OFFERYNNAU STATUDOL CYMRU

# 2009 Rhif 3161 (Cy.275)

# ADDYSG, CYMRU

## Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio Rhif 2) 2009

### NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 ("Rheoliadau 2006").

Mae rheoliad 10(8) o Reoliadau 2006 yn ei gwneud yn ofynnol i gyrff llywodraethu pob ysgol a gynhelir, o ran ysgolion cymunedol, ysgolion arbennig cymunedol, ysgolion gwirfoddol a reolir, ac ysgolion meithrin, hysbysebu swydd wag i bennaeth a dirprwy bennaeth. Mae rheoliad 24(7) o Reoliadau 2006 yn gosod yr un gofyniad ar gyrff llywodraethu pob ysgol a gynhelir, o ran ysgolion sefydledig, ysgolion arbennig sefydledig ac ysgolion gwirfoddol a gynorthwyir.

Mae rheoliadau 2(3) a 2(5) o'r Rheoliadau hyn yn diwygio'r ddyletswydd yn rheoliadau 10(8) a 24(7) yn ôl eu trefn o Reoliadau 2006 er mwyn caniatáu i gyrff llywodraethu ysgolion a gynhelir gael disgresiwn i beidio â hysbysebu swydd wag i bennaeth a dirprwy bennaeth os caiff amodau penodol eu bodloni. Rhaid i'r swydd wag fod mewn ysgol a enwir mewn cynigion a gyhoeddir o dan adrannau 29 i 32 o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31) fel un y caiff disgyblion sydd mewn ysgol sydd i'w therfynu ei mynychu.

WELSH STATUTORY INSTRUMENTS

# 2009 No. 3161 (W.275)

# EDUCATION, WALES

## The Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009

### EXPLANATORY NOTE

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

These Regulations amend the Staffing of Maintained Schools (Wales) Regulations 2006 ("the 2006 Regulations").

Regulation 10(8) of the 2006 Regulations requires the governing bodies of all maintained community, community special, voluntary controlled and maintained nursery schools to advertise a vacancy in the post of head teacher and deputy head teacher. Regulation 24(7) of the 2006 Regulations imposes the same requirement on governing bodies of all maintained foundation, foundation special and voluntary aided schools.

Regulations 2(3) and 2(5) of these Regulations amend the duty in regulations 10(8) and 24(7) respectively, of the 2006 Regulations so as to allow governing bodies of maintained schools a discretion to not advertise a vacancy in the post of head teacher and deputy head teacher if certain conditions are satisfied. The vacancy must be at a school named in proposals published under sections 29 to 32 of the School Standards and Framework Act 1998 (c.31) as one which pupils at a school to be discontinued may attend.

OFFERYNNAU STATUDOL CYMRU

# 2009 Rhif 3161 (Cy.275)

# ADDYSG, CYMRU

## Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio Rhif 2) 2009

| | |
|---|---|
| *Gwnaed* | *2 Rhagfyr 2009* |
| *Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* | *4 Rhagfyr 2009* |
| *Yn dod i rym* | *1 Ionawr 2010* |

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 35(4) a (5), 36(4) a (5) a 210(7) o Ddeddf Addysg 2002(**1**) ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn a chymhwyso**

**1**.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio Rhif 2) 2009 a deuant i rym ar 1 Ionawr 2010.

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

**Diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006**

**2**.–(1) Mae Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 10(8), yn lle'r gair "Rhaid", rhodder "Yn ddarostyngedig i baragraff (8A), rhaid".

(3) Ar ôl paragraff (8) o reoliad 10 mewnosoder–

(**1**) 2002 p.32. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan yr adrannau hynny i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006. *Gweler* adran 212 i gael y diffiniad o "regulations".

(**2**) O.S. 2006/873 (Cy.81), fel y'i diwygiwyd gan Reoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007 (O.S. 2007/944 (Cy.80)), Rheoliadau Addysg (Diwygiadau Amrywiol ynghylch Diogelu Plant) (Cymru) 2009 (O.S. 2009/2544 (Cy.206)) a Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio) 2009 (O.S. 2009/2708 (Cy.226)).

WELSH STATUTORY INSTRUMENTS

# 2009 No. 3161 (W.275)

# EDUCATION, WALES

## The Staffing of Maintained Schools (Wales) (Amendment No. 2) Regulations 2009

| | |
|---|---|
| *Made* | *2 December 2009* |
| *Laid before the National Assembly for Wales* | *4 December 2009* |
| *Coming into force* | *1 January 2010* |

The Welsh Ministers in exercise of the powers conferred on the National Assembly for Wales by sections 35(4) and (5), 36(4) and (5) and 210(7) of the Education Act 2002(**1**) and now vested in them make the following Regulations:

**Title, commencement and application**

**1**.–(1) The title of these Regulations is the Staffing of Maintained Schools (Wales) (Amendment No 2) Regulations 2009 and they come into force on 1 January 2010.

(2) These Regulations apply in relation to Wales.

**Amendment to the Staffing of Maintained Schools (Wales) Regulations 2006**

**2**.–(1) The Staffing of Maintained Schools (Wales) Regulations 2006(**2**) are amended as follows.

(2) In regulation 10(8), for "The governing body" substitute "Subject to paragraph (8A) the governing body".

(3) After paragraph (8) of regulation 10 insert–

(**1**) 2002 c.32. The functions of the National Assembly for Wales under those sections were transferred to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006. *See* section 212 for the definition of "regulations".

