4 Cyngor a gwybodaeth

- (1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.
- (2) Yn adran 332A (cyngor a gwybodaeth i rieni)—
 - (a) yn y pennawd, ar ôl y gair “parents” mewnosoder “— England”;
 - (b) yn is-adran (1), ar ôl y geiriau “local education authority” mewnosoder “in England”;
 - (c) yn is-adran (2), yn lle “given—” rhodder “given by the Secretary of State.”;
 - (d) yn is-adran (2), hepgorer paragraffau (a) a (b).
- (3) Ar ôl adran 332A mewnosoder—

“332AA Advice and information — Wales

- (1) A local education authority in Wales must arrange for any child in their area with special educational needs, for a parent of any such child and for a case

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

friend for any such child, to be provided with advice and information about matters relating to those needs.

- (2) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
- (3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (4) The authority must take such steps as they consider appropriate for making the services provided under subsection (1) known to—
 - (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.”.

Gwybodaeth Cychwyn

I7 A. 4 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I8 A. 4 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(c)** (ynghyd ag **ergl. 4(a)**)

5 Datrys anghydfodau

- (1) Diwygir adran 332B o Ddeddf Addysg 1996 (p. 56) yn unol ag is-adran (2).
- (2) Yn adran 332B (datrys anghydfodau)—
 - (a) yn y pennawd, ar ôl y gair “disputes” mewnosoder “— England”;
 - (b) yn is-adrannau (1) a (2), ar ôl y geiriau “local education authority” mewnosoder “in England”;
 - (c) yn is-adran (4), yn lle “given—” rhodder “given by the Secretary of State.”;
 - (d) yn is-adran (4), hepgorer paragraffau (a) a (b).
- (3) Ar ôl adran 332B mewnosoder—

“332BA Resolution of disputes — Wales

- (1) A local education authority in Wales must make arrangements with a view to avoiding or resolving disagreements between—
 - (a) authorities and children in their area about the exercise by authorities of functions under this Part, and
 - (b) authorities and parents of children in their area about the exercise by authorities of functions under this Part.
- (2) A local education authority in Wales must also make arrangements with a view to avoiding or resolving, in each relevant school, disagreements between—
 - (a) a relevant child and the proprietor of the school about the special educational provision made for that child, and
 - (b) the parents of a relevant child and the proprietor of the school about the special educational provision made for that child.

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

- (3) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.
- (4) In making the arrangements, the authority must have regard to any guidance given by the Welsh Ministers.
- (5) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (6) The authority must take such steps as they consider appropriate for making the arrangements under subsections (1) and (2) known to—
 - (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.
- (7) The arrangements cannot affect the entitlement of a child or a parent of a child to appeal to the Tribunal, and the authority must take such steps as they consider appropriate to make that fact known to children, to parents of children and to case friends for children in their area.
- (8) In this section—

“authorities” means the governing bodies of maintained schools and the local education authority;

“relevant child” means a child who has special educational needs and is a registered pupil at a relevant school.
- (9) For the purposes of this section a school is a relevant school in relation to a child if it is—
 - (a) a maintained school or a maintained nursery school,
 - (b) a pupil referral unit,
 - (c) an independent school named in the statement maintained for the child under section 324, or
 - (d) a school approved under section 342.”.

Gwybodaeth Cychwyn

I9 A. 5 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I10 A. 5 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(d)** (ynghyd ag **ergl. 4(b)**)

6 Gwasanaethau eirioli annibynnol

- (1) Diwygir Deddf Addysg 1996 (p. 56) yn unol â'r adran hon.
- (2) Ar ôl adran 332BA mewnosoder y canlynol—

