CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

# 2002 Rhif 157 (Cy.23)

# ADDYSG, CYMRU

# Rheoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Addysg Lleol) (Cymru) 2002

## NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gosod dyletswydd ar yr awdurdodau addysg lleol i gyhoeddi gwybodaeth am faterion sy'n ymwneud â darparu addysg ar gyfer plant ag anghenion addysgol arbennig.

Yn benodol, mae'n ofynnol iddynt gyhoeddi esboniad ar y rhan honno o'r ddarpariaeth addysgol arbennig y maent yn disgwyl i'r ysgolion a gynhelir ei hariannu o'u cyfran hwy o'r gyllideb, ac ar yr elfen honno y maent yn disgwyl ei hariannu eu hunain.

Hefyd rhaid iddynt gyhoeddi gwybodaeth am nodau bras eu polisi ar anghenion addysgol arbennig, yn ogystal â'r camau penodol y maent yn eu cymryd ar faterion anghenion addysgol arbennig.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

# 2002 No. 157 (W.23)

# EDUCATION, WALES

# The Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002

## EXPLANATORY NOTE

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

These Regulations place a duty on local education authorities to publish information about matters relating to the provision of education for children with special educational needs.

In particular they are required to publish an explanation of that part of special educational provision that they expect maintained schools to fund from their budget shares, and that element that they expect to fund themselves.

They must also publish information about the broad aims of their policy on special educational needs, as well as specific action they are taking on special educational needs issues.

OFFERYNNAU STATUDOL

# 2002 Rhif 157 (Cy.23)

# ADDYSG, CYMRU

## Rheoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Addysg Lleol) (Cymru) 2002

*Wedi'u gwneud* *29 Ionawr 2002*

*Yn dod i rym* *1 Ebrill 2002*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 29(5), a 569(4) a (5) o Ddeddf Addysg 1996(**a**), ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(**b**) drwy hyn yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn, dehongli a chymhwyso**

**1**.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Anghenion Addysgol Arbennig (Darparu Gwybodaeth gan Awdurdodau Addysg Lleol) (Cymru) 2002 a deuant i rym ar 1 Ebrill 2002.

(2) Yn y Rheoliadau hyn -

ystyr "awdurdod gwasanaethau cymdeithasol" ("*social services authority*") yw awdurdod lleol at ddibenion Deddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970(**c**) yn gweithredu i gyflawni unrhyw swyddogaethau y cyfeirir atynt yn adran 1A o'r Ddeddf honno;

mae i "awdurdod iechyd" yr un ystyr â "*health authority*" yn Neddf y Gwasanaeth Iechyd Gwladol 1977(**ch**); ac

ystyr "datganiad" ("*statement*") yw datganiad o anghenion addysgol arbennig a wneir o dan adran 324 o Ddeddf Addysg 1996.

(3) Mae'r Rheoliadau hyn yn gymwys mewn perthynas â Chymru yn unig.

(a) 1996 p.56.

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

(c) 1970 p.42; mewnosodwyd adran 1A gan Ddeddf Llywodraeth Leol 2000 (p.22), adran 102(3).

(ch) 1977 p.49; diwygiwyd gan Ddeddf Awdurdodau Iechyd 1995 (p.17) a Deddf Iechyd 1999 (p.32).

STATUTORY INSTRUMENTS

# 2002 No. 157 (W.23)

# EDUCATION, WALES

## The Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002

*Made* *29th January 2002*

*Coming into force* *1st April 2002*

The National Assembly for Wales, in exercise of the powers conferred on the Secretary of State by sections 29(5) and 569(4) and (5) of the Education Act 1996(**a**), and now vested in the National Assembly for Wales(**b**) hereby makes the following Regulations:

**Citation, commencement, interpretation and application**

**1**.-(1) These Regulations are called the Special Educational Needs (Provision of Information by Local Education Authorities) (Wales) Regulations 2002 and shall come into force on 1st April 2002.

