CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 1343 (Cy.133)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2006

NODYN ESBONIADOL

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

Mae Deddf Addysg 2002 yn cyflwyno gofyniad am i Gyngor Addysgu Cyffredinol Cymru ("y Cyngor") benderfynu a yw'r sawl sy'n gwneud cais am gael ei gofrestru gyda'r Cyngor yn addas i fod yn athro neu'n athrawes.

Mae'r Rheoliadau hyn yn gwneud diwygiadau i Reoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000 ("Rheoliadau 2000") sydd yn ddiwygiadau a wneir yn bennaf yn sgil y gofyniad newydd hwn. Maent yn darparu ar gyfer cymhwyso gan y Cyngor benderfyniadau Cyngor Addysgu Cyffredinol Lloegr mewn perthynas â pha mor addas yw person i fod yn athro neu athrawes. Maent yn ei gwneud yn ofynnol i'r Cyngor anfon at bob un sy'n gwneud cais am gael ei gofrestru hysbysiad o benderfyniad y Cyngor i gofrestru'r ceisydd neu i beidio â'i gofrestru. Os yw'r Cyngor yn gwrthod cofrestru ceisydd, bydd yr hysbysiad yn esbonio sail y penderfyniad a'r hawl i apelio. Mae'r diwygiadau yn rhoi hawl i apelio i'r Uchel Lys i unrhyw berson y gwrthodwyd ei gofrestru ar sail addasrwydd. Mae'r diwygiadau hefyd yn darparu ar gyfer rhoi i gyflogwyr ac i Gyngor Addysgu Cyffredinol yr Alban a Chyngor Addysgu Cyffredinol Gogledd Iwerddon wybodaeth ynghylch penderfyniadau ar addasrwydd. Bydd yr wybodaeth yn cynnwys ym mha le y mae'r person wedi'i gofrestru, y dyddiad y'i cofrestrwyd (sef y dyddiad y penderfynodd y Cyngor fod y person yn addas i fod yn athro neu'n athrawes), os bydd y Cyngor yn penderfynu nad oedd yn berson addas, y ffaith honno, ac os rhoddir yr wybodaeth i Gyngor Addysgu Cyffredinol yr Alban a Chyngor Addysgu Cyffredinol Gogledd Iwerddon, fanylion ynghylch sail y penderfyniad.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 1343 (W.133)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Education Act 2002 introduces a requirement for the General Teaching Council for Wales ("the Council") to determine whether or not an applicant for registration with the Council is suitable to be a teacher.

These Regulations make amendments to the General Teaching Council for Wales (Functions) Regulations 2000 ("the 2000 Regulations") which are mainly consequential on this new requirement. They make provision for the application by the Council of decisions made by the General Teaching Council for England in relation to a person's suitability to be a teacher. They require the Council to send to all applicants for registration a notice with its decision as to whether or not to register the applicant. If the Council refuses to register an applicant, the notice will explain the grounds for the decision and the right of appeal. The amendments confer a right of appeal to the High Court on any person who has been refused registration on the grounds of suitability. The amendments also provide for information about suitability decisions to be provided to employers and to the General Teaching Councils for Scotland and Northern Ireland. The information will include where the person is registered, the date of registration (which will be the date on which the Council decided that the person was suitable to be a teacher), where the Council decide that the person was not suitable, that fact, and where the information is provided to the Scottish or Northern Ireland General Teaching Council, particulars of the grounds on which that decision was based.

Dim ond diweddaru'r cyfeiriad at y rheoliadau sy'n diffinio "corff priodol" sef y rheoliadau a adwaenir bellach fel Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2005 a wna'r diwygiad a wneir (gan reoliad 2(a)) i reoliad 2 o Reoliadau 2000.

The amendment of regulation 2 of the 2000 Regulations (by regulation 2(a)) simply updates the reference to the regulations defining "appropriate body" which are now the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005.

