



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 1942 (Cy.209)

2011 No. 1942 (W.209)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Gwybodaeth am
Ddisgyblion (Cymru) 2011**

**The Pupil Information (Wales)
Regulations 2011**

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 disodli darpariaethau a gafwyd gynt yn Rheoliadau Addysg (Gwybodaeth am Ddisgyblion) (Cymru) 2004 ("Rheoliadau 2004"), fel y'u diwygiwyd, drwy wneud newidiadau i'r darpariaethau hynny. Mae'r Rheoliadau hyn yn darparu bod y pennaeth yn cadw cofnodion am gofnodion cwricwlaidd (fel y'u diffinnir yn rheoliad 3) disgybl mewn ysgol a gynhelir gan awdurdod lleol ac ysgol arbennig nas cynhelir felly (rheoliad 4). Mae'r darpariaethau yn Rheoliadau 2004 mewn perthynas ag adroddiad pennaeth i rieni a disgyblion sy'n oedolion wedi eu cynnwys bellach yn Rheoliadau Adroddiad Pennaeth i Rieni a Disgyblion sy'n Oedolion (Cymru) 2011.

These Regulations replace with changes provisions formerly contained in the Education (Pupil Information) (Wales) Regulations 2004 ("the 2004 Regulations"), as amended. These Regulations provide for the keeping by the head teacher of records about the curricular records (as defined in regulation 3) of a pupil at a school maintained by a local authority and a special school not so maintained (regulation 4). The provisions in the 2004 Regulations in relation to a head teacher's report to parents and adult pupils are now contained in the Head teacher's Report to Parents and Adult Pupils (Wales) Regulations 2011.

Maent yn gwneud darpariaeth hefyd bod y pennaeth yn datgelu ac yn trosglwyddo cofnodion addysgol (fel y'u diffinnir yn rheoliad 3) i rieni ac i ysgolion y mae disgyblion dan ystyriaeth i gael eu trosglwyddo iddynt (rheoliad 5). Mae rheoliad 6 ac Atodlen 2 yn nodi cynnwys yr adroddiad y mae'n ofynnol i bennaeth yr hen ysgol ei anfon at bennaeth yr ysgol newydd pan fo'r disgybl wedi trosglwyddo i'r ysgol newydd.

They also make provision for the disclosure and transfer by the head teacher of educational records (as defined in regulation 3) to parents and schools to which pupils are under consideration for transfer (regulation 5). Regulation 6 and Schedule 2 set out the contents of the report that the head teacher of the old school is required to send the head teacher of the new school once the pupil has transferred to the new school.

Pan fo'n angenrheidiol, rhaid i unrhyw ddogfen neu wybodaeth, y mae'n ofynnol ei rhoi ar gael o dan y Rheoliadau, gael ei chyfieithu i'r Gymraeg neu'r Saesneg neu i iaith arall neu gael ei chynhyrchu mewn Braille neu dâp sain (rheoliad 7).

Where necessary, any document or information required to be made available under the Regulations must be translated into English or Welsh or another language or produced in Braille or audio tape (regulation 7).

2011 Rhif 1942 (Cy.209)

ADDYSG, CYMRU

**Rheoliadau Gwybodaeth am
Ddisgyblion (Cymru) 2011**

Gwnaed 29 Gorffennaf 2011
*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 4 Awst 2011
Yn dod i rym 1 Medi 2011

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 408, 563 a 569(4) a (5) o Ddeddf Addysg 1996(1) ac a freiniwyd bellach ynddynt hwy(2) ac ar ôl ymgynghori â'r personau hynny yr oedd ymgynghori â hwy yn ymddangos yn ddymunol i Weinidogion Cymru yn unol ag adran 408(5) o Ddeddf Addysg 1996, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn, cymhwyso a dirymu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwybodaeth am Ddisgyblion (Cymru) 2011 a deuant i rym ar 1 Medi 2011.

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

(3) Mae'r rheoliadau yn Atodlen 1 wedi eu dirymu.

(1) 1996 p.56. Diwygiwyd adran 408 gan baragraff 30 o Atodlen 7 ac Atodlen 8 i Ddeddf Addysg 1997 (p.44), paragraffau 57 a 106 o Atodlen 30, ac Atodlen 31, i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31), a pharagraff 57 o Atodlen 9 i Ddeddf Dysgu a Medrau 2000 (p.21), Atodlen 21 i Ddeddf Addysg 2002, Atodlen 12 a Rhan 7 o Atodlen 16 i Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (p.22) a chan O.S. 2010/1158. Diwygiwyd adran 563(3)(a) ac (c) gan O.S. 2010/1158. Diwygiwyd adran 563(3)(a) ac (c) ymhellach gan baragraff 172(a) a (b) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(2) Cafodd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn eu trosglwyddo i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

2011 No. 1942 (W.209)

EDUCATION, WALES

**The Pupil Information (Wales)
Regulations 2011**

Made 29 July 2011
*Laid before the National
Assembly for Wales* 4 August 2011
Coming into force 1 September 2011

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 408, 563 and 569(4) and (5) of the Education Act 1996(1) and now vested in them(2) and after consulting with those persons with whom consultation appeared to the Welsh Ministers to be desirable pursuant to section 408(5) of the Education Act 1996 make the following Regulations:

Title, commencement, application and revocation

1.—(1) The title of these Regulations is the Pupil Information (Wales) Regulations 2011 and they come into force on 1 September 2011.