“332BB Independent advocacy services — Wales

- (1) Every local education authority in Wales must—

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

- (a) make arrangements for the provision of independent advocacy services in their area;
 - (b) refer any child in their area who requests independent advocacy services to a service provider;
 - (c) refer any person who is a case friend for a child in their area and who requests independent advocacy services to a service provider.
- (2) In this section “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a child—
- (a) making, or intending to make an appeal to the Tribunal under section 332ZA, or
 - (b) considering whether to appeal to the Tribunal under that section, or
 - (c) taking part in or intending to take part in dispute resolution arrangements made under section 332BA.
- (3) In making arrangements under this section, every local education authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
- (a) the subject of an appeal to the Tribunal, or
 - (b) involved in investigating or adjudicating on such an appeal.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every local education authority in Wales must take such steps as they consider appropriate for making the arrangements under this section known to—
- (a) children in their area,
 - (b) parents of children in their area,
 - (c) head teachers and proprietors of schools in their area, and
 - (d) such other persons as they consider appropriate.
- (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- (7) A local education authority must have regard to any guidance given from time to time by the Welsh Ministers.”.

Gwybodaeth Cychwyn

I11 A. 6 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I12 A. 6 mewn grym ar 6.3.2012 gan **O.S. 2012/320, ergl. 3(e)**

7 Gweithdrefn y Tribiwnlys

- (1) Diwygir adran 336 o Ddeddf Addysg 1996 (p. 56) yn unol â'r adran hon.
- (2) Ar ddiwedd is-adran (2)(n), hepgorer “and”.
- (3) Ar ôl is-adran (2)(o) mewnoder—
 - “(p) enabling the Welsh Tribunal to stay proceedings on an appeal, and
 - (q) for adding and substituting parties.”.

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

Gwybodaeth Cychwyn

I13 A. 7 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I14 A. 7 mewn grym ar 10.2.2012 gan **O.S. 2012/320, ergl. 2(b)**

8 Gweithdrefnau ar gyfer gwneud rheoliadau

- (1) Diwygir adran 569 (rheoliadau) o Ddeddf Addysg 1996 (p. 56) yn unol â'r adran hon.
- (2) Yn is-adran (1), ar ôl “Secretary of State” mewnosoder “or the Welsh Ministers”.
- (3) Yn is-adran (2), ar ôl “Act” mewnosoder “made by the Secretary of State”.
- (4) Ar ôl is-adran (2A) mewnosoder—
 - “(2B) A statutory instrument containing regulations under sections 332ZC, 332AA, 332BA, 332BB or 336 made by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
 - (2C) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the Secretary of State or the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”.
- (5) Yn is-adran (4) ar ôl “thinks fit” mewnosoder “or the Welsh Ministers think fit”.

Gwybodaeth Cychwyn

I15 A. 8 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I16 A. 8 mewn grym ar 10.2.2012 gan **O.S. 2012/320, ergl. 2(c)**

Hawliadau gwahaniaethu ar sail anabledd

[^{F19} **Hawl plentyn i wneud hawliad anabledd**

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Yn y pennawd i baragraff 3 (awdurdodaeth), ar ôl “*Jurisdiction*” mewnosoder “—*England and Wales*”.
- (3) Ar ôl paragraff 3 mewnosoder—
 - “3A *Jurisdiction — Wales*
 - (1) A claim that a responsible body for a school in Wales has contravened Chapter 1 of Part 6 in relation to a person because of disability may be made to the Tribunal by that person (“the relevant person”).
 - (2) But this paragraph does not apply to a claim to which paragraph 13 or 14 applies.

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

- (3) The relevant person’s right to claim is exercisable concurrently with the right of the relevant person’s parent under paragraph 3.
- (4) The exercise of rights under this paragraph is subject to provision made by regulations under paragraphs 6 and 6A.”.]

Diwygiadau Testunol

F1 [A. 9](#) wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), **3**

Gwybodaeth Cychwyn

I17 [A. 9](#) mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), **ergl. 3(f)**

[^{F2}10 Amser ar gyfer dwyn achos

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ym mharagraff 4 (amser ar gyfer dwyn achos), ar ôl is-baragraff (2), rhodder—

“(2A) If, in relation to proceedings or prospective proceedings on a claim under paragraph 3 or 3A, the dispute is referred for resolution in pursuance of arrangements under paragraph 6C or for conciliation in pursuance of arrangements under section 27 of the Equality Act 2006 before the end of the period of 6 months mentioned in sub-paragraph (1), that period is extended by 3 months.”.]

