



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

**1999 Rhif 2802 (Cy.15)**

**1999 No. 2802 (W.15)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Addysg  
(Staff Prydau Bwyd Ysgolion)  
(Cymru) 1999**

**The Education  
(School Meals Staff) (Wales)  
Regulations 1999**

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn cadw yn eu lle ac yn egluro'r trefniadau presennol a wnaed o dan y ddeddfwriaeth flaenorol a gaiff ei disodli gan y darpariaethau newydd hyn o 1 Medi ymlaen.

These Regulations keep in place and clarify existing arrangements made under the previous legislation which will be replaced by these new provisions from 1 September.

Mae'r Rheoliadau hyn yn darparu ar gyfer penodi a diswyddo staff a gyflogir i weithio'n unig mewn cysylltiad â darparu prydau bwyd mewn ysgolion cymunedol, ysgolion gwirfoddol a reolir ac ysgolion arbennig cymunedol (ac os cyflogir y staff gan yr AAL) ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyr, ac ysgolion arbennig sefydledig. Daw darpariaethau'r Ddeddf Safonau a Fframwaith Ysgolion sy'n ymwneud â staff ysgolion i rym ar 1 Medi 1999. Pe na bai Rheoliadau sy'n ymwneud â staff prydau bwyd ysgolion yn bod, byddai'r corff llywodraethu yn gyfrifol am eu penodi, eu disgyblu, eu gwahardd dros dro, a'u diswyddo, ni waeth a fyddent yn cael eu cyflogi gan yr awdurdod addysg lleol ai peidio, a byddai anghysondebau yn codi o hyn.

These Regulations provide for the appointment and dismissal of staff employed solely in connection with the provision of school meals at community, voluntary controlled and community special schools and (where such staff are employed by the LEA) foundation, voluntary aided and foundation special schools. The provisions of the School Standards and Framework Act 1998 in relation to school staffing come into effect on 1 September 1999. In the absence of Regulations relating to school meals staff, responsibility for their appointment, discipline, suspension and dismissal would fall to the governing body, regardless of whether or not they were employees of the local education authority, resulting in anomalies.

Dyma effaith ymarferol y Rheoliadau. Os na ddirprwyir corff llywodraethu i ddarparu cinio ysgol, yr awdurdod addysg lleol, gan ymgynghori â'r corff llywodraethu, a fydd yn gyfrifol. Os dirprwyir y corff llywodraethu ond yr yr awdurdod addysg lleol sy'n darparu'r cinio, yr awdurdod addysg lleol, gan ymgynghori â'r corff llywodraethu, a fydd yn gyfrifol ond caiff y corff llywodraethu fynnu bod unrhyw berson yn peidio â gweithio yn yr ysgol. Os bydd y corff llywodraethu yn darparu'r cinio ysgol ei hun, caiff fynnu bod yr awdurdod addysg lleol yn penodi; yn gyfrifol am ddisgyblu a chaiff fynnu bod yr awdurdod yn cymryd camau disgyblu y tu hwnt i bwerau'r corff llywodraethu; a mynnu diswyddo.

The practical effect of the Regulations is as follows. Where delegation has not been given to a governing body to provide school lunches, responsibilities will remain with the local education authority in consultation with the governing body. Where delegation has been given but the lunches are provided by the local education authority, responsibilities will rest with the authority in consultation with the governing body, but the governing body may require any person to cease to work at the school. Where the governing body provide school lunches themselves, they may require the local education authority to appoint; are responsible for discipline and may require the authority to undertake disciplinary measures beyond the governing body's powers; and require dismissal.

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(Staff Prydau Bwyd Ysgolion)  
(Cymru) 1999****The Education  
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Regulations 1999***Wedi'u gwneud* 26 Awst 1999*Made* 26th August 1999*Yn dod i rym* 1af Medi 1999*Coming into force* 1st September 1999

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 54(1), 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(a) a pharagraff 30 o Atodlen 16 i'r Ddeddf honno, ac a freiniwyd bellach yng Nghynulliad Cenedlaethol Cymru(b), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred on the Secretary of State by sections 54(1), 138(7) and (8) of, and paragraph 30 of Schedule 16 to, the School Standards and Framework Act 1998(a), and now vested in the National Assembly for Wales(b), the National Assembly for Wales makes the following Regulations:

**Enwi, cychwyn, hyd a lled a dehongli****Citation, commencement, extent and interpretation**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Staff Prydau Bwyd Ysgolion) (Cymru) 1999 a deuant i rym ar 1 Medi 1999.