(2) These Regulations apply in relation to Wales.

(3) The regulations in Schedule 1 are revoked.

(1) 1996 c.56. Section 408 was amended by paragraph 30 of Schedule 7 and Schedule 8 to the Education Act 1997 (c.44), paragraphs 57 and 106 of Schedule 30, and Schedule 31, to the School Standards and Framework Act 1998 (c.31), and paragraph 57 of Schedule 9 to the Learning and Skills Act 2000 (c.21), Schedule 21 of the Education Act 2002, Schedule 12 and Part 7 of Schedule 16 of the Apprenticeships, Skills, Children and Learning Act 2009 (c.22) and by S.I. 2010/1158. Section 563(3)(a) and (c) was amended by S.I. 2010/1158. Section 563(3)(a) and (b) was further amended by paragraph 172(a) and (b) of Schedule 30 to the School Standards and Framework Act 1998.

(2) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Dehongli

2.—(1) Yn y Rheoliadau hyn—

ystyr "asesiadau statudol" ("*statutory assessments*") yw'r trefniadau asesu hynny a bennir gan Weinidogion Cymru mewn gorchymyn a wneir o dan—

- (i) adran 108(2)(b)(iii) o Ddeddf 2002(1) mewn perthynas â disgyblion yn y cyfnod sylfaen; neu
- (ii) adran 108(3)(c) o Ddeddf 2002(2) mewn perthynas â disgyblion mewn cyfnod allweddol;

ystyr "canlyniad" ("*result*"), o ran unrhyw asesiad o dan yr asesiadau statudol yw canlyniad yr asesiad fel y mae wedi ei benderfynu a'i gofnodi'n unol â'r trefniadau hynny;

mae'r term "cyfnod sylfaen" i'w ddehongli'n unol â "*foundation stage*" yn adran 102 o Ddeddf 2002;

ystyr "Deddf 1996" ("*the 1996 Act*") yw Deddf Addysg 1996;

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002(3);

ystyr "person cyfrifol" ("*responsible person*") yw—

- (a) pennaeth ysgol annibynnol neu berchennog ysgol o'r fath;
- (b) yr athro neu'r athrawes sydd â gofal dros uned cyfeirio disgyblion;
- (c) corff llywodraethu unrhyw ysgol arall; neu
- (ch) y person sy'n gyfrifol am gyfarwyddo unrhyw sefydliad addysg bellach neu le arall ar gyfer addysg neu hyfforddiant y mae disgybl yn trosglwyddo iddo neu y gallai drosglwyddo iddo;

mae "rhif ALI" ("*LA number*") yn gyfuniad o rifau sy'n cael ei ddyrannu i awdurdod lleol sy'n neilltuo i'r awdurdod hwnnw, a hwnnw'n gyfuniad a benderfynir gan Weinidogion Cymru;

ystyr "rhif unigryw disgybl" ("*unique pupil number*") yw cyfuniad o rifau sydd, ynghyd â llythrennau neu lythrennau, yn cael eu dyrannu i ddisgybl ac sy'n neilltuo i'r disgybl hwnnw, drwy ddefnyddio fformiwla a benderfynir gan Weinidogion Cymru;

(1) Diwygiwyd is-adran (2) o adran 108 gan adran 21(1) a (7)(a) o Fesur Addysg (Cymru) 2009 (mccc 5).

(2) Diwygiwyd is-adran (3) o adran 108 gan adran 21(1) a (7)(b) o Fesur Addysg (Cymru) 2009 a pharagraffau 11 a 15 o'r Atodlen iddo. Dyma'r gorchymynion cyfredol: Gorchymyn y Cwricwlwm Cenedlaethol (Trefniadau Asesu Cyfnod Allweddol 2) (Cymru) 2004 (O.S. 2004/2915 (Cy.254)) a Gorchymyn y Cwricwlwm Cenedlaethol (Trefniadau Asesu Cyfnod Allweddol 3) (Cymru) 2005 (O.S. 2005/1394 (Cy. 108)).

(3) 2002 p.32.

Interpretation

2.—(1) In these Regulations—

"the 1996 Act" ("*Deddf 1996*") means the Education Act 1996;

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(1);

"foundation phase" ("*cyfnod sylfaen*") is to be construed in accordance with section 102 of the 2002 Act;

"LA number" ("*rhif ALI*") is a combination of numbers allocated to a local authority which is particular to that authority, determined by the Welsh Ministers;

"maintained school" ("*ysgol a gynhelir*") means a community, foundation or voluntary school or a community or foundation special school (other than one established in a hospital) and, unless the context otherwise requires, a nursery school maintained by a local authority or a pupil referral unit;

"responsible person" ("*person cyfrifol*") means—

- (a) the head teacher or proprietor of an independent school;
- (b) the teacher in charge of a pupil referral unit;
- (c) the governing body of any other school; or
- (d) the person responsible for the conduct of any institution of further education or other place of education or training to which a pupil transfers or may transfer;

"result" ("*canlyniad*") in relation to any assessment under the statutory assessments means the result of the assessment as determined and recorded in accordance with those arrangements;

"school number" ("*rhif ysgol*") is a combination of numbers allocated to a school which is particular to that school, determined by the Welsh Ministers;

"statutory assessments" ("*asesiadau statudol*") means such assessment arrangements as are specified by the Welsh Ministers in an order made under—

- (i) section 108(2)(b)(iii) of the 2002 Act(2) in relation to pupils in the foundation phase; or

(1) 2002 c.32.