Diwygiadau Testunol

F2 [A. 10](#) wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), **4**

Gwybodaeth Cychwyn

I18 [A. 10](#) mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), **ergl. 3(g)**

[^{F3}11 Gweithdrefn y Tribiwnlys

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ym mharagraff 6 (gweithdrefn)—
- (a) yn is-baragraff (2)(a), ar ôl “paragraph 3” mewnosoder “or 3A”;
- (b) ar ôl is-baragraff (3)(c), mewnosoder “(ca) for adding and substituting parties;”.]

Diwygiadau Testunol

F3 [A. 11](#) wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), **5**

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

Gwybodaeth Cychwyn

II9 A. 11 mewn grym ar 10.2.2012 gan O.S. 2012/320, **ergl. 2(d)**

[^F412 Cyfeillion achos

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon..
- (2) Ar ôl paragraff 6 (gweithdrefn) mewnosoder—
 - “6A *Case friends — Wales*
 - (1) The Welsh Ministers may by regulations provide for—
 - (a) a disabled child in a local authority area in Wales to have a person to make representations on behalf of the disabled child with a view to avoiding or resolving disagreements about contraventions of Chapter 1 of Part 6; and
 - (b) a relevant person (within the meaning of paragraph 3A) to have another person to exercise the relevant person’s rights under that paragraph on the relevant person’s behalf.
 - (2) A person exercising rights or making representations on behalf of a disabled child or a relevant person under sub-paragraph (1) is referred to in this Schedule as a “case friend”.
 - (3) A case friend must—
 - (a) make representations and exercise rights fairly and competently;
 - (b) have no interest adverse to that of the disabled child or relevant person;
 - (c) ensure that all steps and decisions taken by the case friend are for the benefit of the disabled child or relevant person and take account of the disabled child or relevant person’s views.
 - (4) Regulations made under this paragraph may (among other things)—
 - (a) confer functions on the Welsh Tribunal;
 - (b) make provision about procedures in relation to case friends;
 - (c) make provision about the appointment and removal of case friends;
 - (d) specify the circumstances in which a person may or may not act as a case friend;
 - (e) specify the circumstances in which a relevant person (within the meaning of paragraph 3A) must have a case friend;
 - (f) specify further requirements in respect of the conduct of case friends.
 - (5) In this paragraph and in paragraphs 6B, 6C, 6D and 6E, “local authority” has the meaning given in section 89(10).
 - (6) In this paragraph and in paragraphs 6B, 6C and 6D—
 - “disabled child” means any disabled person who is a pupil (or a prospective pupil) of—
 - (a) a maintained school or maintained nursery school,
 - (b) a pupil referral unit,
 - (c) an independent school, or
 - (d) a special school not maintained by a local authority;

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

“proprietor” has the meaning given in section 89(4);
 “school” has the meanings given in section 89(5).

(7) In sub-paragraph (6)—

“independent school” has the meaning given in section 89(8);
 “maintained school” has the meaning given in section 20(7) of the School Standards and Framework Act 1998;
 “maintained nursery school” has the meaning given in section 22(9) of the School Standards and Framework Act 1998
 “pupil” has the meanings given in section 89(3);
 “pupil referral unit” has the meaning given in section 19 of the Education Act 1996; and
 “special school” has the meaning given in section 89(9).”.]

Diwygiadau Testunol

F4 A. 12 wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), **6**

Gwybodaeth Cychwyn

I20 A. 12 mewn grym ar 10.2.2012 gan [O.S. 2012/320](#), **er gl. 2(e)**

[^{F5}13 Cyngor a gwybodaeth

(1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.

(2) Ar ôl paragraff 6A (cyfeillion achos — Cymru) mewnosoder—

“6B *Advice and information — Wales*

- (1) A local authority in Wales must arrange for any disabled child in its area and for the case friend of any such child to be provided with advice and information about matters relating to disability discrimination in schools.
- (2) In making the arrangements, the local authority must have regard to any guidance given by the Welsh Ministers.
- (3) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (4) The local authority must take such steps as it considers appropriate for making the services provided under sub-paragraph (1) known to—
 - (a) disabled children in its area,
 - (b) parents of disabled children in its area,
 - (c) head teachers and proprietors of schools in its area, and
 - (d) such other persons as it considers appropriate.”.]

