



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 893 (Cy.113)

2003 No. 893 (W.113)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Addysg
Feithrin a Chynlluniau Datblygu
Blynyddoedd Cynnar a Gofal
Plant) (Cymru) 2003**

**The Education (Nursery Education
and Early Years Development and
Childcare Plans) (Wales)
Regulations 2003**

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, sy'n cael eu gwneud o dan adrannau 118(1), 120(1) a (3) a 121(1) a (9) o Ddeddf Safonau a Fframwaith Ysgolion 1998 ac sy'n gymwys i Gymru yn unig, yn diddymu ac yn cymryd lle Rheoliadau Addysg (Addysg Feithrin a Datblygu Blynyddoedd Cynnar) (Cymru) 1999.

These Regulations, which are made under sections 118(1), 120(1) and (3) and 121(1) and (9) of the School Standards and Framework Act 1998 and apply only in Wales, revoke and replace the Education (Nursery Education and Early Years Development) (Wales) Regulations 1999.

Maent yn rhagnodi at ddibenion y ddyletswydd o dan adran 118 o'r Ddeddf (y mae rhaid i awdurdod addysg lleol sicrhau darpariaeth ddigonol odani o ran addysg feithrin ar gyfer eu hardal), yr oedran isaf y mae'r ddyletswydd honno'n gymwys mewn perthynas ag ef (rheoliad 4).

They prescribe, for the purposes of the duty under section 118 of the Act (under which a local education authority must secure sufficient provision of nursery education for their area), the minimum age in relation to which that duty applies (regulation 4).

Mae'r Rheoliadau yn gwneud darpariaeth hefyd mewn cysylltiad â'r cynlluniau datblygu blynyddoedd cynnar a gofal plant y mae'n ofynnol i awdurdodau addysg lleol eu paratoi o dan adrannau 120 a 121 o'r Ddeddf. Cafodd y gofyn i'r cynlluniau yn ymdrin â gofal plant yn ogystal â datblygu blynyddoedd cynnar ei ychwanegu gan adran 150 o Ddeddf Addysg 2002.

The Regulations also make provision in connection with early years development and childcare plans which local education authorities are required to prepare under sections 120 and 121 of the Act. The requirement for the plans to cover childcare as well as early years development was added by section 150 of the Education Act 2002.

Mae'r Rheoliadau yn rhagnodi -

The Regulations prescribe-

- (a) y cyfnodau y mae'n rhaid paratoi cynlluniau datblygu blynyddoedd cynnar a gofal plant rhyngddynt, a'r dyddiadau erbyn pryd y mae'n rhaid i'r cynlluniau gael eu cyflwyno i Gynulliad Cenedlaethol Cymru i gael eu cymeradwyo o dan adran 120(1) o'r Ddeddf (rheoliad 5);

- (a) the intervals at which early years development and childcare plans must be prepared and the dates by which the plans must be submitted to the National Assembly for Wales for their approval under section 120(1) of the Act (regulation 5);

- (b) y cyfnododau y mae'n rhaid i gynigion yr awdurdod am addysg feithrin ymwneud â nhw, sef y cynigion ar gyfer cydymffurfio â'u dyletswydd o dan adran 118 o'r Ddeddf sydd wedi'u cynnwys mewn cynllun o'r fath (rheoliad 6(1) a (2));
 - (c) y materion y mae'n rhaid ymdrin â hwy mewn cynigion o'r fath (rheoliad 6(3) a'r Atodlen);
 - (ch) y cyfnod o fewn pryd y mae'n rhaid cyhoeddi cynlluniau (a chynlluniau wedi'u haddasu) (rheoliad 7(1));
 - (d) dull cyhoeddi cynlluniau o'r fath (rheoliad 7(2)); ac
 - (dd) y personau y mae'n rhaid anfon copi o gynllun o'r fath atynt, a'r dyddiad erbyn pryd y mae rhaid darparu'r copiaau hynny (rheoliad 7(3)).
- (b) the periods to which an authority's proposals for nursery education pursuant to their duty under section 118 of the Act contained in such a plan must relate (regulation 6(1) and (2));
 - (c) the matters which must be dealt with in such proposals (regulation 6(3) and the Schedule);
 - (d) the period within which plans (and modified plans) must be published (regulation 7(1));
 - (e) the manner of publication of such plans (regulation 7(2)); and
 - (f) the persons to whom a copy of such a plan must be sent and the period within which those copies must be provided (regulation 7(3)).