(2) Sub-section (2) of section 108 was amended by section 21(1) and (7)(a) of the Education (Wales) Measure 2009 (nawm 5).

ystyr "rhif unigryw dysgwr" ("*unique learner number*"), mewn perthynas â disgybl cofrestredig mewn ysgol, yw'r cyfuniad penodol o rifau sydd wedi eu dyrannu i'r disgybl gan Brif Weithredwr yr Asiantaeth Ariannu Sgiliau fel rhif unigryw dysgwr y disgybl hwnnw;

mae "rhif ysgol" ("*school number*") yn gyfuniad o rifau sy'n cael ei ddyrannu i ysgol ac sy'n neilltuo i'r ysgol honno, a hwnnw'n gyfuniad a benderfynir gan Weinidogion Cymru; ac

ystyr "ysgol a gynhelir" ("*maintained school*") yw ysgol gymunedol, ysgol sefydledig neu ysgol wirfoddol neu ysgol arbennig gymunedol neu ysgol arbennig sefydledig (nad yw'n un a sefydlwyd mewn ysbyty) ac, oni fydd y cyd-destun yn mynnu fel arall, ysgol feithrin a gynhelir gan awdurdod lleol neu uned cyfeirio disgyblion.

(2) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall, mae unrhyw gyfeiriad at bennaeth neu gorff llywodraethu, mewn perthynas ag uned cyfeirio disgyblion, yn gyfeiriad at yr athro neu'r athrawes sydd â gofal dros yr uned cyfeirio disgyblion.

Ystyron cofnod cwricwlaidd a chofnod addysgol

3.—(1) Yn y Rheoliadau hyn ystyr "cofnod cwricwlaidd" ("*curricular record*") yw cofnod ffurfiol o gyraeddiadau academaidd disgybl, sgiliau a galluoedd eraill y disgybl a'i gynydd yn yr ysgol, fel y manylir arno yn Atodlen 2.

(2) Yn y Rheoliadau hyn ystyr "cofnod addysgol" ("*educational record*") yw unrhyw gofnod gwybodaeth, gan gynnwys cofnod cwricwlaidd disgybl—

- (a) sydd wedi ei brosesu gan neu ar ran corff llywodraethu unrhyw ysgol a bennir ym mharagraff (3) neu athro neu athrawes mewn unrhyw ysgol o'r fath;
- (b) sy'n ymwneud ag unrhyw berson sydd, neu sydd wedi bod, yn ddisgybl yn yr ysgol; ac
- (c) a ddeilliodd oddi wrth, neu a ddarparwyd gan neu ar ran, unrhyw un o'r personau a bennir ym mharagraff (4), ac eithrio gwybodaeth sydd wedi ei phrosesu gan athro neu athrawes at ei ddefnydd neu ei defnydd ei hun.

- (ii) section 108(3)(c) of the 2002 Act⁽¹⁾ in relation to pupils in a key stage;

"unique learner number" ("*rhif unigryw dysgwr*"), in relation to a registered pupil at a school, means the specific combination of numbers allocated to the pupil by the Chief Executive of the Skills Funding Agency as that pupil's unique learner number; and

"unique pupil number" ("*rhif unigryw disgybl*") means a combination of numbers which together with a letter or letters are allocated to a pupil and are particular to that pupil, by use of a formula determined by the Welsh Ministers.

(2) In these Regulations, unless the context otherwise requires, any reference to a head teacher or governing body is, in relation to a pupil referral unit, a reference to the teacher in charge of the pupil referral unit.

Meanings of curricular record and educational record

3.—(1) In these Regulations "curricular record" ("*cofnod cwricwlaidd*") means a formal record of a pupil's academic achievements, the pupil's other skills and abilities and his or her progress in school, as detailed in Schedule 2.

(2) In these Regulations "educational record" ("*cofnod addysgol*") means any record of information, including a pupil's curricular record, which—

- (a) is processed by or on behalf of the governing body of, or a teacher at, any school specified in paragraph (3);
- (b) relates to any person who is or has been a pupil at the school; and
- (c) originated from or was supplied by or on behalf of any of the persons specified in paragraph (4), other than information which is processed by a teacher solely for the teacher's own use.

(1) Sub-section (3) of section 108 was amended by section 21(1) and (7)(b) of, and paragraphs 11 and 15 of the schedule to, the Education (Wales) Measure 2009. The current orders are the National Curriculum (Key Stage 2 Assessment Arrangements) (Wales) Order 2004 (S.I. 2004/2915 (W.254)) and the National Curriculum (Key Stage 3 Assessment Arrangements) (Wales) Order 2005 (S.I. 2005/1394 (W.108)).

(3) Yr ysgolion y cyfeiriwyd atynt ym mharagraff (2)(a) yw—

- (a) ysgol a gynhelir; a
- (b) ysgol arbennig nas cynhelir gan awdurdod lleol.