OFFERYNNAU STATUDOL

2006 Rhif 1343 (Cy.133)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2006

Wedi'u gwneud *16 Mai 2006*

Yn dod i rym *31 Mai 2006*

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 3(3D), 4(2)(ba) a (d), 4A, 14(3) a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**) ac sydd wedi'u breinio bellach yng Nghynulliad Cenedlaethol Cymru(**2**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru yn unol ag adran 42(9) o Ddeddf Addysgu ac Addysg Uwch 1998, mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2006 a deuant i rym ar 31 Mai 2006.

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000

2. Mae Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000(**2**) yn cael eu diwygio fel a ganlyn-

(a) yn rheoliad 2, yn lle'r diffiniad o "corff priodol" rhodder y canlynol-

(**1**) 1998 p.30. Mae adrannau 2 i 7 yn gymwys mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd adran 9. Mewnosodwyd adrannau 3(3D), 4(2)(ba) a 4A gan baragraffau 3(5), 4(2) a 5 yn y drefn honno o Atodlen 12 i Ddeddf Addysg 2002 (p.32). Diwygiwyd adran 4(3) gan baragraff 77 o Atodlen 21 i Ddeddf Addysg 2002 (p.32.). I weld ystyr "prescribed" a "regulations" *gweler* adran 43(1).

(**2**) *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 211 o Ddeddf Addysg 2002 (p.32).

(**3**) O.S. 2000/1979 (Cy. 140) fel y'i diwygiwyd gan O.S. 2001/2496 (Cy.200), O.S. 2004/1741 ac O.S. 2005/69.

STATUTORY INSTRUMENTS

2006 No. 1343 (W.133)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2006

Made *16 May 2006*

Coming into force *31 May 2006*

In exercise of the powers conferred on the Secretary of State by sections 3(3D) 4(2)(ba) and (d), 4A, 14(3) and 42(6) and (7) of the Teaching and Higher Education Act 1998(**1**) and now vested in the National Assembly for Wales(**2**), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, the National Assembly for Wales makes the following Regulations:

Name and commencement

1. These Regulations are called the General Teaching Council for Wales (Functions) (Amendment) Regulations 2006 and come into force on 31 May 2006.

Amendment of the General Teaching Council for Wales (Functions) Regulations 2000

2. The General Teaching Council for Wales (Functions) Regulations 2000(**3**) are amended as follows-

(a) in regulation 2, for the definition of "appropriate body" substitute the following-

(**1**) 1998 c.30. Sections 2 to 7 apply in relation to the General Teaching Council for Wales by virtue of section 9. Sections 3(3D), 4 (2)(ba) and 4A were inserted by paragraphs 3(5), 4(2) and 5 respectively of Schedule 12 to the Education Act 2002 (c. 32). Section 4(3) was amended by paragraph 77 of Schedule 21 to the Education Act 2002 (c.32). For the meaning of "prescribed" and "regulations" *see* section 43(1).

(**2**) *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 211 of the Education Act 2002 (c.32).

(**3**) S.I. 2000/1979 (W.140) as amended by SI 2001/2496 (W.200) S.I. 2004/1741 and S.I. 2005/69.

"mae i "corff priodol" ("appropriate body") yr ystyr sydd i'r ymadrodd yn Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2005(**1**);";

(b) ar ôl rheoliad 4 mewnosoder y rheoliadau canlynol -

"Addasrwydd i fod yn athro neu'n athrawes

4A.-(1) Nid yw'r Cyngor i gymryd bod unrhyw berson yn addas i fod yn athro neu'n athrawes os yw Cyngor Addysgu Cyffredinol Lloegr wedi gwrthod cais am i'r person gael ei gofrestru a hynny am y rheswm nad oedd Cyngor Addysgu Cyffredinol Lloegr yn fodlon ei fod yn addas i fod yn athro neu'n athrawes o dan adran 3(3B) o Ddeddf 1998(**2**).

(2) Rhaid i'r Cyngor gymryd bod unrhyw berson yn addas i fod yn athro neu athrawes os yw Cyngor Addysgu Cyffredinol Lloegr wedi ei gofrestru a bod Cyngor Addysgu Cyffredinol Lloegr ar adeg cofrestru'r person yn fodlon ei fod yn addas i fod yn athro neu'n athrawes o dan adran 3(3B) o Ddeddf 1998.

