



---

OFFERYNNAU STATUDOL  
CYMRU

---

**2009 Rhif 2558 (Cy.208)**

**ADDYSG, CYMRU**

Rheoliadau Addysg (Ysgolion  
Annibynnol) (Personau Anaddas)  
(Cymru) 2009

**NODYN ESBONIADOL**

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

Mae'r Rheoliadau hyn wedi'u gwneud o dan adran 169 o Ddeddf Addysg 2002 ("Deddf 2002"). Mae adran 169 yn rhoi pŵer i Weinidogion Cymru dynnu ysgol annibynnol oddi ar y gofrestr a gedwir o dan adran 158 o Ddeddf 2002. Gellir tynnu ysgol annibynnol oddi ar y gofrestr os yw Gweinidogion Cymru wedi'u bodloni bod person sy'n ddarostyngedig i gyfarwyddyd, gorchymyn neu benderfyniad a ragnodir yn rheoliad 3 wedi bod yn gwneud gwaith sy'n dod o dan reoliad 2. Mae'r pŵer i dynnu sefydliad oddi ar y gofrestr yn codi hefyd os yw perchenogion y sefydliad hwnnw'n ddarostyngedig i gyfarwyddyd, gorchymyn neu benderfyniad a restrir yn rheoliad 3.

Effaith y cyfarwyddiadau, y gorchymynion a'r penderfyniadau a restrir yn rheoliad 3 yw gwahardd yr unigolyn sy'n ddarostyngedig i'r cyfarwyddyd, y gorchymyn neu'r penderfyniad rhag gwneud rhyw fath o waith y caniateir ei wneud mewn ysgol annibynnol.

---

WELSH STATUTORY  
INSTRUMENTS

---

**2009 No. 2558 (W.208)**

**EDUCATION, WALES**

The Education (Independent  
Schools) (Unsuitable Persons)  
(Wales) Regulations 2009

**EXPLANATORY NOTE**

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

These Regulations are made under section 169 of the Education Act 2002 ("the 2002 Act"). Section 169 confers power on the Welsh Ministers to remove an independent school from the register kept under section 158 of the 2002 Act. An independent school can be removed from the register if the Welsh Ministers are satisfied that a person who is subject to a direction, order or decision prescribed in regulation 3 has been carrying out work falling within regulation 2. The power to remove an institution from the register also arises if its proprietors are subject to a direction, order or decision listed in regulation 3.

The directions, orders and decisions listed in regulation 3 have the effect of prohibiting the individual who is the subject of the direction, order or decision from some type of work that may be carried out at an independent school.

**2009 Rhif 2558 (Cy.208)**

**ADDYSG, CYMRU**

**Rheoliadau Addysg (Ysgolion  
Annibynnol) (Personau Anaddas)  
(Cymru) 2009**

*Gwnaed* 20 Medi 2009

*Gosodwyd gerbron Cynulliad  
Cenedlaethol Cymru* 21 Medi 2009

*Yn dod i rym* 12 Hydref 2009

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 169 a 210(7) o Ddeddf Addysg 2002(1), ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau a ganlyn:

**Enwi, cychwyn a dehongli**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Ysgolion Annibynnol) (Personau Anaddas) (Cymru) 2009 a deuant i rym ar 12 Hydref 2009.

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

(3) Yn y Rheoliadau hyn ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002.

**Personau anaddas: y math o waith sydd wedi'i ragnodi**

2.—(1) Mae gwaith o'r math a ddisgrifir ym mharagraff (2) wedi'i ragnodi at ddibenion adran 169 o Ddeddf 2002.

