CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2005 Rhif 3200 (Cy.236)

ADDYSG, CYMRU

Rheoliadau Cynghorau Ysgol (Cymru) 2005

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gosod y gofyniad i ysgolion a gynhelir i sefydlu cynghorau ysgol, a fydd yn rhoi cyfle i ddisgyblion drafod a gwneud sylwadau ar faterion ynglŷn â'r ysgol neu ar faterion eraill y maent yn ymboeni amdanynt.

Mae rheoliad 1 yn darparu bod y Rheoliadau'n dod i rym ar 31 Rhagfyr 2005 ac yn rheoliad 2 ceir y darpariaethau dehongli.

Mae rheoliad 3 yn gosod diben y cynghorau ysgol a dyletswyddau penaethiaid a chyrff llywodraethu o ran y cynghorau ysgol.

Mae rheoliad 4 yn gosod gofynion aelodaeth pob cyngor ysgol.

Mae rheoliad 5 yn darparu nad yw rhai darpariaethau penodol yn gymwys i ysgolion arbennig.

Mae rheoliad 6 yn darparu mai drwy bleidlais gyfrinachol y penodir i gyngor ysgol oni bai bod trefniadau yn cael eu gwneud i bob disgybl cofrestredig fod yn aelod o'r cyngor ysgol.

Mae rheoliad 7 yn darparu bod yn rhaid rhoi cyfle i aelodau penodol ar gyngor ysgol i ddod yn ddisgybl-lywodraethwyr cyswllt ac mae rheoliad 8 yn nodi'r diwygiadau i Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005.

Mae arfarniad rheoliadol wedi'i baratoi ar gyfer y Rheoliadau hyn a gellir ei weld ar wefan Cynulliad Cenedlaethol Cymru (www.cymru.gov.uk). Gellir cael copïau oddi wrth yr Is-adran Rheolaeth Ysgolion, yr Adran Hyfforddiant ac Addysg, Llywodraeth Cynulliad Cymru, Parc Cathays, Caerdydd CF10 3NQ.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2005 No. 3200 (W.236)

EDUCATION, WALES

The School Councils (Wales) Regulations 2005

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations set out the requirement for maintained schools to set up school councils, which will provide pupils with the opportunity to discuss and make representations on matters relating to the school or other issues of concern to them.

Regulation 1 provides for the Regulations to come into force on 31 December 2005 and regulation 2 contains the interpretation provisions.

Regulation 3 sets out the purpose of school councils and the duties of head teachers and governing bodies in respect of the school councils.

Regulation 4 sets out the membership requirements of each school council.

Regulation 5 provides that certain provisions do not apply to special schools.

Regulation 6 provides that appointment to school councils will be by secret ballot unless arrangements are made for all registered pupils to be members of the school council.

Regulation 7 provides that certain school council members must be given the opportunity to become associate pupil governors and regulation 8 sets out amendments to the Government of Maintained Schools (Wales) Regulations 2005.

A regulatory appraisal of these Regulations has been prepared and can be viewed on the National Assembly for Wales website (www.wales.gov.uk). Copies can be obtained from the Schools Management Division of the Department for Training and Education, Welsh Assembly Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL

2005 Rhif 3200 (Cy.236)

ADDYSG, CYMRU

Rheoliadau Cynghorau Ysgol (Cymru) 2005

Wedi'u gwneud	*15 Tachwedd 2005*
Yn dod i rym	*31 Rhagfyr 2005*

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 19(2), 19(3), 20(2), 21(3), 210(7) a 214(1) o Ddeddf Addysg 2002(**1**), drwy hyn yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Cynghorau Ysgol (Cymru) 2005 a deuant i rym ar 31 Rhagfyr 2005.

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

Dehongli

2. Yn y Rheoliadau hyn-

ystyr "canolfan adnoddau anghenion addysgol arbennig" ("*special educational needs resource base*") yw dosbarth neu adran mewn ysgol ar gyfer disgyblion sydd ag anghenion addysgol arbennig; ac

ystyr "ysgol" ("*school*") yw ysgol a gynhelir heblaw ysgol feithrin a gynhelir neu ysgol fabanod; ac

ystyr "ysgol fabanod" ("*infant school*") yw ysgol a gynhelir nad yw'n derbyn disgyblion sy'n 8 oed neu drosodd.