1.—(1) These Regulations may be cited as the Education (School Meals Staff) (Wales) Regulations 1999 and shall come into force on 1st September 1999.

(2) Dim ond i ysgolion yng Nghymru y mae'r Rheoliadau hyn yn gymwys.

(2) These Regulations apply only in relation to schools in Wales.

(3) Yn y Rheoliadau hyn —

(3) In these Regulations —

ystyr “yr awdurdod” yw'r awdurdod addysg lleol sy'n cynnal ysgol;

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

ystyr “y Ddeddf” yw Ddeddf Safonau a Fframwaith Ysgolion 1998;

“the authority” means the local education authority by which a school is maintained;

ystyr “Gorchymyn adran 512A” yw gorchymyn o dan adran 512A(1) o Ddeddf Addysg 1996(a) sy'n rhoi dyletswydd ar gorff llywodraethu ysgol sy'n cyfateb i ddyletswydd ar yr awdurdod a grybwyllir yn adran 512A(2)(c) o'r Ddeddf honno (dyletswydd i ddarparu ciniawau ysgol) neu adran 512(2)(b) o'r Ddeddf honno (dyletswydd i ddarparu ciniawau ysgol yn rhad ac am ddim);

“school” means a community, voluntary controlled or community special school being a school having a delegated budget (within the meaning of Part II of the Act(c));

ystyr “staff prydau bwyd ysgolion” yw pobl a gyflogir, neu sydd i'w cyflogi, gan awdurdod i weithio mewn ysgol mewn cysylltiad â darparu prydau bwyd yn unig;

“school meals staff” means persons employed or to be employed by an authority to work at a school solely in connection with the provision of meals.

ystyr “ysgol” yw ysgol gymunedol, ysgol wirfoddol

“section 512A Order” means an order under section 512A(1) of the Education Act 1996(d) imposing on the governing body of a school a duty corresponding to a duty of the authority mentioned in section 512A(2)(a) of that Act (duty

(a) 1998 p.31.

(b) Gweler Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) 1996 p.56; mewnosodwyd adran 116 gan Ddeddf Safonau a Fframwaith Ysgolion 1998. Gwnaethpwyd dau Orchymyn o dan yr adran hon - O.S. 1999/610 ac O.S. 1996/1779.

(a) 1998 c.31.

(b) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) See section 49(7) of the Act.

(d) 1996 c.56; section 512A was inserted by section 116 of the School Standards and Framework Act 1998. Two Orders have been made under this section - S.I. 1999/610 and S.I. 1996/1779.

a reolir neu ysgol arbennig gymunedol a honno'n ysgol ac iddi gyllideb ddirprwyedig (o fewn ystyr Rhan II o'r Ddeddf(a))

**Penodi, disgyblu, gwahardd dros dro a diswyddo staff prydau bwyd ysgolion**

2.—(1) Yn ddarostyngedig i reoliadau 3 a 4 a pharagraff (2), bydd yr awdurdod yn gyfrifol am benodi, disgyblu, gwahardd dros dro a diswyddo staff prydau bwyd ysgolion mewn ysgol.

(2) Cyn arfer unrhyw swyddogaeth o dan y rheoliad hwn rhaid i'r awdurdod ymgynghori â chorff llywodraethu'r ysgol y mae'r aelod o staff prydau bwyd yr ysgol dan sylw yn gweithio ynddi i'r graddau y gwêl yr awdurdod yn dda.