2003 Rhif 893 (Cy.113)**2003 No. 893 (W.113)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Addysg Feithrin a Chynlluniau Datblygu Blynyddoedd Cynnar a Gofal Plant) (Cymru) 2003****The Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003**

Wedi'u gwneud 26 Mawrth 2003
Yn dod i rym 31 Mawrth 2003

Made 26th March 2003
Coming into force 31st March 2003

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 118(1), 120(1) a (3), 121(1) a (9) a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(a), 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 118(1), 120(1) and (3), 121(1) and (9) and 138(7) and (8) of the School Standards and Framework Act 1998(a), now vested in the National Assembly for Wales(b), the National Assembly for Wales makes the following Regulations:

Enw, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Addysg Feithrin a Chynlluniau Datblygu Blynyddoedd Cynnar a Gofal Plant) (Cymru) 2003 a deuant i rym ar 31 Mawrth 2003.

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

Name, commencement and application

1.-(1) These Regulations are called the Education (Nursery Education and Early Years Development and Childcare Plans) (Wales) Regulations 2003 and shall come into force on 31st March 2003.

(2) These Regulations apply in relation to Wales.

Dirymu

2. Mae'r Rheoliadau hyn yn dirymu Rheoliadau Addysg (Addysg Feithrin a Datblygu Blynyddoedd Cynnar) (Cymru) 1999(c).

Revocation

2. These Regulations revoke the Education (Nursery Education and Early Years Development) (Wales) Regulations 1999(c).

Dehongli

3. Yn y Rheoliadau hyn-

ystyr "addysg feithrin" ("*nursery education*") yw addysg feithrin (o fewn ystyr "*nursery education*") yn adran 117 o'r Ddeddf y mae

Interpretation

3. In these Regulations-

"the Act" ("*y Ddeddf*") means the School Standards and Framework Act 1998;

"authority" ("*awdurdod*") means a local

- (a) 1998(p.31). Diwygir adran 120(1) gan adran 150(5) o Ddeddf Addysg 2002. Amnewidiwyd adran 120(3) gan adran 150(3) o Ddeddf Addysg 2002. Diwygir Adran 121(1) gan Adrannau 150(4) (a) ac (5) a adran 215(2) o Ddeddf Addysg 2002 ac Atodlen 22, Rhan 3 iddi. Diwygir adran 121(9) gan adran 150(4)(i) a (5) o Ddeddf Addysg 2002. I gael ystyr "*prescribed*" a "*regulations gweler* adran 142(1).
- (b) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 211 o Ddeddf Addysg 2002.
- (c) O.S. 1999/1099.

- (a) 1998 c.31. Section 120(1) is amended by section 150(5) of the Education Act 2002. Section 120(3) is substituted by section 150(3) of the Education Act 2002. Section 121(1) is amended by sections 150(4)(a) and (5) and 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002. Section 121(9) is amended by section 150(4)(i) and (5) of the Education Act 2002. For the definitions of "*prescribed*" and "*regulations*" see section 142(1).
- (b) See the National Assembly for Wales (Transfer of Functions) (Order) 1999 (S.I. 1999/672) and section 211 of the Education Act 2002.
- (c) S.I. 1999/1099.

awdurdod o dan ddyletswydd i sicrhau bod yna ddarpariaeth ddigonol ohoni ar gael yn rhinwedd adran 118 o'r Ddeddf a rheoliad 4 o'r Rheoliadau hyn;

ystyr "awdurdod" ("*authority*") yw awdurdod addysg lleol;

ystyr "y bartneriaeth" ("*the partnership*"), mewn perthynas ag awdurdod, yw'r bartneriaeth datblygu blynyddoedd cynnar a gofal plant a sefydlwyd gan yr awdurdod yn unol ag adran 119 o'r Ddeddf(a);

ystyr "y cynllun" ("*the plan*"), mewn perthynas ag awdurdod, yw'r cynllun datblygu blynyddoedd cynnar a gofal plant a baratowyd gan yr awdurdod yn unol ag adran 120 o'r Ddeddf(b);

ystyr "cynigion am addysg feithrin" ("*proposals for nursery education*") yw datganiad cynigion yr awdurdod am gydymffurfio gyda'u dyletswydd o dan adran 118 o'r Ddeddf, y mae'n rhaid i'r awdurdod gynnwys yn eu cynllun yn unol ag adran 120(2)(a) o'r Ddeddf(c);

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru; ac

ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998.