Diwygiadau Testunol

F5 A. 13 wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), erglau. 1(2), **7**

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

Gwybodaeth Cychwyn

I21 A. 13 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(h)**

[^{F6}14 Datrys anghydfodau

(1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.

(2) Ar ôl paragraff 6B (cyngor a gwybodaeth — Cymru) mewnosoder—

“6C *Resolution of disputes — Wales*

- (1) A local authority in Wales must make arrangements with a view to avoiding or resolving disagreements between responsible bodies and disabled children in its area about contraventions of Chapter 1 of Part 6.
- (2) The arrangements must provide for the appointment of independent persons with the functions of facilitating the avoidance or resolution of such disagreements.
- (3) In making the arrangements, the local authority must have regard to any guidance given by the Welsh Ministers.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) The local authority must take such steps as it considers appropriate for making the arrangements under sub-paragraph (1) known to—
 - (a) disabled children in its area,
 - (b) parents of disabled children in its area,
 - (c) head teachers and proprietors of schools in its area, and
 - (d) such other persons as it considers appropriate.
- (6) The arrangements cannot affect the entitlement of any person to make a claim to the Tribunal, and the local authority must take such steps as it considers appropriate to make that fact known to disabled children, to parents of disabled children and to case friends for disabled children in its area.”.]

Diwygiadau Testunol

F6 A. 14 wedi ei amnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), **erglau. 1(2), 8**

Gwybodaeth Cychwyn

I22 A. 14 mewn grym ar 6.3.2012 gan O.S. 2012/320, **ergl. 3(i)**

[^{F7}15 Gwasanaethau eirioli annibynnol

(1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.

(2) Ar ôl paragraff 6C (datrys anghydfodau — Cymru) mewnosoder—

“6D *Independent advocacy services — Wales*

- (1) Every local authority in Wales must—

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

- (a) make arrangements for the provision of independent advocacy services in its area;
 - (b) refer any disabled child in its area who requests independent advocacy services to a service provider;
 - (c) refer any person who is a case friend for a disabled child in its area and who requests independent advocacy services to a service provider.
- (2) In this paragraph “independent advocacy services” are services providing advice and assistance (by way of representation or otherwise) to a disabled child who is—
- (a) making, or intending to make a claim that a responsible body has contravened Chapter 1 of Part 6 because of the child’s disability; or
 - (b) considering whether to make such a claim; or
 - (c) taking part in or intending to take part in dispute resolution arrangements made under paragraph 6C.
- (3) In making arrangements under this paragraph, every local authority must have regard to the principle that any services provided under the arrangements must be independent of any person who is—
- (a) the subject of a claim to the Tribunal, or
 - (b) involved in investigating or adjudicating on such a claim.
- (4) The arrangements must comply with any provisions made in regulations by the Welsh Ministers that relate to the arrangements.
- (5) Every local authority in Wales must take such steps as it considers appropriate for making the arrangements under this paragraph known to—
- (a) disabled children in its area,
 - (b) parents of disabled children in its area,
 - (c) head teachers and proprietors of schools in its area, and
 - (d) such other persons as it considers appropriate.
- (6) The arrangements may include provision for payments to be made to, or in relation to, any person carrying out functions in accordance with the arrangements.
- (7) A local authority must have regard to any guidance given from time to time by the Welsh Ministers.”.]