(**2**) S.I. 2006/873 (W.81), as amended by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944 (W.80)), the Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009 (S.I. 2009/2544 (W.206)) and the Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 (S.I. 2009/2708 (W.226)).

"(8A) Caiff y corff llywodraethu benderfynu peidio â hysbysebu'n unol â pharagraff (8) y swydd wag i bennaeth neu ddirprwy bennaeth pan fo'r swydd wag honno mewn ysgol a enwir mewn cynigion a gyhoeddir o dan adrannau 29 i 32 o Ddeddf 1998 fel un y caiff disgyblion sydd mewn ysgol sydd i'w therfynu ei mynychu ("yr ysgol newydd") ac–

(a) bod person a gyflogir yn yr ysgol newydd neu yn yr ysgol sydd i'w therfynu wedi mynegi ei ddymuniad mewn ysgrifen i'r corff llywodraethu i wneud cais am y swydd wag i bennaeth neu ddirprwy bennaeth; neu

(b) nad oes unrhyw berson o'r math a ddisgrifiwyd yn is-baragraff (a), ond bod person yn cael ei gyflogi mewn ysgol yn rhywle arall yn ardal yr awdurdod sydd naill ai i'w therfynu'n unol â chynigion a gyhoeddir o dan adrannau 29 i 32 o Ddeddf 1998, neu sydd wedi ei henwi mewn cynigion o'r fath fel un y caiff disgyblion yn yr ysgol sydd i'w therfynu ei mynychu a bod y person hwnnw wedi mynegi ei ddymuniad mewn ysgrifen i'r corff llywodraethu i wneud cais am y swydd wag i bennaeth neu ddirprwy bennaeth.".

(4) Yn rheoliad 24(7), yn lle'r gair "Rhaid", rhodder "Yn ddarostyngedig i baragraff (7A), rhaid".

(5) Ar ôl paragraff (7) o reoliad 24 mewnosoder–

"(7A) Caiff y corff llywodraethu benderfynu peidio â hysbysebu'n unol â pharagraff (7) y swydd wag i bennaeth neu ddirprwy bennaeth pan fo'r swydd wag honno mewn ysgol a enwir mewn cynigion a gyhoeddir o dan adrannau 29 i 32 o Ddeddf 1998 fel un y caiff disgyblion sydd mewn ysgol sydd i'w therfynu ei mynychu ("yr ysgol newydd") ac–

(a) bod person a gyflogir yn yr ysgol newydd neu yn yr ysgol sydd i'w therfynu wedi mynegi ei ddymuniad mewn ysgrifen i'r corff llywodraethu i wneud cais am y swydd wag i bennaeth neu ddirprwy bennaeth; neu

(b) nad oes unrhyw berson o'r math a ddisgrifiwyd yn is-baragraff (a), ond bod person yn cael ei gyflogi mewn ysgol yn rhywle arall yn ardal yr awdurdod sydd naill ai i'w therfynu'n unol â chynigion a gyhoeddir o dan adrannau 29 i 32 o Ddeddf 1998, neu sydd wedi ei henwi mewn cynigion o'r fath fel un y caiff disgyblion yn yr ysgol sydd i'w therfynu ei mynychu a bod y person hwnnw wedi mynegi ei ddymuniad mewn ysgrifen i'r corff llywodraethu i wneud cais am y swydd wag i bennaeth neu ddirprwy bennaeth.".

"(8A) The governing body may decide not to advertise in accordance with paragraph (8) the vacancy in the post of head teacher or deputy head teacher where such vacancy is at a school named in proposals published under sections 29 to 32 of the 1998 Act as one which pupils at a school to be discontinued may attend ("the new school") and–

(a) a person employed at the new school or at the school to be discontinued has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher; or

(b) there is no such person as described in sub-paragraph (a), but there is a person employed at a school elsewhere in the authority's area which is either to be discontinued pursuant to proposals published under sections 29 to 32 of the 1998 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher.".

(4) In regulation 24(7), for "The governing body" substitute "Subject to paragraph (7A) the governing body".

(5) After paragraph (7) of regulation 24 insert–

"(7A) The governing body may decide not to advertise in accordance with paragraph (7) the vacancy in the post of head teacher or deputy head teacher where such vacancy is at a school named in proposals published under sections 29 to 32 of the 1998 Act as one which pupils at a school to be discontinued may attend ("the new school") and–

(a) a person employed at the new school or at the school to be discontinued has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher; or

(b) there is no such person as described in sub-paragraph (a), but there is a person employed at a school elsewhere in the authority's area which is either to be discontinued pursuant to proposals published under sections 29 to 32 of the 1998 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher or deputy head teacher. ".

**3**. Yn rheoliad 34–

(a) yn is-baragraff (a) o baragraff (5), ar ôl y geiriau "ailhysbysebu'r swydd wag" mewnosoder y geiriau ", neu pan na fo eisoes wedi ei hysbysebu yn rhinwedd rheoliad 24(7A), caiff ei hysbysebu";

(b) yn is-baragraff (b) o baragraff (5), ar ôl y geiriau "p'un a fydd yn" mewnosoder y geiriau "hysbysebu neu'n".

**3**. In regulation 34–

(a) in sub-paragraph (a) of paragraph (5), after the words "re-advertise" insert "or where not already advertised by virtue of regulation 24(7A) may advertise";

(b) in sub-paragraph (b) of paragraph (5), after the words "or not it" insert "advertises or".

*Jane Hutt*

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

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

2 Rhagfyr 2009

2 December 2009

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