Dyletswydd i sicrhau addysg feithrin

4.-(1) At ddibenion adran 118(1)(b) o'r Ddeddf (oedran y plant y mae dyletswydd yr awdurdod i sicrhau darpariaeth ddigonol o ran addysg feithrin ar eu cyfer yn eu hardal yn gymwys iddynt) rhagnodir -

- (a) yn achos plentyn nad yw ei bedwerydd pen-blwydd yn dod o fewn un o'r cyfnodau a bennir ym mharagraff (2) isod, oedran y plentyn ar ddechrau'r tymor cyntaf sy'n dechrau ar ôl pen-blwydd y plentyn yn bedair oed; neu
- (b) yn achos plentyn y mae ei ben-blwydd yn bedair oed yn dod o fewn un o'r cyfnodau a bennir ym mharagraff (2) isod, oedran y plentyn ar ddechrau'r tymor yn dilyn y tymor y cyfeirir ato yn y paragraff hwnnw.

(2) Y cyfnodau y cyfeiriwyd atynt ym mharagraff (1) uchod, mewn unrhyw flwyddyn, yw-

- (a) y cyfnod sy'n dechrau ar 1 Ebrill ac yn dod i ben pan fydd tymor yr haf y flwyddyn honno yn dechrau;

-
- (a) Fel y'i diwygiwyd gan adran 150(1) a (5) ac adran 215(2) o, a Rhan 3 o Atodlen 22 i, Ddeddf Addysg 2002.
 - (b) Fel y'i diwygiwyd gan adran 150(2), (3) a (5) ac adran 215(2) o, a Rhan 3 o Atodlen 22 i, Ddeddf Addysg 2002.
 - (c) Fel y'i diwygiwyd gan Adran 150(5) ac adran 215(2) o, a Rhan 3 o Atodlen 22 i, Ddeddf Addysg 2002.

education authority;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"nursery education" ("*addysg feithrin*") means nursery education (within the meaning of section 117 of the Act) the provision of which an authority are under a duty to secure is sufficient by virtue of section 118 of the Act and regulation 4 of these Regulations;

"the partnership" ("*y bartneriaeth*") means, in relation to an authority, the early years development and childcare partnership established by the authority in accordance with section 119 of the Act(a);

"the plan" ("*y cynllun*") means, in relation to an authority, the early years development and childcare plan prepared by the authority in accordance with section 120 of the Act(b); and

"proposals for nursery education" ("*cynigion am addysg feithrin*") means the statement of the authority's proposals for complying with their duty under section 118 of the Act which the authority are required to include in their plan in accordance with section 120(2)(a) of the Act(c).

Duty to secure nursery education

4.-(1) For the purposes of section 118(1)(b) of the Act (age of children in relation to whom the authority's duty to secure sufficient provision of nursery education for their area applies) there is prescribed -

- (a) in the case of a child whose fourth birthday does not fall within one of the periods specified in paragraph (2) below, the age of the child at the start of the first term starting after the child's fourth birthday; or
- (b) in the case of a child whose fourth birthday falls within one of the periods specified in paragraph (2) below, the age of the child at the start of the term following the term referred to in that paragraph.

(2) The periods referred to in paragraph (1) above are, in any year -

- (a) the period commencing 1st April and ending with the start of the Summer term of that year;

-
- (a) As amended by section 150(1) and (5) and section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.
 - (b) As amended by section 150(2), (3) and (5) and section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.
 - (c) As amended by section 150(5) and section 215(2) of, and Part 3 of Schedule 22 to, the Education Act 2002.

- (b) y cyfnod sy'n dechrau ar 1 Medi ac sy'n dod i ben pan fydd tymor yr hydref y flwyddyn honno yn dechrau; ac
- (c) y cyfnod sy'n dechrau ar 1 Ionawr ac sy'n dod i ben pan fydd tymor y gwanwyn y flwyddyn honno yn dechrau.

(3) At ddibenion paragraffau (1) a (2) o'r rheoliad hwn, ystyr "tymor" yw'r tymor sy'n cael ei gadw mewn perthynas â'r addysg sy'n cael ei darparu, neu sydd i'w darparu, neu sydd o dan ystyriaeth, ar gyfer y plentyn, ac mewn unrhyw flwyddyn, ystyr tymor y gwanwyn, tymor yr haf a thymor yr hydref, yn eu tro, yw'r tymor sy'n dechrau ym mis Ionawr, ym mis Ebrill ac ym mis Medi.