Diwygiadau Testunol

F7 [A. 15](#) wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), [erglau. 1\(2\), 9](#)

Gwybodaeth Cychwyn

I23 [A. 15](#) mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), [ergl. 3\(j\)](#)

[^{F8}16 Rôl Gweinidogion Cymru

- (1) Diwygir Atodlen 17 i Ddeddf Cydraddoldeb 2010 yn unol â'r adran hon.
- (2) Ar ôl paragraff 6D (gwasanaethau eirioli annibynnol — Cymru) mewnosoder—

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

“6E *Power of direction — Wales*

- (1) If the Welsh Ministers are satisfied (whether on a complaint or otherwise) that a local authority—
 - (a) has acted, or is proposing to act, unreasonably in the discharge of a duty imposed by or under paragraph 6B, 6C or 6D, or
 - (b) has failed to discharge a duty imposed by or under any of those paragraphs,they may give that local authority such directions as to the discharge of the duty as appear to them to be expedient.
- (2) A direction may be given under sub-paragraph (1) even if the performance of the duty is contingent on the opinion of the local authority.
- (3) A direction—
 - (a) may be varied or revoked by the Welsh Ministers;
 - (b) may be enforced, on the application of the Welsh Ministers, by a mandatory order obtained in accordance with section 31 of the Senior Courts Act 1981.”.]

Diwygiadau Testunol

F8 A. 16 wedi ei amnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), [erglau. 1\(2\)](#), **10**

Gwybodaeth Cychwyn

I24 A. 16 mewn grym ar 6.3.2012 gan [O.S. 2012/320](#), [ergl. 3\(k\)](#)

Treialu

17 Treialu hawliau plentyn i apelio neu i wneud hawliad

- (1) Caiff Gweinidogion Cymru drwy reoliadau ddarparu ar gyfer treialu darpariaethau Deddf Addysg 1996 (p. 56) a Deddf Gwahaniaethu ar sail Anabledd [^{F9}Deddf Cydraddoldeb 2010 (p.15)] fel y'u diwygir gan y Rhan hon am gyfnod a bennir yn y rheoliadau o hyd at 40 o fisoedd (“y cyfnod treialu”).
- (2) Caiff rheoliadau o dan is-adran (1) ddarparu (ymhlith eraill)—
 - (a) mai dim ond i blant y mae awdurdodau lleol penodedig yn gyfrifol amdanynt y mae hawliau plentyn a roddir gan ddiwygiadau a wneir i Ddeddf Addysg 1996 gan y Rhan hon yn gymwys;
 - (b) mai dim ond i awdurdodau lleol penodedig y mae unrhyw ddyletswydd a osodir ar awdurdod lleol gan ddiwygiadau a wneir i Ddeddf Addysg 1996 gan y Rhan hon yn gymwys;
 - (c) mai dim ond i gorff sy'n gyfrifol am ysgol mewn ardaloedd penodedig y mae hawliau person a roddir gan ddiwygiadau a wneir i [^{F10}Ddeddf Cydraddoldeb 2010] gan y Rhan hon yn gymwys;
 - (d) mai dim ond i awdurdodau lleol penodedig y mae unrhyw ddyletswydd a osodir ar awdurdod lleol gan ddiwygiadau a wneir i [^{F11}Ddeddf Cydraddoldeb 2010] gan y Rhan hon yn gymwys;

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

- (e) bod adroddiadau neu wybodaeth arall ar weithredu darpariaethau a dreialwyd yn cael eu darparu neu ei darparu ar gyfer Gweinidogion Cymru gan Dribiwnlys Cymru, awdurdodau lleol a bennir o dan baragraffau (a), (b) neu (d) neu gyrff sy'n gyfrifol am ysgolion mewn ardaloedd a bennir o dan baragraff (c).
- (3) Rhaid i Weinidogion Cymru—
- (a) cyhoeddi adroddiad ynghylch sut y rhoddwyd y darpariaethau a dreialwyd ar waith a pha mor effeithiol oeddynt o ran hyrwyddo llesiant plant, a
- (b) gosod copi o'r adroddiad gerbron Cynulliad Cenedlaethol Cymru.
- (4) Caniateir i adroddiad o dan is-adran (3) gael ei osod gerbron Cynulliad Cenedlaethol Cymru cyn diwedd y cyfnod treialu; ond ni chaniateir iddo gael ei osod ar ddyddiad lai na 12 mis ar ôl dechrau'r cyfnod treialu.
- (5) Rhaid i adroddiad o dan is-adran (3) gael ei osod gerbron Cynulliad Cenedlaethol Cymru heb fod yn hwyrach na 30 o fisoedd ar ôl i reoliadau o dan yr adran hon ddod i rym.