(2) Y math o waith y cyfeiriwyd ato ym mharagraff (1) yw unrhyw ffurf ar waith (p'un ai er elw ai peidio)—

(a) y mae'r person ("W") yn ei wneud yn rheolaidd; a

(b) sy'n rhoi cyfle i W, o ganlyniad i unrhyw beth y caniateir neu y mae'n ofynnol i W ei wneud mewn cysylltiad â'r gwaith, gysylltu â myfyriwr yn y sefydliad neu rywun sy'n

---

(1) 2002 p.32. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hynny i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006

**2009 No. 2558 (W.208)**

**EDUCATION, WALES**

**The Education (Independent  
Schools) (Unsuitable Persons)  
(Wales) Regulations 2009**

*Made* 20 September 2009

*Laid before the National  
Assembly for Wales* 21 September 2009

*Coming into force* 12 October 2009

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 169 and 210(7) of the Education Act 2002(1), and now vested in them make the following Regulations:

**Title, commencement and interpretation**

1.—(1) The title of these Regulations is the Education (Independent Schools) (Unsuitable Persons) (Wales) Regulations 2009 and they come into force on 12 October 2009.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations "the 2002 Act" ("*Deddf 2002*") means the Education Act 2002.

**Unsuitable persons: prescribed kind of work**

2.—(1) Work of the kind described in paragraph (2) is prescribed for the purposes of section 169 of the 2002 Act.

(2) The kind of work referred to in paragraph (1) is any form of work (whether or not for gain), which—

(a) the person ("W") carries out regularly; and

(b) gives W the opportunity, in consequence of anything W is permitted or required to do in connection with the work, to have contact with a student at the institution or who is a child or

---

(1) 2002 c.32. The functions of the National Assembly for Wales under these sections were transferred to the Welsh Minister by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

blentyn neu'n oedolyn hyglwyf o fewn ystyr "child" neu "vulnerable adult" yn Neddf Diogelu Grwpiau Hyglwyf 2006(1).

(3) At ddibenion paragraff (2), mewn unrhyw gyfnod o 30 o ddiwrnodau, mae W yn gwneud gwaith yn rheolaidd os yw'n gwneud y gwaith ar fwy na dau ddiwrnod yn y cyfnod hwnnw.

### Personau anaddas: disgrifiadau sydd wedi'u rhagnodi o gyfarwyddiadau, gorchmynion a phenderfyniadau

3. Mae'r disgrifiadau canlynol o gyfarwyddiadau, gorchmynion a phenderfyniadau a wnaed o dan y deddfiadau a ragnodwyd, wedi'u rhagnodi at ddibenion adran 169 o Ddeddf 2002—

- (a) gorchmyn o dan adran 100(2)(e)(2) o Ddeddf Addysg (Yr Alban) 1980 (*penderfynu cwynion*);
- (b) penderfyniad i gynnwys person (mewn modd gwahanol i dros dro) yn y rhestr a gedwir o dan adran 1 o Ddeddf Amddiffyn Plant 1999(3) (rhestr o unigolion sy'n anaddas i weithio gyda phlant);
- (c) gorchmyn gan y llys o dan adran 28, 29 neu 29A o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llys 2000(4) (*datgymhwysio rhag gweithio gyda phlant*);
- (ch) cyfarwyddyd o dan adran 142 o Ddeddf 2002(5) a roddir ar y sail bod y person yn anaddas i weithio gyda phlant neu y mae ei effaith yn gwahardd person mewn modd arall rhag cymryd rhan yng ngwaith rheoli ysgol annibynnol (*gwahardd rhag addysgu, etc.*);
- (d) cyfarwyddyd o dan adran 167A(6) o Ddeddf 2002 (*gwahardd cymryd rhan yng ngwaith rheoli ysgolion annibynnol*);
- (dd) penderfyniad i gynnwys person (mewn modd gwahanol i dros dro) yn y rhestr a gedwir o dan

vulnerable adult within the meaning of the Safeguarding Vulnerable Groups Act 2006(1).

(3) For the purposes of paragraph (2), in any period of 30 days W carries out work regularly if W carries out the work on more than two days in that period.