(4) Dyma'r personau y cyfeirir atynt ym mharagraff (2)(c) —

- (a) un o gyflogeion yr awdurdod lleol sy'n cynnal yr ysgol;
- (b) yn achos—
 - (i) ysgol wirfoddol a gynorthwyir, ysgol sefydledig neu ysgol arbennig sefydledig; neu
 - (ii) ysgol arbennig nas cynhelir gan awdurdod lleol,

athro neu athrawes neu gyflogai arall yn yr ysgol (gan gynnwys seicolegydd addysg a gymerwyd ymlaen gan y corff llywodraethu o dan contract am wasanaethau);

- (c) y disgybl y mae'r cofnod yn ymwneud ag ef; ac
- (ch) rhiant i'r disgybl hwnnw.

Dyletswyddau pennaeth - cofnodion cwricwlaidd

4. Rhaid i bennaeth pob ysgol a gynhelir a phob ysgol arbennig nas cynhelir gan awdurdod lleol gadw cofnod cwricwlaidd, sydd i'w ddiweddarau o leiaf unwaith y flwyddyn, mewn cysylltiad â phob disgybl cofrestredig yn yr ysgol.

Dyletswyddau pennaeth - cofnodion addysgol

5.—(1) Cyn pen pymtheng niwrnod ysgol o gael cais ysgrifenedig gan riant am ddatgelu cofnod addysgol disgybl, rhaid i bennaeth ysgol a gynhelir a phennaeth ysgol arbennig nas cynhelir gan awdurdod lleol roi'r cofnod hwnnw ar gael yn rhad ac am ddim i'r rhiant fwrw golwg drosto.

(2) Cyn pen pymtheng niwrnod ysgol o gael cais ysgrifenedig gan riant am gopi o gofnod addysgol disgybl, rhaid i bennaeth ysgol o'r fath, roi copi ohono i'r rhiant ar ôl i'r ffi (nad yw'n uwch na chost ei ddarparu), os oes un, a ragnodwyd gan y corff llywodraethu gael ei thalu.

(3) Ym mhob achos lle mae'r disgybl dan ystyriaeth i'w dderbyn i ysgol arall (gan gynnwys ysgol annibynnol) neu i sefydliad addysg bellach neu unrhyw le arall ar gyfer addysg neu hyfforddiant, rhaid i'r pennaeth drosglwyddo cofnod addysgol y disgybl i'r person cyfrifol, yn rhad ac am ddim, os bydd y person hwnnw yn gofyn amdano, cyn pen pymtheng niwrnod ysgol o gael y cais.

(4) Rhaid i'r cofnod a ddarperir o dan baragraff (3) beidio â chynnwys canlyniadau unrhyw asesiad o gyflawniadau'r disgybl.

(3) The schools referred to in paragraph (2)(a) are—

- (a) a maintained school; and
- (b) a special school which is not maintained by a local authority.

(4) The persons referred to in paragraph (2)(c) are—

- (a) an employee of the local authority which maintains the school;
- (b) in the case of—
 - (i) a voluntary aided, foundation or foundation special school; or
 - (ii) a special school which is not maintained by a local authority,

a teacher or other employee at the school (including an educational psychologist engaged by the governing body under a contract for services);

- (c) the pupil to whom the record relates; and
- (d) a parent of that pupil.

Duties of head teacher - curricular records

4. The head teacher of every maintained school and of every special school not maintained by a local authority must keep a curricular record, updated at least once a year, in respect of every registered pupil at the school.

Duties of head teacher - educational records

5.—(1) Within fifteen school days of receiving a written request by a parent for disclosure of a pupil's educational record, the head teacher of a maintained school and of a special school not maintained by a local authority must make it available for inspection, free of charge, to the parent.

(2) Within fifteen school days of receiving a written request by a parent for a copy of a pupil's educational record, the head teacher of such a school must give the parent a copy of it on payment of such fee (not exceeding the cost of supply), if any, as the governing body may prescribe.

(3) In every case where the pupil is under consideration for admission to another school (including an independent school) or to an institution of further education or any other place of education or training, the head teacher must transfer the pupil's educational record to the responsible person, free of charge, if that person so requests, within fifteen school days of receiving the request.

(4) The record supplied under paragraph (3) must not include the results of any assessment of the pupil's achievements.

(5) Pan fo'n cydymffurfio â chais am ddatgelu cofnod addysgol disgybl neu gopi o'r cofnod hwnnw o dan baragraffau (1), (2) neu (3) o'r rheoliad hwn, rhaid i bennaeth beidio â datgelu unrhyw ddogfennau sy'n ddarostyngedig i unrhyw orchymyn o dan adran 30(2) o Ddeddf Diogelu Data 1998(1).

Trosglwyddo gwybodaeth pan fo disgybl yn newid ysgol

6.—(1) Yn y rheoliad hwn ystyr "gwybodaeth drosglwyddo gyffredin" ("*common transfer information*") yw'r wybodaeth a restrir yn Atodlen 2.