(2) In these Regulations-

"health authority" ("*awdurdod iechyd*") has the same meaning as in the National Health Service Act 1977(**c**);

"social services authority" ("*awdurdod gwasanaethau cymdeithasol*") means a local authority for the purposes of the Local Authority Social Services Act 1970(**d**) acting in the discharge of such functions as are referred to in section 1A of that Act; and

"statement" ("*datganiad*") means a statement of special educational needs made under section 324 of the Education Act 1996.

(3) These Regulations apply only in relation to Wales.

(a) 1996 c.56.

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

(c) 1977 c.49; amended by the Health Authorities Act 1995 (c.17) and the Health Act 1999 (c.32).

(d) 1970 c.42; section 1A was inserted by the Local Government Act 2000 (c.22), section 102(3).

(4) Nid oes dim yn y Rheoliadau hyn yn gymwys mewn perthynas -

(a) ag ysgolion meithrin, neu

(b) â phlant o dan oedran ysgol gorfodol.

**Cyhoeddi gwybodaeth**

**2**. Rhaid i awdurdod addysg lleol -

(a) cyhoeddi gwybodaeth am y materion a nodir yn yr Atodlen i'r Rheoliadau hyn yn unol â rheoliad 3(1), (2) a (3);

(b) cadw golwg ar yr wybodaeth honno; ac

(c) os ceir newid arwyddocaol mewn unrhyw ran o'r wybodaeth honno, diwygio'r wybodaeth yn unol â hynny a chyhoeddi'r wybodaeth ddiwygiedig yn unol â rheoliad 3(4).

**Dull cyhoeddi'r wybodaeth**

**3**.-(1) Rhaid i'r awdurdod addysg lleol gyhoeddi'r wybodaeth y cyfeirir ati yn rheoliad 2(a) -

(a) drwy roi copi ysgrifenedig o'r wybodaeth i unrhyw awdurdod iechyd neu awdurdod gwasanaethau cymdeithasol y mae ganddynt fuddiant yn yr wybodaeth honno ym marn yr awdurdod addysg lleol drwy'r post, drwy gyfathrebu'n electronig neu drwy unrhyw fodd arall sydd wedi'i gytuno â'r awdurdod;

(b) drwy drefnu bod yr wybodaeth ar gael ar unrhyw wefan y gall fod yr awdurdod yn ei chynnal ar y Rhyngrwyd;

(c) drwy roi copi ysgrifenedig o'r wybodaeth i'r ysgolion a gynhelir yn ardal yr awdurdod drwy'r post, drwy gyfathrebu'n electronig neu drwy unrhyw fodd arall sydd wedi'i gytuno â'r awdurdod; ac

(ch) drwy roi copi ysgrifenedig o'r wybodaeth i unrhyw berson sy'n gwneud cais amdano drwy'r post, drwy gyfathrebu'n electronig neu drwy unrhyw fodd arall sydd wedi'i gytuno â'r awdurdod.

(2) Rhaid i'r wybodaeth am y materion a nodir ym mharagraff 1 o'r Atodlen i'r Rheoliadau hyn gael ei chyhoeddi ar 30 Ebrill 2002 neu cyn hynny.

(3) Rhaid i'r wybodaeth am y materion a nodir ym mharagraffau 2 a 3 o'r Atodlen i'r Rheoliadau hyn gael ei chyhoeddi ar 31 Gorffennaf 2002 neu cyn hynny.

(4) Rhaid i unrhyw wybodaeth sydd i'w chyhoeddi yn unol â rheoliad 2(c) gael ei chyhoeddi gan yr awdurdod addysg lleol cyn gynted ag y bo'n rhesymol ymarferol ar ôl i ddiwygiad gael ei wneud -

(a) drwy roi'r wybodaeth ddiwygiedig i awdurdod iechyd neu awdurdod gwasanaethau cymdeithasol a gafodd wybodaeth o'r blaen

(4) Nothing in these Regulations applies in relation to-

(a) nursery schools, or

(b) children under compulsory school age.

