



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1910 (Cy.153)

2005 No. 1910 (W.153)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Adolygu Strwythur Staffio) (Cymru) 2005

The Education (Review of Staffing Structure) (Wales) Regulations 2005

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 gosod dyletswydd ar gorff llywodraethu ysgol a gynhelir sydd â chyllideb ddirprwyedig, ac ar awdurdod addysg lleol o ran ysgol sydd heb gyllideb ddirprwyedig neu uned cyfeirio disgyblion, i adolygu'r trefniadau staffio yn yr ysgol neu'r uned cyfeirio disgyblion. Diben yr adolygiad yw sicrhau bod rheoli a lleoli'r holl staff yn yr ysgol (neu'r uned cyfeirio disgyblion) a dyrannu cyfrifoldebau iddynt yn defnyddio adnoddau'n effeithiol. Wrth gynnal yr adolygiad rhaid i'r corff llywodraethu neu'r AALl ystyried y trefniadau cyflog ac amodau cyflogaeth athrawon ysgol a nodir yn y Ddogfen Cyflog ac Amodau, a hefyd y goblygiadau ar gyfer graddio a thaliadau i staff cymorth. Rhaid penderfynu ar yr adolygiad a pharatoi cynllun gweithredu ar neu cyn 31 Mawrth 2006.

These Regulations place a duty on the governing body of a maintained school with a delegated budget, and on the local education authority in respect of a school without a delegated budget or a pupil referral unit, to review the staffing arrangements at the school or the pupil referral unit. The purpose of the review is to ensure that the management and deployment of, and allocation of responsibilities to, all staff at the school (or pupil referral unit) make effective use of resources. In conducting the review the governing body or LEA must take into account the pay arrangements and the conditions of employment of school teachers set out in the Pay and Conditions Document, and also the implications for the grading and remuneration of support staff. The review must be determined and an implementation plan prepared on or before 31 March 2006.

Nid yw'r ddyletswydd sydd ar gyrff llywodraethu i gynnal adolygiad o strwythur staffio yn effeithio ar yr egwyddorion cyffredinol a rolau a chyfrifoldebau cyrff llywodraethu a phenaethiaid yn eu trefn a nodir yn Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000.

The duty upon governing bodies to conduct the review of the staffing structure does not affect the general principles and the respective roles and responsibilities of governing bodies and head teachers set out in the School Government (Terms of Reference) (Wales) Regulations 2000.

Mae'r Rheoliadau hyn hefyd yn gosod dyletswydd ar yr un cyrff i roi sylw i'r angen fod y pennaeth, neu'r athro neu'r athrawes â gofal yn achos uned cyfeirio disgyblion, yn mwynhau cydbwysedd rhesymol mewn gwaith a bywyd.

These Regulations also impose a duty on the same bodies to have regard to the need for the head teacher, or the teacher in charge in the case of a pupil referral unit, to enjoy a reasonable work/life balance.

2005 Rhif 1910 (Cy.153)**2005 No. 1910 (W.153)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Adolygu Strwythur Staffio) (Cymru) 2005****The Education (Review of Staffing Structure) (Wales) Regulations 2005***Wedi'u gwneud* 12 Gorffennaf 2005*Made* 12 July 2005*Yn dod i rym* 14 Gorffennaf 2005*Coming into force* 14 July 2005

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 21(3) a 210(7) o Ddeddf Addysg 2002(1) a thrwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan baragraff 3 o Atodlen 1 i Ddeddf Addysg 1996(2) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(3), yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred on it by sections 21(3) and 210(7) of the Education Act 2002(1) and in exercise of the powers conferred on the Secretary of State by paragraph 3 of Schedule 1 to the Education Act 1996(2) and now vested in the National Assembly for Wales(3), makes the following Regulations:

Enwi, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Adolygu Strwythur Staffio) (Cymru) 2005 a deuant i rym ar 14 Gorffennaf 2005.

1.-(1) The title of these Regulations is the Education (Review of Staffing Structure) (Wales) Regulations 2005 and they come into force on 14 July 2005.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Dehongli**Interpretation**

2.-(1) Yn y Rheoliadau hyn -

2.-(1) In these Regulations -

mae i "athro neu athrawes ysgol" yr ystyr a roddir i "school teacher" yn adran 122 o Ddeddf Addysg 2002;

"the Document" ("*y Ddogfen*") means the document containing provisions relating to the statutory conditions of employment of school teachers in England and Wales (the School Teachers' Pay and Conditions Document, in force from time to time) and accompanying guidance prepared by the Secretary of State for Education and Skills, as in effect on the date on which the relevant body carries out its review pursuant to these Regulations(4);

ystyr "corff perthnasol" ("*relevant body*") yw -

- (a) o ran ysgol a gynhelir â chyllideb ddirprwyedig, corff llywodraethu'r ysgol, a
- (b) o ran ysgol a gynhelir heb gyllideb ddirprwyedig, yr awdurdod addysg lleol sy'n cynnal yr ysgol;

(1) 2002 p.32; i gael ystyr "regulations" gweler adran 212(1).