Diwygiadau Testunol

- F9** Geiriau yn a. 17(1) wedi eu hamnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **11(a)**
- F10** Geiriau yn a. 17(2)(c) wedi eu hamnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **11(b)(i)**
- F11** Geiriau yn a. 17(2)(d) wedi eu hamnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **11(b)(ii)**

Gwybodaeth Cychwyn

- I25** A. 17 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler a. 26(3)
- I26** A. 17 mewn grym ar 10.2.2012 gan O.S. 2012/320, **ergl. 2(f)**

18 Pŵer i wneud darpariaeth ynghylch apelau a hawliadau gan blentyn

- (1) Caiff Gweinidogion Cymru drwy orchymyn wneud darpariaeth ynghylch—
- (a) hawliau plentyn i apelio i Dribiwnlys Cymru mewn cysylltiad â materion y mae gan riant hawl i apelio mewn perthynas â hwy o dan Ran 4 o Ddeddf Addysg 1996;
- (b) hawl person i wneud hawliad i Dribiwnlys Cymru mewn cysylltiad â materion y mae gan riant i'r person hwnnw hawl i wneud hawliad mewn perthynas â hwy o dan [F12baragraff 3 o Atodlen 17 i Ddeddf Cydraddoldeb 2010] ;
- (c) unrhyw fater sy'n gysylltiedig â'r cyfryw hawliau;
- (d) darparu cyngor a gwybodaeth i blant ynghylch materion sy'n ymwneud ag anghenion addysgol arbennig;
- (e) darparu cyngor a gwybodaeth i blant anabl ynghylch materion sy'n ymwneud â gwahaniaethu ar sail anabledd mewn ysgolion;
- (f) gwasanaethau eirioli ynghylch anghenion addysgol arbennig neu wahaniaethu ar sail anabledd mewn ysgolion;
- (g) trefniadau gyda'r bwriad o osgoi neu ddatrys anghytundebau rhwng—

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

- (i) [^{F13}awdurdod lleol] (ar y naill law) a phlentyn (ar y llaw arall) ynghylch arfer gan awdurdodau swyddogaethau o dan Ran 4 o Ddeddf Addysg 1996;
 - (ii) perchennog ysgol berthnasol (ar y naill law) a phlentyn (ar y llaw arall) ynghylch darpariaeth addysgol arbennig (o fewn ystyr “special educational provision” yn adran 312(4) o Ddeddf Addysg 1996);
 - (iii) corff sy'n gyfrifol am ysgol (ar y naill law) a phlentyn anabl (ar y llaw arall) ynghylch gwahaniaethu ar sail anabled.
- (2) Mae'r pŵer i wneud gorchymyn o dan is-adran (1) yn cynnwys pŵer—
- (a) i ychwanegu, i ddileu neu i addasu hawliau;
 - (b) i ddiwygio neu ddiddymu un neu fwy o ddarpariaethau Rhan 4 o Ddeddf Addysg 1996;
 - (c) i ddiwygio neu ddiddymu un neu fwy o ddarpariaethau [^{F14}Pennod 1 o Ran 6 o Ddeddf Cydraddoldeb 2010 ac Atodlen 17 i'r Ddeddf honno] ;
 - (d) i wneud diwygiadau canlyniadol a diddymiaid i ddarpariaethau yn y Deddfau hynny.
- (3) Ni chaniateir arfer y pŵer i wneud gorchymyn o dan yr adran hon—
- (a) cyn i adroddiad gael ei osod gerbron Cynulliad Cenedlaethol Cymru o dan adran 17(3), neu
 - (b) ar ôl cyfnod o 24 o fisoedd yn cychwyn ar ddiwrnod olaf y cyfnod treialu a bennir mewn rheoliadau o dan adran 17(1).