Hysbysu o'r penderfyniad

4B.-(1) Rhaid i'r Cyngor gyflwyno i'r sawl sy'n gwneud cais am gael ei gofrestru hysbysiad o'i benderfyniad i ganiatáu neu i wrthod y cais.

(2) Os gwrthodir y cais cofrestru, rhaid i'r hysbysiad a gyflwynir o dan baragraff (1) nodi ar ba sail y gwnaed y penderfyniad, ac os sail gwrthod y cais oedd nad oedd y Cyngor yn fodlon bod y ceisydd yn addas i fod yn athro neu'n athrawes rhaid iddo hysbysu'r ceisydd o'i hawl i apelio i'r Uchel Lys yn erbyn y penderfyniad a wnaed, ac o beth yw'r cyfnod o amser ar gyfer gwneud apêl o'r fath.

Apelau

4C. Mae gan unrhyw berson a dramgwyddir gan benderfyniad i wrthod cais am gofrestru a wnaed mewn perthynas ag ef ar y sail nad oedd y Cyngor yn fodlon bod y ceisydd yn addas i fod yn athro neu'n athrawes yr hawl i apelio yn erbyn y penderfyniad i'r Uchel Lys o fewn 28 o ddiwrnodau i'r dyddiad y cyflwynwyd iddo hysbysiad o'r penderfyniad.

Cyflwyno Hysbysiadau

4CH.-(1) Caniateir i hysbysiad y mae'n ofynnol ei gyflwyno i berson o dan reoliad 4B-

(i) cael ei draddodi i'r person hwnnw'n bersonol; neu

""appropriate body" ("*corff priodol*") has the same meaning as in the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(**1**); ";

(b) after regulation 4 insert the following regulations-

"Suitability to be a teacher

4A.-(1) Any person in respect of whom the General Teaching Council for England have refused an application for registration on the ground that they were not satisfied as to his or her suitability to be a teacher under section 3(3B) of the 1998 Act(**2**) must not be taken to be suitable to be a teacher by the Council.

(2) Any person whom the General Teaching Council for England have registered and in respect of whom they were, at the time of registration, satisfied as to his or her suitability to be a teacher under section 3(3B) of the 1998 Act must be taken to be suitable to be a teacher by the Council.

Notice of decision

4B.-(1) The Council must serve on an applicant for registration notice of its decision to grant or refuse the application.

(2) In the case of a refusal to register, the notice served under paragraph (1) must specify the grounds on which the decision was taken, and where the refusal was on the ground that the Council were not satisfied of the applicant's suitability to be a teacher it must notify the applicant of his or her right to appeal to the High Court against the decision made, and the time period for making such an appeal.

Appeals

4C. Any person aggrieved by a decision to refuse an application for registration which was made in relation to him or her on the ground that the Council were not satisfied of the applicant's suitability to be a teacher has the right to appeal against the decision to the High Court within 28 days from the date on which notice of the decision is served on him or her.

Service of Notices

4D.-(1) A notice required to be served on a person under regulation 4B may be-

(i) delivered to that person personally; or

(**1**) O.S. 2005/1818(Cy.146).

(**2**) Mewnosodwyd adran 3(3B) o Ddeddf 1998 gan baragraff 3(5) o Ddeddf Addysg 2002 (p.32).

(**1**) S.I. 2005/1818 (W.146).

(**2**) Section 3(3B) of the 1998 Act was inserted by paragraph 3(5) of the Education Act 2002 (c. 32).

(ii) cael ei anfon drwy'r post at y person hwnnw i'r cyfeiriad a roddwyd i'r Cyngor gan y person; neu

(ii) cael ei anfon ato ar ffurf ffacsimili neu bost electronig neu drwy ddull tebyg sy'n caniatáu cynhyrchu dogfen sy'n cynnwys testun yr ohebiaeth, os yw'r person hwnnw'n gwneud cais ysgrifenedig i ddogfennau gael eu cyflwyno iddo drwy'r cyfryw ddull, ac os felly bernir bod y ddogfen wedi'i hanfon pan yw'n dod i law'r person hwnnw ar ffurf ddarllenadwy.