**Publication of information**

**2**. A local education authority shall-

(a) publish information about the matters set out in the Schedule to these Regulations in accordance with regulation 3(1), (2) and (3);

(b) keep that information under review; and

(c) where there is a significant change in any of that information, revise the information accordingly and publish the revised information in accordance with regulation 3(4).

**Manner of publication of information**

**3**.-(1) The local education authority shall publish the information referred to in regulation 2(a) by -

(a) providing a written copy of the information to any health authority or social services authority which in the opinion of the local education authority has an interest in that information by post, by electronic communication or by any other means agreed with the authority;

(b) making the information available on any website which the authority may maintain on the Internet;

(c) providing a written copy of the information to the maintained schools in the authority's area by post, by electronic communication or by any other means agreed with the authority; and

(d) providing a written copy of the information to any person on request by post, by electronic communication or by any other means agreed with the authority.

(2) The information about the matters set out in paragraph 1 of the Schedule to these Regulations shall be published on or before 30th April 2002.

(3) The information about the matters set out in paragraphs 2 and 3 of the Schedule to these Regulations shall be published on or before 31st July 2002.

(4) Any information to be published pursuant to regulation 2(c) shall be published by the local education authority as soon as reasonably practicable after a revision has been made, by -

(a) providing the revised information to a health authority or social services authority previously provided with information by the

oddi wrth yr awdurdod addysg lleol yn unol â rheoliad 3(1)(a) drwy'r post, drwy gyfathrebu'n electronig neu drwy unrhyw fodd arall sydd wedi'i gytuno â'r awdurdod;

(b) drwy ddiweddaru unrhyw wefan a gynhelir gan yr awdurdod ar y Rhyngrwyd i ddangos yr wybodaeth ddiwygiedig;

(c) drwy hysbysu'r ysgolion a gynhelir yn ardal yr awdurdod am y diwygiadau drwy'r post, drwy gyfathrebu'n electronig neu drwy unrhyw fodd arall sydd wedi'i gytuno â'r awdurdod; ac

(ch) drwy roi'r wybodaeth ddiwygiedig i unrhyw berson sy'n gwneud cais amdano drwy'r post, drwy gyfathrebu'n electronig neu drwy unrhyw fodd arall sydd wedi'i gytuno â'r awdurdod.

(5) Rhaid i'r wybodaeth a gyhoeddir yn unol â'r rheoliad hwn gael ei chyhoeddi yn ddi-dâl.

local education authority pursuant to regulation 3(1)(a) by post, by electronic communication or by any other means agreed with the authority;

(b) updating any website maintained by the authority on the Internet to display the revised information;

(c) notifying the maintained schools in the authority's area of the revisions by post, by electronic communication or by any other means agreed with the authority; and

(d) providing the revised information to any person on request by post, by electronic communication or by any other means agreed with the authority.

(5) Information published in accordance with this regulation shall be published free of charge.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**a**)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**a**)

29 Ionawr 2002

29th January 2002

*D. Elis - Thomas*

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN

Rheoliad 2

YR WYBODAETH SYDD I'W DARPARU GAN YR AWDURDODAU ADDYSG LLEOL

**1**. Esboniad ar yr elfen honno o'r ddarpariaeth addysgol arbennig ar gyfer plant ag anghenion addysgol arbennig (ond sydd heb ddatganiadau) y mae'r awdurdod addysg lleol yn disgwyl fel rheol iddi gael ei thalu o gyfran yr ysgolion a gynhelir o'r gyllideb ac ar yr elfen honno o'r ddarpariaeth honno y mae'r awdurdod yn disgwyl fel rheol iddi gael ei thalu gan yr awdurdod o'r arian sydd ganddo yn ganolog.