Cynghorau Ysgol

3.-(1) Rhaid i gorff llywodraethu ysgol sefydlu cyngor ysgol, a'i ddiben yw galluogi disgyblion i drafod materion ynglŷn â'u hysgol, eu haddysg ac unrhyw fater arall y maent yn ymboeni amdano neu sydd o ddiddordeb ac i wneud sylwadau arnynt i'r corff llywodraethu a'r pennaeth;

(**1**) 2002 p.32.

STATUTORY INSTRUMENTS

2005 No. 3200 (W.236)

EDUCATION,WALES

The School Councils (Wales) Regulations 2005

Made	*15 November 2005*
Coming into force	*31 December 2005*

The National Assembly for Wales, in exercise of the powers conferred on it by sections 19(2), 19(3), 20(2), 21(3), 210(7) and 214(1) of the Education Act 2002(**1**), hereby makes the following Regulations:

Title, commencement and application

1.-(1) The title of these Regulations is the School Councils (Wales) Regulations 2005 and they come into force on 31 December 2005.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these regulations-

"school" ("*ysgol*") means a maintained school other than a maintained nursery school or an infant school; and

"infant school" ("*ysgol fabanod*") means a maintained school that does not admit pupils who are 8 years of age or older; and

"special educational needs resource base" ("*canolfan adnoddau anghenion addysgol arbennig*") means a class or department within a school for pupils with special educational needs.

School Councils

3.-(1) The governing body of a school must establish a school council, the purpose of which is to enable pupils to discuss matters relating to their school, their education and any other matters of concern or interest and to make representations on these to the governing body and the head teacher;

(**1**) 2002 c.32.

(2) Rhaid i bennaeth ysgol:

(a) sicrhau bod cyfarfodydd o'r cyngor ysgol yn cael eu cynnull chwech o weithiau yn ystod y flwyddyn ysgol ac, i'r graddau y mae'n ymarferol, ar gyfnodau rheolaidd, a rhaid i'r cyfarfod cyntaf ddigwydd erbyn 1 Tachwedd 2006; a

(b) sicrhau bod pob cyfarfod cyngor ysgol yn cael eu goruchwylio gan o leiaf un aelod o staff yr ysgol.

(3) Rhaid i gorff llywodraethu ysgol a phennaeth ysgol ill dau ystyried unrhyw fater a gaiff ei gyfleu iddynt gan y cyngor ysgol a rhoi ymateb i'r cyngor ysgol.

(4) Caiff corff llywodraethu'r ysgol a phennaeth yr ysgol gytuno i gyflawni eu swyddogaethau o dan y Rheoliadau hyn ar y cyd â chorff llywodraethu a phennaeth ysgolion eraill.

Aelodaeth

4.-(1) Dim ond disgyblion cofrestredig yn yr ysgol gaiff ffurfio aelodaeth y cyngor ysgol.

(2) Rhaid i gorff llywodraethu ysgol a'r pennaeth drefnu bod o leiaf un disgybl cofrestredig o bob grŵp blwyddyn ysgol, o Flwyddyn 3 ac yn uwch, yn cael ei ethol i aelodaeth y cyngor ysgol.

(3) Anghymhwysir person nad yw'n ddisgybl cofrestredig yn yr ysgol y sefydlir cyngor ysgol ar ei chyfer o aelodaeth y cyngor hwnnw.

(4) Rhaid i gorff llywodraethu ysgol a phennaeth unrhyw ysgol sydd â chanolfan adnoddau anghenion addysgol arbennig, drefnu bod o leiaf un disgybl cofrestredig o'r ganolfan adnoddau anghenion addysgol arbennig honno yn cael ei ethol i aelodaeth y cyngor ysgol.

Ysgolion Arbennig

5. Nid yw Rheoliadau 3(2)(a), 4(2), 6 a 7 yn gymwys i ysgolion arbennig cymunedol neu ysgolion arbennig.

Etholiadau

6.-(1) Yn ddarostyngedig i baragraff (2), er mwyn penodi i'r cyngor ysgol, rhaid cynnal pleidlais gyfrinachol sy'n rhoi'r hawl i bob disgybl cofrestredig i bleidleisio dros ymgeiswyr (os oes rhai) yn eu grŵp blwyddyn neu yn eu canolfan adnoddau anghenion addysgol arbennig.

(2) Nid yw paragraff (1) yn gymwys pan fo trefniadau yn cael eu gwneud i bob disgybl cofrestredig fod yn aelod o'r cyngor ysgol.