(2) Pan fo'r rheoliad hwn yn ei gwneud yn ofynnol i wybodaeth gael ei throsglwyddo ar ffurf sy'n ddarllenadwy gan beiriant, caniateir i'r gofyniad hwnnw gael ei fodloni drwy drosglwyddo'r wybodaeth—

- (a) drwy wefan ddiogel ar y rhynggrwyd a ddarperir at y diben hwnnw gan neu ar ran Gweinidogion Cymru; neu
- (b) drwy fewnrwyd a ddarperir at y diben hwnnw gan neu ar ran awdurdod lleol, ac at ddibenion y rheoliad hwn mae mewnrwyd yn golygu rhwydwaith caeëdig y gellir ei gyrchu'n unig—
 - (i) gan yr awdurdod lleol,
 - (ii) gan neu ar ran corff llywodraethu ysgol yn yr awdurdod hwnnw,
 - (iii) gan athro neu athrawes mewn ysgol yn yr awdurdod hwnnw,

ac eithrio, pan fo disgybl yn trosglwyddo i ysgol a gynhelir gan awdurdod lleol arall, bod rhaid bodloni'r gofyniad drwy drosglwyddo'r wybodaeth drwy wefan ddiogel ar y rhynggrwyd a ddarperir at y diben hwnnw gan neu ar ran Gweinidogion Cymru.

(3) Yn ddarostyngedig i baragraff (8), pan fo disgybl yn peidio â bod yn ddisgybl cofrestredig mewn ysgol a gynhelir (yr "hen ysgol") ac yn dod yn ddisgybl cofrestredig mewn ysgol arall (yr "ysgol newydd"), rhaid i wybodaeth drosglwyddo gyffredin y disgybl a'i gofnod addysgol gael eu trosglwyddo i bennaeth yr ysgol newydd cyn gynted â phosibl ar ôl y dyddiad y daeth pennaeth yr hen ysgol i wybod am y tro cyntaf am gofrestrriad y disgybl yn yr ysgol newydd a sut bynnag heb fod yn hwyrach na chyn pen pymtheng niwrnod ysgol ar ôl y diwrnod y mae'r disgybl yn peidio â bod yn gofrestrredig yn yr hen ysgol.

(4) Rhaid i'r wybodaeth a'r cofnod y cyfeiriwyd atynt ym mharagraff (3) gael eu trosglwyddo gan bennaeth yr hen ysgol neu, pan fo'r pennaeth hwnnw a'r awdurdod lleol wedi cytuno ar hynny, gan yr awdurdod hwnnw.

(5) When complying with a request for disclosure or a copy of a pupil's educational record under paragraphs (1), (2) or (3) of this regulation, a head teacher must not disclose any documents which are subject to any order under section 30(2) of the Data Protection Act 1998(1).

Transfer of information when a pupil changes school

6.—(1) In this regulation "common transfer information" ("*gwybodaeth drosglwyddo gyffredin*") means the information listed in Schedule 2.

(2) Where this regulation requires information to be transferred in machine readable form, that requirement may be met by transferring the information—

- (a) through a secure internet website provided for that purpose by or on behalf of the Welsh Ministers; or
- (b) through an intranet provided for that purpose by or on behalf of a local authority, and for the purposes of this regulation an intranet means a closed network that can only be accessed—
 - (i) by the local authority,
 - (ii) by or on behalf of a governing body of a school within that authority,
 - (iii) by a teacher at a school within that authority,

save that where a pupil transfers to a maintained school maintained by another local authority the requirement must be met by transferring the information through a secure internet website provided for that purpose by or on behalf of the Welsh Ministers.

(3) Subject to paragraph (8), where a pupil ceases to be a registered pupil at a maintained school (the "old school") and becomes a registered pupil at another school (the "new school"), the pupil's common transfer information and educational record must be transferred to the head teacher of the new school as soon as possible after the date on which the head teacher of the old school first learned of the pupil's registration at the new school and in any event no later than within fifteen school days after the day on which the pupil ceases to be registered at the old school.

(4) The information and record referred to in paragraph (3) must be transferred by the head teacher of the old school or, where this has been agreed between that head teacher and the local authority, that authority.

(1) 1998 p.29, fel y'i diwygiwyd gan Atodlen 2, paragraff 9(1)(a) o Orchymyn yr Ysgrifennydd Gwladol dros Faterion Cyfansoddiadol 2003 (O.S. 2003/1887).

(1) 1998 c.29, as amended by Schedule 2, paragraph 9(1)(a) of the Secretary of State for Constitutional Affairs Order 2003 (S.I. 2003/1887).

(5) Rhaid i'r wybodaeth drosglwyddo gyffredin gael ei throsglwyddo ar ffurf sy'n ddarllenadwy gan beiriant.

(6) Caniateir i'r cofnod addysgol gael ei drosglwyddo ar ffurf sy'n ddarllenadwy gan beiriant neu ar ffurf papur neu drwy gyfuniad o'r ddwy ffurf.

(7) Pan na fo'n rhesymol ymarferol i bennaeth yr hen ysgol ganfod ysgol newydd y disgybl, neu pan fo'r pennaeth yn gwybod bod y disgybl yn symud i ysgol nad yw'n ysgol a gynhelir yng Nghymru neu Loegr, nid yw'r gofynion ym mharagraffau (3) a (4) o'r rheoliad hwn yn gymwys ond mae'n rhaid i bennaeth yr hen ysgol drosglwyddo'r wybodaeth drosglwyddo gyffredin i wefan ddiogel ar y rhyngwrwyd a ddarperir at y diben hwnnw gan neu ar ran Gweinidogion Cymru.

(8) Pan fo disgybl wedi ei gofrestru mewn ysgol a gynhelir am lai na phedair wythnos, bydd y cydymffurfio'n ddigonol at ddibenion paragraffau (3) a (4) os yw pennaeth yr ysgol honno neu, pan fo'n gymwys, yr awdurdod lleol yn trosglwyddo'r wybodaeth honno a'r cofnod hwnnw y mae wedi eu cael o dan y rheoliad hwn oddi wrth yr ysgol lle'r oedd y disgybl wedi ei gofrestru o'r blaen ar y ffurf a gafwyd ganddo.