(2) 1996 p.56.

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

(1) 2002 c.32; for the definition of "regulations" see section 212(1).

(2) 1996 c.56.

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

(4) The Document in effect as at the date on which these Regulations are made is that published by The Stationery Office Limited (ISBN 0-11-2711-634) and entitled "School Teachers' Pay and Conditions Document 2004 and Guidance on School Teachers' Pay and Conditions" in effect pursuant to the Education (School Teachers' Pay and Conditions) Order (No. 2) 2004 (S.I. 2004/2142 as amended by S.I. 2005/539 and 2005/1101) made under section 122 of the Education Act 2002.

ystyr "y Ddogfen" ("*the Document*") yw'r ddogfen sy'n cynnwys darpariaethau o ran amodau statudol cyflogaeth athrawon ysgol yng Nghymru a Lloegr (Dogfen Cyflog ac Amodau Athrawon Ysgol, sydd mewn grym o dro i dro) a'r canllawiau sydd gyda hwy a baratowyd gan yr Ysgrifennydd Gwladol dros Addysg a Sgiliau, fel y maent yn effeithiol ar y dyddiad y mae'r corff perthnasol yn cyflawni ei adolygiad yn unol â'r Rheoliadau hyn(1);

ystyr "staff cymorth" ("*support staff*") yw unrhyw aelod staff ysgol heblaw athro neu athrawes ysgol;

ystyr "strwythur staffio" ("*staffing structure*") yw'r trefniadau ar gyfer rheoli a lleoli'r holl staff yn yr ysgol;

mae i "uned cyfeirio disgyblion" yr ystyr a roddir i "*pupil referral unit*" yn adran 19(2) o Ddeddf Addysg 1996;

mae i "ysgol a gynhelir" yr ystyr a roddir i "*maintained school*" yn adran 39(1) o Deddf Addysg 2002.

"maintained school" ("*ysgol a gynhelir*") has the meaning given to that expression in section 39(1) of the Education Act 2002;

"pupil referral unit" ("*uned cyfeirio disgyblion*") has the meaning given to that expression in section 19(2) of the Education Act 1996;

"relevant body" ("*corff perthnasol*") means -

- (a) in relation to a maintained school with a delegated budget, the governing body of the school, and
- (b) in relation to a maintained school without a delegated budget, the local education authority that maintains the school;

"school teacher" ("*athro neu athrawes ysgol*") has the meaning given to that expression in section 122 of the Education Act 2002;

"staffing structure" ("*strwythur staff*") means the arrangements for the management and deployment of all staff at the school;

"support staff" ("*staff cymorth*") means any member of a school's staff other than a school teacher.

Dyletswydd corff perthnasol i adolygu strwythur staffio ysgol

3.-(1) Rhaid i'r corff perthnasol adolygu strwythur staffio'r ysgol yn unol â'r rheoliad hwn.

(2) Rhaid i'r corff perthnasol gynnal yr adolygiad er mwyn sicrhau bod -

- (a) rheoli a lleoli'r holl staff, a
- (b) dyraniad cyfrifoldebau a dyletswyddau i'r holl staff,

yn defnyddio'i adnoddau yn effeithiol.

(3) Wrth gynnal adolygiad, rhaid i'r corff perthnasol ystyried -

- (a) o ran athrawon ysgol, y trefniadau cyflog ac amodau cyflogaeth athrawon a nodir yn y Ddogfen, a
- (b) o ran staff cymorth, y goblygiadau ar gyfer eu graddio a'u talu.

(4) Wrth gynnal yr adolygiad, rhaid i'r corff perthnasol ystyried unrhyw gyngor a roddir gan y pennaeth yn unol â rheoliad 4 isod.

Duty of relevant body to review the school's staffing structure

3.-(1) The relevant body must review the school's staffing structure in accordance with this regulation.

(2) The relevant body must conduct the review with a view to ensuring that -

- (a) the management and deployment of all staff, and
- (b) the allocation of responsibilities and duties to all staff,

make effective use of its resources.

(3) In conducting the review, the relevant body must take into account -

- (a) in relation to school teachers, the pay arrangements and the conditions of employment of teachers set out in the Document, and
- (b) in relation to support staff, the implications for their grading and remuneration.

(4) In conducting the review, the relevant body must consider any advice given by the head teacher in accordance with regulation 4 below.

(1) Y Ddogfen sydd yn effeithiol ar y dyddiad y caiff y Rheoliadau hyn eu gwneud yw'r un a gyhoeddir gan The Stationery Office Limited (ISBN 0-11-2711-634) ac sy'n dwyn y teitl "School Teachers' Pay and Conditions Document 2004 and Guidance on School Teachers' Pay and Conditions" sydd yn effeithiol yn unol â Gorchymyn Addysg (Cyflog ac Amodau Athrawon Ysgol) (Rhif 2) 2004 (O.S. 2004/2142 fel y'i diwygiwyd gan O.S. 2005/539 a 2005/1101) a wnaed o dan adran 122 o Ddeddf Addysg 2002.