(2) The head teacher of a school must:

(a) ensure that meetings of the school council are convened on six occasions during the school year and, in so far as practicable, at regular intervals, the first of such meetings to take place by 1 November 2006; and

(b) ensure that all school council meetings are supervised by at least one member of the school staff.

(3) Both the governing body and the head teacher of a school must consider any matter communicated to them by the school council and provide a response to the school council.

(4) The governing body and head teacher of a school may agree to perform their functions under these Regulations jointly with the governing body and head teacher of other schools.

Membership

4.-(1) The membership of the school council must consist solely of registered pupils at the school.

(2) The governing body of a school and the head teacher must make arrangements for at least one registered pupil of each year group, from Year 3 and above, to be elected to membership of the school council.

(3) A person who is not a registered pupil at the school for which a school council is established is disqualified from membership of that council.

(4) The governing body and the head teacher of any school which has a special educational needs resource base, must make arrangements for at least one registered pupil from that special educational needs resource base to be elected to membership of the school council.

Special Schools

5. Regulations 3(2)(a), 4(2), 6 and 7 do not apply to community special schools or foundation special schools.

Elections

6.-(1) Subject to paragraph (2), appointment to the school council must be by election in a secret ballot in which all registered pupils are entitled to vote for candidates (if any) in their year group or within their special educational needs resource base.

(2) Paragraph (1) does not apply where arrangements are made for all registered pupils to be members of the school council.

Disgybl-lywodraethwyr Cyswllt

7.-(1) Rhaid i bennaeth ysgol sicrhau bod cyfle gan y cyngor ysgol i enwebu hyd at ddau ddisgybl o flwyddyn 11 i 13 (yn gynhwysol) o'i aelodaeth i fod yn ddisgybl lywodraethwyr cyswllt ar gorff llywodraethu'r ysgol.

(2) Rhaid i'r corff llywodraethu dderbyn unrhyw ddisgybl a enwebwyd yn unol â pharagraff (1) uchod, a'i benodi'n ddisgybl-lywodraethwr ar y corff llywodraethu, ar yr amod na chafodd y disgybl ei anghymhwyso o aelodaeth yn unol ag Atodlen 5 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(**1**).

Disgybl-lywodraethwyr Cyswllt: Diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

8.-(1) Diwygir Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 fel a ganlyn.

(2) Ar ôl rheoliad 12 mewnosoder:

"**Disgybl-lywodraethwyr cyswllt**

12A.-(1) Yn y Rheoliadau hyn, ystyr "disgybl-lywodraethwr cyswllt" yw disgybl cofrestredig a enwebwyd gan y cyngor ysgol i fod yn aelod o'r corff llywodraethu ac a benodwyd felly gan y corff llywodraethu yn unol â rheoliad 7 o Reoliadau Cynghorau Ysgol (Cymru) 2005.

(2) Mwyafswm y nifer o ddisgybl-lywodraethwyr cyswllt ar unrhyw gorff llywodraethu yw dau.

(3) Ar ôl rheoliad 20 mewnosoder:

"**20A**. Mae unrhyw ddisgybl-lywodraethwr cyswllt yn ychwanegol at y nifer o lywodraethwyr a osodir yn rheoliad 13 i 20 ac Atodlen 8."

(4) Ar ôl rheoliad 25(5) mewnosoder:

"(5A) Nid yw paragraff (1) yn gymwys i unrhyw ddisgybl-lywodraethwr cyswllt sydd i ddal swydd am gyfnod o flwyddyn o ddyddiad ei benodiad. Nid oes dim byd yn y paragraff hwn yn rhwystro disgybl-lywodraethwr cyswllt rhag cael ei ailbenodi pan ddaw cyfnod ei swydd i ben."

(5) Yn lle rheoliad 29 a'i bennawd rhodder:

"**Symud rhiant-lywodraethwr, llywodraethwyr partneriaeth a disgybl-lywodraethwyr cyswllt a benodwyd:**

29. Caiff y corff llywodraethu symud unrhyw riant-lywodraethwr a benodwyd gan y corff llywodraethu o dan baragraffau 10 i 12 o Atodlen 1, unrhyw lywodraethwr partneriaeth ac unrhyw ddisgybl-lywodraethwr cyswllt yn unol â'r weithdrefn a nodir yn rheoliad 30."

(**1**) O.S. 2005/2914 (Cy.211).