### Unsuitable persons: prescribed descriptions of directions, orders and decisions

3. The following descriptions of directions, orders and decisions made under the enactments prescribed, are prescribed for the purposes of section 169 of the 2002 Act—

- (a) an order under section 100(2)(e) of the Education (Scotland) Act 1980(2) (*determination of complaints*);
- (b) a decision to include a person (otherwise than provisionally) in the list kept under section 1 of the Protection of Children Act 1999(3) (*list of individuals unsuitable to work with children*);
- (c) an order of the court under section 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(4) (*disqualification from working with children*);
- (d) a direction under section 142 of the 2002 Act(5) given on the grounds that the person is unsuitable to work with children or otherwise having the effect of prohibiting a person from taking part in the management of an independent school (*prohibition from teaching, etc.*);
- (e) a direction under section 167A of the 2002(6) Act (*prohibition on participation in management of independent schools*);
- (f) a decision to include a person (otherwise than provisionally) in the list kept under section 1 of

(1) 2006 p.47; *gweler* adran 60(1) i gael y diffiniadau o "child" a "vulnerable adult".

(2) 1980 p.44.

(3) 1999 p.14. Cafodd adran 1 ei diwygio gan Ddeddf Safonau Gofal 2000 (p.14), adrannau 95(2), 96(2), 97(2) a 98(4) a'i diddymu gan Ddeddf Diogelu Grwpiau Hyglwyf 2006 (p.47), Atodlen 9, paragraff 8(2).

(4) 2000 p.43. Cafodd adrannau 28, 29 a 29A eu diwygio gan Ddeddf Diwygio Cyfansoddiadol 2005 (p.4), Atodlen 11, paragraff 35(a) a'u diddymu gan Ddeddf Diogelu Grwpiau Hyglwyf 2006, Atodlen 10. Mewnosodwyd adran 29A gan Ddeddf Cyfiawnder Troseddol 2003 (p.44), Atodlen 30, paragraff 2.

(5) 2002 p.32. Diddymwyd adran 142 gan Atodlen 10 i Ddeddf Llywodraeth Cymru 2006.

(6) Mewnosodwyd adran 167A gan Ddeddf Addysg ac Arolygiadau 2006, adran 169 (p.4); diwygiwyd is-adran (6) gan baragraff 22 o Atodlen 1 i'r Ddeddf honno.

(1) 2006 c.47; *see* section 60(1) for the definitions of "child" and "vulnerable adult".

(2) 1980 c.44.

(3) 1999 c.14. Section 1 was amended by the Care Standards Act 2000 (c.14), sections 95(2), 96(2), 97(2) and 98(4) and is repealed by the Safeguarding Vulnerable Groups Act 2006 (c.47), Schedule 9, paragraph 8(2).

(4) 2000 c.43. Sections 28, 29 and 29A are amended by the Constitutional Reform Act 2005 (c.4), Schedule 11, paragraph 35(a) and repealed by the Safeguarding Vulnerable Groups Act 2006 Act, Schedule 10. Section 29A was inserted by the Criminal Justice Act 2003 (c.44), Schedule 30, paragraph 2.

(5) 2002 c.32. Section 142 is repealed by Schedule 10 to the Government of Wales Act 2006.

(6) Section 167A is inserted by the Education and Inspections Act 2006, section 169 (c.4); sub-section (6) is amended by paragraph 22 of Schedule 1 to that Act.