Diwygiadau Testunol

- F12** Geiriau yn a. 18(1)(b) wedi eu hamnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabled (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **12(a)**
- F13** Geiriau yn Measure wedi eu hamnewid (5.5.2010) gan Gorchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) (Cymru) 2010 (O.S. 2010/1148), **ergl. 5(2)**
- F14** Geiriau yn a. 18(2)(c) wedi eu hamnewid (6.7.2011) gan Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabled (Ysgolion) (Cymru) 2011 (O.S. 2011/1651), erglau. 1(2), **12(b)**

Gwybodaeth Cychwyn

- I27** A. 18 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**
- I28** A. 18 mewn grym ar 10.2.2012 gan O.S. 2012/320, **ergl. 2(g)**

19 Dehongli adrannau 17 ac 18

- (1) Yn adrannau 17 ac 18—

ystyr “awdurdodau lleol” (“local authorities”) yw [^{F15}awdurdodau lleol] yng Nghymru;

ystyr “perchennog” (“proprietor”) mewn perthynas ag ysgol yw'r person neu'r corff o bersonau sy'n gyfrifol am reoli'r ysgol (a'i ystyr felly mewn perthynas ag ysgol gymunedol, sefydledig neu wirfoddol neu ysgol arbennig gymunedol neu sefydledig, neu ysgol feithrin a gynhelir, yw'r corff llywodraethu);

mae “plentyn” (“child”) yn cynnwys unrhyw berson nad yw eto'n 19 oed ac sy'n ddisgybl cofrestredig mewn ysgol;

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

mae i “plentyn anabl” (“disabled child”) yr ystyr sydd i “disabled child” [F16ym mharagraff 6A o Atodlen 17 i Ddeddf Cydraddoldeb 2010] ;

mae i “rhiant” (“parent”) yr ystyr a roddir i “parent” yn adran 576 o Ddeddf Addysg 1996;

ystyr “Tribiwnlys Cymru” (“Welsh Tribunal”) yw Tribiwnlys Anghenion Addysgol Arbennig Cymru;

ystyr “ysgol berthnasol” (“relevant school”) yw—

- (a) ysgol a gynhelir neu ysgol feithrin a gynhelir,
- (b) uned cyfeirio disgyblion,
- (c) ysgol annibynnol a enwir yn y datganiad a gedwir ar gyfer y plentyn o dan adran 324 o Ddeddf Addysg 1996, neu
- (d) ysgol a gymeradwyir o dan adran 342 o Ddeddf Addysg 1996;

ystyr “ysgol a gynhelir” (“maintained school”) yw unrhyw ysgol gymunedol, sefydledig neu wirfoddol neu unrhyw ysgol arbennig gymunedol neu sefydledig nas sefydlwyd mewn ysbyty;

ystyr “ysgol feithrin a gynhelir” (“maintained nursery school”) yw ysgol feithrin a gynhelir gan [F13awdurdod lleol] ac nad yw'n ysgol arbennig.

- (2) At ddibenion adran 17(2)(c) ac 18(1)(g)(iii), penderfynir ar y corff sy'n gyfrifol am ysgol yn unol [F17ag adran 85(9) o Ddeddf Cydraddoldeb 2010] .
- (3) Mae awdurdod lleol yn gyfrifol am blentyn at ddibenion adran 17(2)(a) os yw'r plentyn yn ei ardal—
 - (a) a bod y plentyn yn ddisgybl cofrestredig mewn ysgol a gynhelir neu ysgol feithrin a gynhelir,
 - (b) a bod addysg yn cael ei darparu ar gyfer y plentyn mewn ysgol nad yw'n ysgol a gynhelir neu'n ysgol feithrin a gynhelir, ond ei bod yn cael ei darparu felly ar gost yr awdurdod,
 - (c) ac nad yw'r plentyn yn dod o fewn (a) neu (b), ond bod y plentyn yn ddisgybl cofrestredig mewn ysgol a'i fod wedi ei ddwyn i sylw'r awdurdod am fod ganddo (neu am ei bod yn debygol bod ganddo) anghenion addysgol arbennig, neu
 - (d) ac nad yw'r plentyn yn ddisgybl cofrestredig mewn ysgol, ond nad yw o dan ddwyflwydd oed neu dros oedran ysgol gorfodol a'i fod wedi ei ddwyn i sylw'r awdurdod am fod ganddo (neu am ei bod yn debygol bod ganddo) anghenion addysgol arbennig.