**Penodi etc. staff prydau bwyd ysgolion mewn ysgolion lle mae'r corff llywodraethu yn gyfrifol am brydau bwyd ysgolion ond bod prydau bwyd yn parhau i gael eu darparu gan awdurdod addysg lleol**

3.—(1) Pan fydd Gorchymyn adran 512A mewn grym, ond bod corff llywodraethu ysgol y mae'r gorchymyn yn gymwys iddo wedi gwneud cytundeb â'r awdurdod y bydd yr awdurdod yn darparu ciniawau yn yr ysgol, yna bydd y paragraffau canlynol o'r rheoliad hwn yn gymwys.

(2) Yn ddarostyngedig i baragraff (4), bydd yr awdurdod yn gyfrifol am benodi, disgyblu, gwahardd dros dro a diswyddo staff prydau bwyd ysgol yr ysgol.

(3) Cyn arfer unrhyw swyddogaeth o dan baragraff (2) bydd yr awdurdod yn ymgynghori â chorff llywodraethu'r ysgol i'r graddau y gwêl yr awdurdod yn dda.

(4) Os bydd y corff llywodraethu yn penderfynu y dylai unrhyw aelod o staff prydau bwyd yr ysgol beidio â gweithio yn yr ysgol rhaid iddo roi hysbysiad ysgrifenedig i'r awdurdod o'i benderfyniad a'r rhesymau drosto ac ar hynny bydd yr awdurdod yn mynnu bod y person hwnnw yn peidio â gweithio yn yr ysgol.

**Penodi etc. staff prydau bwyd ysgolion mewn ysgolion lle mae'r corff llywodraethu yn gyfrifol am brydau bwyd yr ysgol**

4.—(1) Pan fydd Gorchymyn 512A mewn grym, ond nad yw corff llywodraethu ysgol y mae'r Gorchymyn yn gymwys iddo wedi gwneud cytundeb â'r awdurdod y bydd yr awdurdod yn darparu ciniawau yn yr ysgol, yna bydd paragraffau 22 a 24-29 o Atodlen 16 i'r Ddeddf yn gymwys i benodi, disgyblu, gwahardd dros dro a diswyddo staff prydau bwyd ysgolion.

to provide school lunches) or section 512(2)(b) of that Act (duty to provide school lunches free of charge).

**Appointment, discipline, suspension and dismissal of school meals staff**

2.—(1) Subject to regulations 3 and 4 and paragraph (2), the authority shall be responsible for the appointment, discipline, suspension and dismissal of school meals staff at a school.

(2) Before exercising any function under this regulation the authority shall consult the governing body of the school at which the member of school meals staff in question works to such extent as the authority think fit.

**Appointment etc. of school meals staff at schools where governing body responsible for school meals but meals continue to be provided by local education authority**

3.—(1) Where a section 512A Order is in force, but the governing body of a school to which the order applies have entered into an agreement with the authority that the authority shall supply lunches at the school, then the following paragraphs of this regulation shall apply.

(2) The authority shall, subject to paragraph (4), be responsible for the appointment, discipline, suspension and dismissal of school meals staff at the school.

(3) Before exercising any function under paragraph (2) the authority shall consult the governing body of the school to such extent as the authority think fit.

(4) Where the governing body determine that any member of the school meals staff should cease to work at the school they shall notify the authority in writing of their determination and of the reasons for it and the authority shall thereupon require that person to cease to work at the school.

**Appointment etc. of school meals staff at schools where governing body responsible for school meals**

4.—(1) Where a section 512A Order is in force, but the governing body of a school to which the Order applies have not entered into an agreement with the authority that the authority shall supply lunches at the school, then paragraphs 20 to 22 and 24-29 of Schedule 16 to the Act shall apply to the appointment, discipline, suspension and dismissal of school meals staff.

26th Awst 1999

*Y Llywydd*  
*Cynulliad Cenedlaethol Cymru*

*Dafydd Elis Thomas*

26th August 1999

*Presiding Officer*  
*National Assembly for Wales*

(a) Gweler adran 49(7) o'r Ddeddf.

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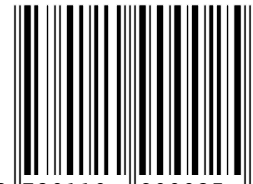
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WO 5556 10/99 ON

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Acts of Parliament.

ISBN 0-11-090002-2



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