Associate Pupil Governors

7.-(1) The head teacher of a school must ensure that the school council has the opportunity to nominate up to two pupils from years 11 to 13 (inclusive) from its membership to be associate pupil governors on the school's governing body.

(2) The governing body must accept any pupil nominated in accordance with paragraph (1) above, and appoint him or her as an associate pupil governor on the governing body, provided the pupil is not disqualified from membership in accordance with Schedule 5 of the Government of Maintained Schools (Wales) Regulations 2005(**1**).

Associate Pupil Governors: Amendments to the Government of Maintained Schools (Wales) Regulations 2005

8.-(1) The Government of Maintained Schools (Wales) Regulations 2005 are amended as follows.

(2) After regulation 12 insert:

"**Associate pupil governors**

12A.-(1) In these Regulations "associate pupil governor" means a registered pupil nominated by the school council to be a member of the governing body and appointed as such by the governing body in accordance with regulation 7 of the School Councils (Wales) Regulations 2005.

(2) The maximum number of associate pupil governors on any governing body is two.

(3) After regulation 20 insert:

"**20A**. Any associate pupil governor is in addition to the numbers of governors set out in Regulations 13 to 20 and Schedule 8."

(4) After regulation 25(5) insert:

"(5A) Paragraph (1) does not apply to any associate pupil governor who is to hold office for a period of one year from the date of his or her appointment. Nothing in this paragraph prevents an associate pupil governor from being re-appointed at the expiration of his or her term of office."

(5) For regulation 29 and its heading substitute:

"**Removal of appointed parent governors, partnership governors and associate pupil governors:**

29. Any parent governor appointed by the governing body under paragraphs 10 to 12 of Schedule 1, any partnership governor and any associate pupil governor may be removed by the governing body in accordance with the procedure set out in regulation 30."

(**1**) S.I. 2005/2914 (W.211).

(6) Ar ddechrau rheoliad 33(1)(ch), mewnosoder "yn ddarostyngedig i baragraff (5),".

(7) Ar ôl rheoliad 33(4), ychwaneger:

"(5) Nid yw is-baragraffau (ch) a (d) o baragraff (1) yn gymwys i ddisgybl-lywodraethwyr cyswllt."

(8) Yn rheoliad 44, rhodder "rheoliadau 44A a 63" yn lle "rheoliad 63".

(9) Ar ôl rheoliad 44, mewnosoder:

"Gwahardd disgybl-lywodraethwyr cyswllt o gyfarfodydd

44A.-(1) Caiff y corff llywodraethu wahardd disgybl-lywodraethwyr cyswllt o unrhyw drafodaeth gan gorff llywodraethu sy'n ymwneud â:

(a) penodi staff, cyflog staff, disgyblaeth staff, rheoli perfformiad staff, cwynion a gyflwynwyd gan staff neu ddiswyddo staff;

(b) derbyn;

(c) disgyblu disgybl unigol;

(ch) ethol, penodi a symud llywodraethwyr;

(d) y gyllideb a rhwymedigaethau ariannol y corff llywodraethu;

(dd) yn achos ysgol wirfoddol a gynorthwyir, y Weithred Ymddiriedolaeth; neu

(e) unrhyw fater arall, oherwydd ei natur, y mae'r corff llywodraethu yn fodlon ei fod yn gyfrinachol ac y dylai barhau'n gyfrinachol."

(10) Yn rheoliad 46(1) mewnosoder "unrhyw ddisgybl-lywodraethwyr cyswllt," o flaen "unrhyw leoedd gwag."

(11) Yn rheoliad 46(2) mewnosoder "(ac eithrio unrhyw ddisgybl-lywodraethwyr)" ar ôl "ac yn pleidleisio ar y mater."

(12) Ar ôl rheoliad 46(2), mewnosoder:

"**2A**. Ni chaiff disgybl-lywodraethwyr cyswllt bleidleisio ar unrhyw gwestiwn sydd i'w benderfynu mewn cyfarfod o'r corff llywodraethu.".

(13) Yn rheoliad 54(7) mewnosoder "disgybl-lywodraethwyr a" ar ôl "Caiff aelodaeth pwyllgor gynnwys" a newidir "personau" i "phersonau".

(14) Ar ddiwedd rheoliad 54(8) ychwaneger "ac eithrio disgybl-lywodraethwyr cyswllt.".