(5) Yn ystod y cyfnod y cynhelir yr adolygiad rhaid i'r corff perthnasol ymghyngori â'r canlynol -

- (a) yr holl staff;
- (b) cynrychiolwyr undebau llafur cydnabyddedig; ac
- (c) personau eraill y mae'r corff perthnasol yn barnu sy'n briodol.

(6) Cyn neu ar 31 Mawrth 2006 rhaid i'r corff perthnasol -

- (a) penderfynu ei adolygiad o'r strwythur staffio, a
- (b) paratoi cynllun ("cynllun gweithredu") sy'n dangos sut y mae'n bwriadu gweithredu unrhyw newidiadau i'r strwythur staffio.

(7) Rhaid i gynllun gweithredu gynnwys -

- (a) amserlen ar gyfer gweithredu, a
- (b) y dyddiad erbyn pryd y bydd unrhyw newidiadau i'r strwythur staffio wedi cael eu gweithredu'n llawn, ac ni fydd y dyddiad hwnnw'n hwyrach na 31 Rhagfyr 2008.

(8) Os y corff llywodraethu yw'r corff perthnasol, mae'r ddyletswydd i adolygu strwythur staffio'r ysgol heb ragfarnu egwyddorion cyffredinol a rolau a chyfrifoldebau'r cyrff llywodraethu a'r penaethiaid yn eu trefn a nodir yn Rheoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000(1).

Dyletswydd y pennaeth i gynghori cyrff perthnasol

4. Rhaid i'r pennaeth gynghori a chynorthwyo'r corff perthnasol ynglŷn â'i adolygiad o'r strwythur staffio o dan reoliad 3.

Dyletswydd corff perthnasol o ran rheoli'r pennaeth

5. Wrth reoli'r pennaeth, rhaid i'r corff perthnasol roi sylw i'r dymunoldeb bod y pennaeth yn gallu cael cydbwysedd boddhaol rhwng yr amser y mae ei angen arno i gyflawni ei ddyletswyddau proffesiynol a'r amser y mae ei angen arno i ddilyn ei ddiddordebau personol y tu allan i'r gwaith.

Dyletswydd awdurdod addysg lleol o ran unedau cyfeirio disgyblion

6. Mae paragraffau (1) i (7) o reoliad 3, a rheoliadau 4 a 5 yn gymwys o ran unedau cyfeirio disgyblion gan roi yn lle'r cyfeiriadau at y corff perthnasol cyfeiriadau at yr awdurdod addysg lleol sy'n sefydlu ac yn cynnal yr uned cyfeirio disgyblion.

(5) During the conduct of the review the relevant body must consult -

- (a) all staff;
- (b) representatives of recognised trade unions; and
- (c) such other persons as the relevant body considers appropriate.

(6) On or before 31 March 2006 the relevant body must -

- (a) determine its review of the staffing structure, and
- (b) prepare a plan (an "implementation plan") showing how it intends to implement any changes to the staffing structure.

(7) An implementation plan must include -

- (a) a timetable for implementation, and
- (b) the date by which any changes to the staffing structure will be fully implemented, being no later than 31 December 2008.

(8) Where the relevant body is the governing body, the duty to review the school's staffing structure is without prejudice to the general principles and the respective roles and responsibilities of governing bodies and head teachers set out in the School Government (Terms of Reference) (Wales) Regulations 2000(1).

Duty of the head teacher to advise relevant bodies

4. The head teacher must advise and assist the relevant body in relation to its review of the staffing structure under regulation 3.

Duty of relevant body with regard to the management of the head teacher

5. In managing the head teacher, the relevant body must have regard to the desirability of the head teacher being able to achieve a satisfactory balance between the time required to discharge his or her professional duties and the time required to pursue personal interests outside work.

Duty of local education authority in relation to pupil referral units

6. Paragraphs (1) to (7) of regulation 3, and regulations 4 and 5 apply in relation to pupil referral units with the substitution for the references to the relevant body with references to the local education authority which establishes and maintains the pupil referral unit.

(1) O.S. 2000/3027 (Cy.195) fel y'i diwygiwyd gan O.S. 2002/1396 (Cy.138).

(1) S.I. 2000/3027 (W.195) as amended by S.I. 2002/1396 (W.138).

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

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

12 Gorffennaf 2005

12 July 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

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ADDYSG, CYMRU

Rheoliadau Addysg (Adolygu
Strwythur Staffio) (Cymru) 2005

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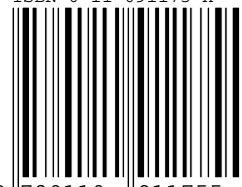
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