Paratoi a chyflwyno'r cynlluniau i'r Cynulliad Cenedlaethol i'w cymeradwyo

5.-(1) Rhaid i'r cynllun cyntaf ar ôl i'r Rheoliadau hyn ddod i mewn i rym gael ei baratoi a'i gyflwyno i'r Cynulliad Cenedlaethol i gael ei gymeradwyo o dan adran 121(1) o'r Ddeddf erbyn 1 Gorffennaf 2003.

(2) Rhaid i'r ail gynllun cael ei baratoi a'i gyflwyno i'r Cynulliad Cenedlaethol i'w gael ei gymeradwyo o dan adran 121(1) o'r Ddeddf erbyn 20 Hydref 2003.

(3) Rhaid i gynlluniau olynol gael eu paratoi pob blwyddyn, a'u cyflwyno i'r Cynulliad Cenedlaethol i gael eu cymeradwyo o dan adran 121(1) o'r Ddeddf erbyn 20 Hydref.

Cynigion am addysg feithrin

6.-(1) Mae cynigion am addysg feithrin sy'n berthnasol i'r cynllun cyntaf i ymwneud â'r cyfnod o saith mis sy'n dechrau ar 1 Medi 2003.

(2) Mae cynigion am addysg feithrin sy'n berthnasol i'r ail gynllun a'r cynlluniau olynol i ymwneud â'r cyfnod o un flwyddyn sy'n dechrau ar 1 Ebrill yn y flwyddyn ar ôl y flwyddyn y mae'n ofynnol cyflwyno'r cynllun i'r Cynulliad Cenedlaethol i gael ei gymeradwyo yn unol ag adran 121(1) o'r Ddeddf a rheoliadau 5(1), (2) neu (3) uchod.

(3) Rhaid i'r cynigion am addysg feithrin ymdrin â'r materion sydd wedi'u nodi yn yr Atodlen i'r Rheoliadau hyn.

Cyhoeddi cynlluniau

7.-(1) Os yw'r Cynulliad Cenedlaethol wedi cymeradwyo -

- (a) cynllun awdurdod o dan is-adran (2) o adran 121 o'r Ddeddf, neu
- (b) addasiad o gynllun awdurdod o dan is-adran (8) o'r adran honno,

rhaid i'r awdurdod gyhoeddi eu cynllun neu eu cynllun fel y'i haddaswyd, o fewn 28 diwrnod ar ôl

- (b) the period commencing 1st September and ending with the start of the Autumn term of that year; and
- (c) the period commencing 1st January and ending with the start of the Spring term of that year.

(3) For the purposes of paragraphs (1) and (2) of this regulation, "term" means the term kept in relation to the education provided, or to be provided, or under consideration, for the child and, in any year, Spring term, Summer term and Autumn term mean, respectively, the term which starts in January, in April and in September.

Preparation and submission of plans to the National Assembly for approval

5.-(1) The first plan after the coming into force of these Regulations must be prepared and submitted to the National Assembly for approval under section 121(1) of the Act by 1st July 2003.

(2) The second plan must be prepared and submitted to the National Assembly for approval under section 121(1) of the Act by 20th October 2003.

(3) Subsequent plans must be prepared at one year intervals and submitted to the National Assembly for approval under section 121(1) of the Act by 20th October.

Proposals for nursery education

6.-(1) Proposals for nursery education are to relate, in respect of the first plan, to the period of seven months beginning on 1st September 2003.

(2) Proposals for nursery education are to relate, in respect of the second and subsequent plans, to the period of one year beginning on 1st April in the year after which it is required to be submitted to the National Assembly for approval in accordance with section 121(1) of the Act and regulation 5(1), (2) or (3) above.

(3) Proposals for nursery education must deal with the matters referred to in the Schedule to these Regulations.

Publication of plans

7.-(1) Where the National Assembly has approved-

- (a) an authority's plan under subsection (2) of section 121 of the Act, or
- (b) the modification of an authority's plan under subsection (8) of that section,

the authority must publish their plan, or their plan as modified, within 28 days after the date of approval of

dyddiad cymeradwyo'r cynllun neu'r addasiad o'r cynllun o dan is-adran (2) neu (8) o adran 121.

(2) Rhaid i'r awdurdod gyhoeddi eu cynllun, neu'r cynllun fel y'i haddaswyd, trwy trefnu iddo fod ar gael -

- (a) swyddfeydd addysg,
- (b) mewn llyfrgelloedd yn eu hardal, ac
- (c) fel rhan o'u gwasanaeth i ddarparu gwybodaeth i'r cyhoedd ynglŷn â darparu gwasanaethau ofal plant a gwasanaethau cysylltiedig yn eu hardal yn unol ag adran 118A(3) o'r Ddeddf

er mwyn i aelodau o'r cyhoedd gyfeirio ato.