**2.** Nodau bras polisi'r awdurdod addysg lleol mewn perthynas â phlant ag anghenion addysgol arbennig ynghyd â gwybodaeth am y camau y mae'r awdurdod yn eu cymryd -

(a) i hybu safonau addysgol uchel i blant ag anghenion addysgol arbennig;

(b) i annog plant ag anghenion addysgol arbennig i chwarae rhan gyflawn yn eu hysgol a'u cymuned ac i gymryd rhan mewn penderfyniadau am eu haddysg ac i wneud dewisiadau amdani;

(c) i annog yr ysgolion yn eu hardal i rannu eu harferion wrth wneud darpariaeth addysgol arbennig ar gyfer plant ag anghenion addysgol arbennig; ac

(ch) i weithio gyda chyrff statudol a gwirfoddol eraill i ddarparu cymorth i blant ag anghenion addysgol arbennig.

**3.** Y trefniadau cyffredinol a wneir gan yr awdurdod addysg lleol, gan gynnwys unrhyw gynlluniau, amcanion a graddfeydd amser ar gyfer -

(a) adnabod plant yn eu hardal sydd ag anghenion addysgol arbennig;

(b) monitro derbyniadau plant ag anghenion addysgol arbennig (p'un a oes gan y plant hyn ddatganiad neu beidio) i'r ysgolion a gynhelir yn eu hardal;

(c) trefnu asesiadau anghenion addysgol plant yn unol ag adran 323 o Ddeddf Addysg 1996 yn ardal yr awdurdod addysg lleol, gan gynnwys unrhyw brotocolau lleol ar gyfer gwneud hyn;

(ch) trefnu gwneud a chynnal datganiadau yn eu hardal gan gynnwys unrhyw brotocolau lleol ar gyfer gwneud hyn;

(d) rhoi cymorth i'r ysgolion yn eu hardal mewn perthynas â gwneud darpariaeth addysgol arbennig ar gyfer plant ag anghenion addysgol arbennig;

(dd) archwilio, cynllunio, monitro ac adolygu'r ddarpariaeth ar gyfer plant ag anghenion addysgol arbennig yn eu hardal, yn gyffredinol

SCHEDULE

Regulation 2

INFORMATION TO BE PROVIDED BY LOCAL EDUCATION AUTHORITIES

**1.** An explanation of that element of special educational provision for children with special educational needs (but without statements) which the local education authority expect normally to be met from maintained schools' budget shares and that element of such provision that the authority expect normally to be met by the authority from funds which it holds centrally.

**2**. The broad aims of the local education authority's policy in respect of children with special educational needs together with information about the action the authority is taking to-

(a) promote high standards of education for children with special educational needs;

(b) encourage children with special educational needs to participate fully in their school and community and to take part in decisions and make choices about their education;

(c) encourage schools in their area to share their practice in making special educational provision for children with special educational needs; and

(d) work with other statutory and voluntary bodies to provide support for children with special educational needs.

**3.** The general arrangements made by the local education authority, including any plans, objectives and timescales, for-

(a) identifying children in their area with special educational needs;

(b) monitoring the admission of children with special educational needs (whether or not those children have a statement) to maintained schools in their area;

(c) organising the assessment of children's educational needs pursuant to section 323 of the Education Act 1996 in the local education authority's area including any local protocols for so doing;

(d) organising the making and maintaining of statements in their area including any local protocols for so doing;

(e) providing support to schools in their area with regard to making special educational provision for children with special educational needs;

(f) auditing, planning, monitoring and reviewing provision for children with special educational needs in their area, both generally and in

ac mewn perthynas â phlant unigol;

(e) sicrhau hyfforddiant, cyngor a chymorth i'r staff sy'n gweithio yn eu hardal gyda phlant ag anghenion addysgol arbennig; ac

(f) adolygu a diweddaru'r trefniadau y cyfeirir atynt yn is-baragraffau (a) i (e).

relation to individual children;

(g) securing training, advice and support for staff working in their area with children with special educational needs; and

(h) reviewing and updating the arrangements referred to in sub-paragraphs (a) to (g).

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STATUTORY INSTRUMENTS

## 2002 Rhif 157 (Cy.23)

## ADDYSG, CYMRU

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