Diwygiadau Testunol

- F13** Geiriau yn [Measure](#) wedi eu hamnewid (5.5.2010) gan [Gorchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant \(Integreiddio Swyddogaethau\) \(Cymru\) 2010 \(O.S. 2010/1148\)](#), [ergl. 5\(2\)](#)
- F15** Geiriau yn [a. 19\(1\)](#) wedi eu hamnewid (5.5.2010) gan [Gorchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant \(Integreiddio Swyddogaethau\) \(Cymru\) 2010 \(O.S. 2010/1148\)](#), [erglau. 1, 5\(4\)](#)
- F16** Geiriau yn [a. 19\(1\)](#) wedi eu hamnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), [erglau. 1\(2\), 13\(1\)\(a\)](#)
- F17** Geiriau yn [a. 19\(2\)](#) wedi eu hamnewid (6.7.2011) gan [Gorchymyn Hawl Plentyn i Wneud Hawliad Gwahaniaethu ar sail Anabledd \(Ysgolion\) \(Cymru\) 2011 \(O.S. 2011/1651\)](#), [erglau. 1\(2\), 13\(1\)\(b\)](#)

Statws Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth: Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1. (See end of Document for details)

Gwybodaeth Cychwyn

I29 A. 19 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I30 A. 19 mewn grym ar 10.2.2012 gan O.S. 2012/320, **ergl. 2(h)**

Diddymu ac ailddeddfu Deddf Gwahaniaethu ar sail Anabledd 1995 yn y dyfodol

20 Pwerau mewn perthynas â diddymu ac ailddeddfu Deddf Gwahaniaethu ar sail Anabledd 1995

- (1) Mae'r adran hon yn gymwys os diddymir ac ail-ddeddfir, gan Ddeddf Seneddol, Ran 4 o Ddeddf Gwahaniaethu ar sail Anabledd 1995 (wedi neu heb ei haddasu).
- (2) Yn is-adran (1) mae'r ymadrodd “diddymir ac ail-ddeddfir” yn cynnwys diddymu ac ailddeddfu cyn cychwyn y diddymiad ac ailddeddfiad.
- (3) Caiff Gweinidogion Cymru, drwy orchymyn—
 - (a) gwneud darpariaeth sy'n cyfateb i ddarpariaeth a wneir gan adrannau 9 i 16 o'r Mesur hwn, a
 - (b) gwneud y cyfryw ddarpariaeth arall ag y byddant o'r farn ei bod yn briodol iddynt ei gwneud yn sgil unrhyw ddarpariaeth a wneir o dan baragraff (a).
- (4) Mae'r pŵer a roddir gan is-adran (3) yn cynnwys pŵer i ddiwygio neu ddiddymu unrhyw ddeddfiad (pa bryd bynnag y caiff ei basio neu ei wneud), gan gynnwys unrhyw ddarpariaeth yn y Mesur hwn.
- (5) Yn yr adran hon mae “deddfiad” yn cynnwys deddfiad a geir mewn is-ddeddfwriaeth, o fewn ystyr Deddf Ddehongli 1978 (p.30).

Gwybodaeth Cychwyn

I31 A. 20 ddim mewn grym ar Gymeradwyaeth Frenhinol, gweler **a. 26(3)**

I32 A. 20 mewn grym ar 11.6.2011 gan O.S. 2011/1468, **ergl. 2**

Statws

Golwg cyfnod mewn amser fel yr oedd ar 06/03/2012.

Newidiadau i ddeddfwriaeth:

Ar hyn o bryd nid oes unrhyw effeithiau heb eu gweithredu yn hysbys ar gyfer y Mesur Addysg (Cymru) 2009, RHAN 1.