(3) Rhaid i'r awdurdod darparu copi o'u cynllun, neu eu cynllun fel y'i haddaswyd, i'r canlynol -

- (a) y Cynulliad Cenedlaethol, a
- (b) pob aelod o'r bartneriaeth

o fewn 28 diwrnod ar ôl dyddiad cymeradwyo'r cynllun neu addasiad o'r cynllun o dan is-adran (2) neu (8) o adran 121 o'r Ddeddf.

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

26 Mawrth 2003

Llywydd y Cynulliad Cenedlaethol

the plan or modification of the plan under subsection (2) or (8) of section 121.

(2) The authority must publish their plan, or their plan as modified, by making it available -

- (a) at their education offices,
- (b) at libraries in their area, and
- (c) as part of their service providing information to the public relating to the provision of childcare and related services in their area in accordance with section 118A(3) of the Act

for reference by members of the public.

(3) The authority must provide a copy of their plan, or their plan as modified, to-

- (a) the National Assembly, and
- (b) each of the members of the partnership

within 28 days after the date of approval of the plan or modification of the plan under subsection (2) or (8) of section 121 of the Act.

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

26th March 2003

The Presiding Officer of the National Assembly

D.Elis-Thomas

(a) 1998 p.38.

(a) 1998 c.38.

YR ATODLEN

Rheoliad 6(3)

Materion sydd i'w cynnwys yng nghynigion am addysg feithrin

Rhaid i gynigion am addysg feithrin:

- (a) ymdrin â phlant yn ardal yr awdurdod nad ydynt wedi cyrraedd oedran ysgol gorfodol ond sydd wedi cyrraedd yr oedran a ragnodir o dan reoliad 4 o'r Rheoliadau hyn ("plant perthnasol");
- (b) esbonio sut y bydd y galw yn lleol am addysg feithrin ar gyfer y plant perthnasol yn cael ei fodloni;
- (c) rhoi amcangyfrif o'r nifer o leoedd addysg feithrin sydd ar gael i blant perthnasol bob tymor o'r flwyddyn y mae'r cynllun yn ymwneud â hi (boed mewn sefydliadau sy'n cael eu cynnal gan yr awdurdod neu mewn sefydliadau na chynhelir mohonynt ganddo);
- (ch) cynnwys rhestr o'r holl bersonau hynny sy'n darparu addysg feithrin ac sy'n cael (neu a fydd yn cael) cymorth ariannol gan yr awdurdod ar gyfer darpariaeth o'r fath neu sydd o dan ystyriaeth ar gyfer cymorth ariannol o'r fath gan yr awdurdod, ac y mae'r addysg feithrin y maent yn ei darparu yn cael ei chymryd i ystyriaeth gan yr awdurdod wrth iddynt lunio eu cynllun; a
- (d) darparu tystiolaeth bod yr awdurdod wedi ystyried pa drefniadau y dylid eu gwneud ar gyfer darparu cludiant er mwyn galluogi'r plant perthnasol i fanteisio ar y cyfleusterau ar gyfer addysg feithrin sydd ar gael, a nodi polisïau'r awdurdod ar ddarparu cludiant yn ôl ac ymlaen i safle unrhyw sefydliadau lle mae addysg o'r fath yn cael ei darparu.

SCHEDULE

Regulation 6(3)

Matters to be included in proposals for nursery education

Proposals for nursery education must:

- (a) deal with children in the authority's area who have not attained compulsory school age but who have attained the age prescribed by regulation 4 of these Regulations ("relevant children");
- (b) explain how local demand for nursery education for relevant children will be met;
- (c) give an estimate of the number of nursery education places for relevant children available in each term of the year covered by the plan (whether at institutions maintained by the authority or at institutions not so maintained);
- (d) contain a list of all those persons providing nursery education who are (or will be) receiving financial assistance from the authority in respect of such provision or who are under consideration for such financial assistance by the authority, and whose provision of nursery education is taken into account by the authority in formulating their plan; and
- (e) provide evidence that the authority has considered what arrangements should be made for the provision of transport for the purpose of enabling relevant children to take advantage of the facilities for nursery education which are available, and set out the authority's policies on the provision of transport to and from the premises of any institutions at which such education is provided.

2003 Rhif 893 (Cy.113)

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Feithrin a Chynlluniau Datblygu
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EDUCATION, WALES

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