(15) Yn lle rheoliad 55(7), rhodder:

"(7) Ni chaiff pennaeth yr ysgol na disgybl-lywodraethwr cyswllt fod yn aelod o'r pwyllgor disgyblu a diswyddo staff nac o'r pwyllgor apelau disgyblu a diswyddo.".

(6) At the beginning of regulation 33(1)(d) insert "subject to paragraph (5),".

(7) After regulation 33(4), add:

"(5) Sub-paragraphs (d) and (e) of paragraph (1) do not apply to associate pupil governors."

(8) In regulation 44, substitute "regulations 44A and 63" for "regulation 63".

(9) After regulation 44, insert:

"Exclusion of associated pupil governors from meetings

44A.-(1) The governing body may exclude associate pupil governors from any governing body discussion relating to:

(a) staff appointments, staff pay, staff discipline, performance management of staff, grievances submitted by staff or dismissal of staff;

(b) admissions;

(c) individual pupil discipline;

(d) election, appointment and removal of governors;

(e) the budget and financial commitments of the governing body;

(f) in the case of a voluntary aided school, the Trust Deed; or

(g) any other matter that, by reason of its nature, the governing body is satisfied is and should remain confidential."

(10) In regulation 46(1) insert "any associate pupil governors," before "any vacancies."

(11) In regulation 46(2) insert "(excluding any associate pupil governors)" after "and voting on the question."

(12) After regulation 46(2) insert:

"**2A**. Associate pupil governors may not vote on any question to be determined at a meeting of the governing body.".

(13) In regulation 54(7) insert "associate pupil governors and" after "may include".

(14) At the end of regulation 54(8) add "excluding associate pupil governors.".

(15) For regulation 55(7), substitute:

"(7) Neither the head teacher of the school nor an associated pupil governor may be a member of the staff disciplinary and dismissal committee or the disciplinary and dismissal appeal committee.".

(16) Yn rheoliad 56(2) mewnosoder "nac unrhyw ddisgybl-lywodraethwr cyswllt" ar ôl "y pennaeth".

(17) Yn rheoliad 57(2)(b) mewnosoder "(ac eithrio disgybl-lywodraethwyr cyswllt)" ar ôl "lywodraethwr arall".

(18) Yn lle rheoliad 58(2) rhodder:

"(2) Ni cheir penodi pennaeth yr ysgol na disgybl-lywodraethwr cyswllt yn glerc o dan baragraff (1)."

(19) Yn rheoliad 60(5) rhodder ", 57(4) a 60(9)" yn lle "a 57(4)".

(20) Ar ddechrau rheoliad 60(6) mewnosoder "Yn ddarostyngedig i reoliad 60(8),".

(21) Ar ddechrau rheoliad 60(7) mewnosoder "Yn ddarostyngedig i reoliad 60(9),".

(22) Ar ôl rheoliad 60(8), mewnosoder:

"60(9) At ddibenion paragraffau (5), (6), (7) ac (8) uchod, rhaid i'r corff llywodraethu benderfynu a fydd disgybl-lywodraethwyr cyswllt yn cael eu trin fel llywodraethwyr. "

(23) Ar ddechrau paragraff 1 ac 11(1) o Atodlen 5, mewnosoder "Ac eithrio yn achos disgybl-lywodraethwyr cyswllt,".

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

15 Tachwedd 2005

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

(**1**) 1998 p.38.

(16) In regulation 56(2) insert "or any associated pupil governor" after "the head teacher".

(17) In regulation 57(2)(b) insert "(excluding associate pupil governors)" after "other governors".

(18) For regulation 58(2) substitute:

"(2) Neither the head teacher of the school nor an associate pupil governor may be appointed as a clerk under paragraph (1)."

(19) In regulation 60(5) substitute ", 57(4) and 60(9)" for "and 57(4)".

(20) At the beginning of regulation 60(6) insert "Subject to regulation 60(8),".

(21) At the beginning of regulation 60(7) insert "Subject to regulation 60(9),".

(22) After regulation 60(8), insert:

"60(9) For the purposes of paragraphs (5), (6), (7) and (8) above, the governing body shall determine whether associate pupil governors shall be treated as governors. "

(23) At the beginning of paragraphs 1 and 11(1) of Schedule 5 insert "Save in the case of associated pupil governors,".

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

15 November 2005

D. Elis-Thomas

The Presiding Officer of the National Assembly

(**1**) 1998 c.38.

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