(9) At ddibenion paragraff (8), mae'r cyfeiriad ym mharagraff (3) at "pymtheng niwrnod ysgol" yn gyfeiriad at nifer y diwrnodau ar ôl y diwrnod y mae'r disgybl yn peidio â bod yn gofrestredig yn yr ysgol o dan sylw neu at nifer y diwrnodau ar ôl i bennaeth yr ysgol honno gael yr wybodaeth a'r cofnod, p'un bynnag yw'r diweddaraf.

(10) Os bydd pennaeth hen ysgol disgybl yn cael cais gan bennaeth yr ysgol lle mae'r disgybl yn ddisgybl cofrestredig ar hyn o bryd, yn gofyn naill ai am yr wybodaeth drosglwyddo gyffredin ynglŷn â'r amser y gadawodd y disgybl yr hen ysgol neu am unrhyw gofnod addysgol ynglŷn â'r disgybl hwnnw sydd ym meddiant yr hen ysgol, rhaid i'r pennaeth ei darparu neu ei ddarparu cyn pen pymtheng niwrnod ysgol o gael y cais.

(11) Os bydd disgybl yn cyrraedd ysgol newydd a gynhelir ac nad yw ei hen ysgol ar gael, rhaid i bennaeth yr ysgol newydd gysylltu â'r awdurdod lleol sy'n cynnal yr ysgol newydd i wneud cais am chwilio'r wefan ddiogel ar y rhyngwrwyd a ddarperir gan neu ar ran Gweinidogion Cymru am wybodaeth drosglwyddo gyffredin y disgybl.

Cyfieithu gwybodaeth a dogfennau

7.—(1) Os yw'n ymddangos yn angenrheidiol i bennaeth unrhyw ysgol fod unrhyw ddogfen neu wybodaeth, y mae'n ofynnol ei rhoi ar gael o dan y Rheoliadau hyn ac sydd wedi ei darparu yn Gymraeg, yn cael ei chyfieithu i'r Saesneg, rhaid ei chyfieithu felly a bydd y Rheoliadau hyn yn gymwys i'r ddogfen

(5) The common transfer information must be transferred in machine readable form.

(6) The educational record may be transferred in machine readable form or in paper form or in a combination of both forms.

(7) Where it is not reasonably practicable for the head teacher of the old school to ascertain the pupil's new school, or where the head teacher is aware that the pupil is moving to a school other than a maintained school in Wales or England, the requirements in paragraphs (3) and (4) of this regulation do not apply but the head teacher of the old school must transfer the common transfer information to a secure internet website provided for that purpose by or on behalf of the Welsh Ministers.

(8) Where a pupil has been registered at a maintained school for less than four weeks, it is to be sufficient compliance for the purposes of paragraphs (3) and (4) if the head teacher of that school or, where applicable, the local authority transfers such information and record as they have received under this regulation from the school at which the pupil was previously registered in the form in which it was received by them.

(9) For the purposes of paragraph (8), the reference in paragraph (3) to "fifteen school days" is a reference to the number of days after the day on which the pupil ceases to be registered at the school in question or to the number of days after the information and record have been received by the head teacher of that school, whichever is the later.

(10) If the head teacher of a pupil's old school receives a request from the head teacher of the school at which the pupil is currently a registered pupil, either for the common transfer information relating to the time when the pupil left the old school or for any educational record relating to that pupil in the old school's possession, the head teacher must provide it within fifteen school days of receiving the request.

(11) If a pupil arrives at a new maintained school without his or her old school being available, the head teacher of the new school must contact the local authority which maintains the new school to request a search of the secure internet website provided by or on behalf of the Welsh Ministers for the pupil's common transfer information.

Translation of information and documents

7.—(1) If it appears necessary to the head teacher of any school that any document or information required to be made available under these Regulations which is provided in Welsh should be translated into English, it must be so translated and these Regulations are to apply to the document or information so translated as

neu'r wybodaeth a gyfieithwyd felly fel y maent yn gymwys i'r ddogfen neu'r wybodaeth wreiddiol.

(2) Os yw'n ymddangos yn angenrheidiol i bennaeth unrhyw ysgol fod unrhyw ddogfen neu wybodaeth, y mae'n ofynnol ei rhoi ar gael o dan y Rheoliadau hyn ac sydd wedi ei darparu yn Saesneg, yn cael ei chyfieithu i'r Gymraeg, rhaid ei chyfieithu felly a bydd y Rheoliadau hyn yn gymwys i'r ddogfen neu'r wybodaeth a gyfieithwyd felly fel y maent yn gymwys i'r ddogfen neu'r wybodaeth wreiddiol.

(3) Os yw'n ymddangos yn angenrheidiol i bennaeth unrhyw ysgol fod unrhyw ddogfen neu wybodaeth, y mae'n ofynnol iddi fod ar gael o dan y Rheoliadau hyn, yn cael ei chyfieithu i iaith ac eithrio Cymraeg neu Saesneg neu fod fersiwn Braille neu fersiwn tâp sain o'r ddogfen honno ar gael, rhaid ei chyfieithu neu ei chynhyrchu felly mewn Braille neu ar ffurf tâp sain, yn ôl y digwydd, a bydd y Rheoliadau hyn yn gymwys i'r ddogfen neu'r wybodaeth a gyfieithwyd, y fersiwn Braille neu'r fersiwn tâp sain, fel y maent yn gymwys i'r ddogfen neu'r wybodaeth wreiddiol.