(2) At ddibenion rheoliad 4C cymerir bod hysbysiad o benderfyniad y Cyngor wedi'i gyflwyno i'r person y cafodd yr hysbysiad ei wneud mewn perthynas ag ef-

(i) os cafodd ei draddodi i'r person hwnnw'n bersonol, ar y diwrnod y cafodd ei draddodi;

(ii) os cafodd ei anfon at y person hwnnw i'r cyfeiriad a roddodd y person i'r Cyngor, a hynny drwy wasanaeth post sy'n ceisio traddodi dogfennau drwy'r post erbyn y diwrnod gwaith nesaf fan bellaf ym mhob achos neu yn y mwyafrif o achosion, neu os cafodd ei adael yn y cyfeiriad hwnnw, ar yr ail ddiwrnod ar ôl y diwrnod y'i hanfonwyd neu y'i gadawyd;

(iii) os cafodd ei anfon at y person hwnnw i'r cyfeiriad a roddodd y person i'r Cyngor drwy wasanaeth post ac eithrio un sy'n ceisio traddodi dogfennau drwy'r post erbyn y diwrnod gwaith nesaf fan bellaf ym mhob achos neu yn y mwyafrif o achosion, ar y pedwerydd diwrnod ar ôl y diwrnod y'i hanfonwyd; neu

(iv) os y'i cyflwynwyd yn unol â chais o dan baragraff (1)(iii), ar yr ail ddiwrnod ar ôl y diwrnod y'i hanfonwyd."; ac

(c) yn Atodlen 1, o flaen paragraff 1 mewnosoder-

"(**A1**) Os yw'r person wedi'i gofrestru ar neu ar ôl 31 Mai, y dyddiad y cafodd ei gofrestru.";

(ch) yn Atodlen 2, mewnosoder ar ddiwedd paragraff 1 y geiriau "ac, os yw'r athro wedi'i gofrestru, y dyddiad y cafodd ei gofrestru"; a

(d) ar ôl paragraff 11 o Atodlen 2 mewnosoder y paragraff canlynol-

"**11A**. Os yw person wedi ei gael yn anghymwys i gael ei gofrestru yn unol ag adran 3(3B) o Ddeddf 1998, y ffaith honno ac, os rhoddir yr wybodaeth honno i Gyngor Addysgu Cyffredinol yr Alban neu

(ii) sent to that person by post to the address notified by the person to the Council; or

(iii) where that person requests in writing that documents be served on him or her by such method, sent to him or her by facsimile or electronic mail or similar means which are capable of producing a document containing the text of the communication, in which case the document is to be regarded as sent when it is received by that person in a legible form.

(2) For the purposes of regulation 4C notice of the Council's decision is to be taken to have been served on the person in relation to whom it was made-

(i) where it was delivered to that person personally, on the day of delivery;

(ii) where it was sent to that person to the address notified by the person to the Council by a postal service which seeks to deliver documents by post no later than the next working day in all or the majority of cases, or left at that address, on the second day after the day on which it was sent or left;

(iii) where it was sent to that person to the address notified by the person to the Council by a postal service other than one which seeks to deliver documents by post no later than the next working day in all or the majority of cases, on the fourth day after the day on which it was sent; or

(iv) where service has been effected in accordance with a request under paragraph (1)(iii), on the second day after the day on which it was sent."; and

(c) in Schedule 1, before paragraph 1 insert-

"(**A1**) Where the person is registered on or after 31.May 2006, the date of registration.";

(d) in Schedule 2, insert at the end of paragraph 1 the words "and, if the teacher is registered, the date of registration"; and

(e) after paragraph 11 of Schedule 2 insert the following paragraph-

"**11A**. Where a person is found to be ineligible for registration pursuant to section 3(3B) of the 1998 Act, that fact and, where that information is provided to the General Teaching Council for

i Gyngor Addysgu Cyffredinol Gogledd Iwerddon (ond nid fel arall), fanylion ynghylch sail y penderfyniad i wrthod cais y person am gael ei gofrestru.".

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

16 Mai 2006

Llywydd y Cynulliad Cenedlaethol

Scotland or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken.".

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

16 May 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

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

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

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1343 (Cy.133)

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ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2006

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2006

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