- adran 1 o Ddeddf Amddiffyn Plant (Yr Alban) 2003(1) (*rhestr o unigolion sy'n anaddas i weithio gyda phlant*);
- (e) penderfyniad i gynnwys person (mewn modd gwahanol i dros dro) yn y rhestr a gedwir o dan erthygl 3 o Orchymyn Amddiffyn Plant ac Oedolion Hyglwyf (Gogledd Iwerddon) 2003(2) (*dyletswydd yr Adran i gadw rhestr*);
- (f) gorchymyn y llys o dan erthygl 23 neu 24 o Orchymyn Amddiffyn Plant ac Oedolion Hyglwyf (Gogledd Iwerddon) 2003 (*datgymhwyso oedolion ac ieuaient rhag gweithio gyda phlant*);
- (ff) penderfyniad i gynnwys person sydd ar restr o bobl waharddedig o fewn ystyr "barred list" yn Neddf Diogelu Grwpiau Hyglwyf 2006(3);
- (g) penderfyniad i gynnwys person ar restr a gedwir o dan adran 1(1) o Ddeddf Amddiffyn Grwpiau Hyglwyf (Yr Alban) 2007(4) (*dyletswydd Gweinidogion yr Alban i gadw rhestrau*);
- (ng) penderfyniad i wahardd person rhag addysgu plant neu weithio gyda phlant o dan reoliad 4 o Reoliadau Addysg (Gwahardd rhag Addysgu Plant neu Weithio gyda Phlant) (Gogledd Iwerddon) 2007(5);
- (h) penderfyniad i gynnwys y person ar restr o bobl waharddedig o fewn ystyr "barred list" yn erthygl 2(1) o Orchymyn Diogelu Grwpiau Hyglwyf (Gogledd Iwerddon) 2007(6); ac
- (i) cyfarwyddyd o dan adran 128 o Ddeddf Addysg a Sgiliau 2008(7) (*gwahardd cymryd rhan mewn gwaith rheoli*).
- the Protection of Children (Scotland) Act 2003(1) (*list of individuals unsuitable to work with children*);
- (g) a decision to include a person (otherwise than provisionally) in the list kept under article 3 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003(2) (*duty of Department to keep list*);
- (h) an order of the court under article 23 or 24 of the Protection of Children and Vulnerable Adults (Northern Ireland) Order 2003 (*disqualification of adults and juveniles from working with children*);
- (i) a decision to include a person in a barred list within the meaning in the Safeguarding Vulnerable Groups Act 2006(3);
- (j) a decision to include a person on a list kept under section 1(1) of the Protection of Vulnerable Groups (Scotland) Act 2007(4) (*duty of Scottish Ministers to keep lists*);
- (k) a decision to prohibit a person from teaching or working with children under regulation 4 of the Education (Prohibition from Teaching or Working with Children) Regulations (Northern Ireland) 2007(5);
- (l) a decision to include the person on a barred list within the meaning in article 2(1) of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007(6); and
- (m) a direction under section 128 of the Education and Skills Act 2008(7) (*prohibition on participation in management*).

(1) 2003 dsa 5; a ddiddymwyd gan Ddeddf Amddiffyn Grwpiau Hyglwyf (Yr Alban) 2007, Atodlen 4, paragraff 42 (dsa 14).

(2) O.S. 2003/417 (G.I. 4); diddymwyd y Gorchymyn gan Orchymyn Diogelu Grwpiau Hyglwyf (Gogledd Iwerddon) 2007, Atodlen 8.

(3) 2006 p.47; gweler adran 60(1) ar gyfer y diffiniad o "barred list".

(4) 2007 dsa 14.

(5) Rh.S. 2007 Rhif 288.

(6) O.S. 2007/1351 (G.I. 11).

(7) 2008 p.25.

(1) 2003 asp 5; repealed by the Protection of Vulnerable Groups (Scotland) Act 2007, Schedule 4, paragraph 42 (asp 14).

(2) S.I. 2003/417 (N.I. 4); the Order is repealed by the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007, Schedule 8.

(3) 2006 c.47; see section 60(1) for the definition of "barred list".

(4) 2007 asp 14.

(5) S.R. 2007 No 288.

(6) S.I. 2007/1351 (N.I. 11).

(7) 2008 c.25.

*Jane Hutt*

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

The Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

20 Medi 2009

20 September 2009

---

©© Hawlfraint y Goron 2009

---

© Crown copyright 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

---

OFFERYNNAU STATUDOL  
CYMRU

---

**2009 Rhif 2558 (Cy.208)**

**ADDYSG, CYMRU**

Rheoliadau Addysg (Ysgolion  
Annibynnol) (Personau Anaddas)  
(Cymru) 2009

---

ELSH STATUTORY  
INSTRUMENTS

---

**2009 No. 2558 (W.208)**

**EDUCATION, WALES**

The Education (Independent  
Schools) (Unsuitable Persons)  
(Wales) Regulations 2009