(4) Ni ddylid codi unrhyw dâl am gopi o unrhyw wybodaeth a gyfieithwyd yn unol â pharagraffau (1), (2) neu (3), ond pan fo ffi yn cael ei chodi am gopi o ddogfen wreiddiol, rhaid peidio â chodi unrhyw ffi uwch am gopi o'r ddogfen a gyfieithwyd felly.

they apply to the original document or information.

(2) If it appears necessary to the head teacher of any school that any document or information required to be made available under these Regulations which is provided in English should be translated into Welsh, it must be so translated and these Regulations are to apply to the document or information so translated as they apply to the original document or information.

(3) If it appears necessary to the head teacher of any school that any document or information required to be made available under these Regulations should be translated into a language other than English or Welsh or that a Braille or audio tape version of such a document should be available, it must be so translated or produced in Braille or audio tape, as the case may be, and these Regulations are to apply to the translated document, information, Braille or audio version as they apply to the original document or information.

(4) No charge is to be made for a copy of any information translated in accordance with paragraphs (1), (2) or (3), but where a charge is made for a copy of an original document no greater charge is to be made for a copy of the document so translated.

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

29 Gorffennaf 2011

Minister for Education and Skills, one of the Welsh Ministers

29 July 2011

ATODLEN 1

Rheoliad 1

Y RHEOLIADAU A DDIRYMWYD

<i>Y Rheoliadau a ddirymwyd</i>	<i>Cyfeirnodau</i>	<i>Rhychwant y dirymu</i>
Rheoliadau Addysg (Gwybodaeth am Ddisgyblion) (Cymru) 2004	O.S. 2004/1026 (Cy.123)	Y rheoliadau cyfan
Rheoliadau'r Cwricwlwm Cenedlaethol (Trefniadau Asesu Cyfnod Allweddol 2) (Diwygiadau Canlyniadol) (Cymru) 2004	O.S. 2004/2914 (Cy.253)	Rheoliad 5
Rheoliadau Trefniadau Asesu y Cwricwlwm Cenedlaethol (Diwygiadau Amrywiol) (Cymru) 2005	O.S. 2005/1396 (Cy.110)	Rheoliad 5
Gorchymyn Awdurdod Cymwysterau, Cwricwlwm ac Asesu Cymru (Trosglwyddo Swyddogaethau i Gynulliad Cenedlaethol Cymru a Diddymu'r Awdurdod) 2005	O.S. 2005/3239 (Cy.244)	Paragraff 13 o Atodlen 2
Rheoliadau Addysg (Gwybodaeth am Ddisgyblion) (Cymru) (Diwygio) 2007	O.S. 2007/3563 (Cy.313)	Y rheoliadau cyfan
Rheoliadau Deddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 (Diwygiadau Canlyniadol) (Cymru) 2010	O.S. 2010/2431 (Cy. 209)	Rheoliad 7

SCHEDULE 1

Regulation 1

REGULATIONS REVOKED

<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
The Education (Pupil Information) (Wales) Regulations 2004	S.I. 2004/1026 (W.123)	The whole regulations
The National Curriculum (Key Stage 2 Assessment Arrangements) (Consequential Amendments) (Wales) Regulations 2004	S.I. 2004/2914 (W.253)	Regulation 5
The National Curriculum Assessment Arrangements (Miscellaneous Amendments) (Wales) Regulations 2005	S.I. 2005/1396 (W.110)	Regulation 5
The Qualifications, Curriculum and Assessment Authority for Wales (Transfer of Functions to the National Assembly for Wales and Abolition) Order 2005	S.I. 2005/3239 (W.244)	Paragraph 13 of Schedule 2
The Education (Pupil Information) (Wales) (Amendment) Regulations 2007	S.I. 2007/3563 (W.313)	The whole regulations
The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (Wales) Regulations 2010	S.I. 2010/2431 (W.209)	Regulation 7

ATODLEN 2

Rheoliad 6

YR WYBODAETH DROSLWYDDO GYFFREDIN

1. Yr wybodaeth ganlynol am y disgybl—

- (a) rhif unigryw disgybl;
- (b) rhif unigryw dysgwr, os yw'n hysbys;
- (c) cyfenw;
- (ch) enw(au) cyntaf;
- (d) dyddiad geni;
- (dd) rhyw;
- (e) grŵp ethnig;
- (f) hunaniaeth genedlaethol;
- (ff) pwy a ddarparodd yr wybodaeth am grŵp ethnig y disgybl;
- (g) iaith gyntaf y disgybl;
- (ng) pa mor rhugl yw'r disgybl yn y Gymraeg;

- (h) a yw'r disgybl yn siarad Cymraeg gartref neu beidio;
- (i) pwy a ddarparodd yr wybodaeth am ba mor rhugl yw'r disgybl yn y Gymraeg ac a yw'r disgybl yn siarad Cymraeg gartref; ac
- (j) a yw'r disgybl, yn unol ag adrannau 512(3) a 512ZB o Ddeddf 1996(1), wedi gwneud cais ac a gafwyd ei fod yn gymwys i gael prydau am ddim yn yr ysgol.

2. Pan fo'r disgybl yn dysgu Saesneg fel iaith ychwanegol, datganiad cryno am lefel ddysgu'r disgybl o'i asesu yn erbyn y lefelau cyflawniad canlynol—

- (a) "Newydd i Saesneg" ("*New to English*");
- (b) "Wedi Dysgu'n Ifanc" ("*Early Acquisition*");
- (c) "Wedi Magu Cymhwysedd" ("*Developing Competence*");
- (ch) "Cymwys" ("*Competent*"); neu
- (d) "Rhugl" ("*Fluent*").

3. A oes gan y disgybl anghenion addysgol arbennig ac, os felly, cadarnhad o'r canlynol—

(1) Rhoddwyd adrannau 512 a 512ZB, ynghyd ag adran 512ZA, yn lle adran 512 fel y'i deddfwyd yn wreiddiol gan Ddeddf Addysg 2002 (p.32), adran 201(1). Mewnosodwyd adran 512ZB(4)(a)(ia) gan Atodlen 3, paragraff 16(1) a (3) o Ddeddf Diwygio Lles 2007 (p.5) a diwygiwyd adrannau 512 a 512ZB ymhellach gan O.S. 2010/1158. Diddymwyd adran 512ZB(4)(a)(i) gan Ddeddf Diwygio Lles 2009 (p.24), Rhan 1 o Atodlen 7. Diwygiwyd adran 512ZB(4) gan Ddeddf Tlodi Plant 2010 (p.9), adran 26(1)(b), (c) a (d).

SCHEDULE 2

Regulation 6

COMMON TRANSFER INFORMATION

1. The following information about the pupil—

- (a) unique pupil number;
- (b) unique learner number, if known;
- (c) surname;
- (d) first name(s);
- (e) date of birth;
- (f) gender;
- (g) ethnic group;
- (h) national identity;
- (i) who provided the information as to the pupil's ethnic group;
- (j) the pupil's first language;
- (k) the pupil's level of fluency in the Welsh language;
- (l) whether or not the pupil speaks Welsh at home;

- (m) who provided the information as to the pupil's level of fluency in the Welsh language and the pupil's speaking of Welsh at home; and
- (n) whether, pursuant to sections 512(3) and 512ZB of the 1996 Act(1), the pupil has applied and been found eligible for free school meals.

2. Where the pupil is learning English as an additional language, a brief statement of the pupil's level of acquisition when assessed against the following levels of achievement—

- (a) "New to English" ("*Newydd i Saesneg*");
- (b) "Early Acquisition" ("*Wedi Dysgu'n Ifanc*");
- (c) "Developing Competence" ("*Wedi Magu Cymhwysedd*");
- (d) "Competent" ("*Cymwys*"); or
- (e) "Fluent" ("*Rhugl*").

3. Whether the pupil has special educational needs and, if so, confirmation of—

(1) Sections 512 and 512ZB, together with section 512ZA, were substituted for section 512 as originally enacted by the Education Act 2002 (c.32), section 201(1). Section 512ZB(4)(a)(ia) was inserted by Schedule 3, paragraph 16(1) and (3) of the Welfare Reform Act 2007 (c.5) and sections 512 and 512ZB were further amended by S.I. 2010/1158. Section 512ZB(4)(a)(i) was repealed by the Welfare Reform Act 2009 (c.24), Part 1 of Schedule 7. Section 512ZB(4) was amended by the Child Poverty Act 2010 (c.9), section 26(1)(b), (c) and (d).

- (a) prif angen y disgybl ac unrhyw angen eilaidd a nodwyd;
- (b) y math o ddarpariaeth AAA sy'n rhan o'r ymagwedd raddedig a fabwysiadwyd yn unol â "Cod Ymarfer Anghenion Addysgol Arbennig Cymru"(1), a ddyroddwyd o dan adran 313 o Ddeddf 1996 sy'n cael ei gwneud ar gyfer y disgybl hwnnw; ac
- (c) y cymorth sy'n cael ei roi.

4. Pan fo'r disgybl yn blentyn sy'n derbyn gofal gan awdurdod lleol, y ffaith honno ac enw'r awdurdod lleol hwnnw.

5. Manylion y cyfeiriad lle mae'r disgybl yn preswyllo fel rheol.

6. Cyfenw o leiaf un person cyswllt a manylion ei berthynas â'r disgybl.

7. Dangosydd bod gwybodaeth feddygol yn bodoli a allai fod yn berthnasol i ysgol newydd y disgybl.

8. Cyfanswm—

- (a) y sesiynau yn y flwyddyn ysgol hyd at y dyddiad y mae'r disgybl yn peidio â bod yn gofrestredig yn yr hen ysgol;
- (b) y sesiynau yn y flwyddyn ysgol a fynychwyd gan y disgybl; ac
- (c) absenoldebau awdurdodedig ac absenoldebau anawdurdodedig y disgybl (o fewn ystyr Rheoliadau Addysg (Cofrestru Disgyblion) (Cymru) 2010(2)) yn y flwyddyn ysgol.

9. Y rhif ALI a'r rhif ysgol ar gyfer yr hen ysgol yn ogystal â'r ysgol newydd.

- (a) the pupil's primary need and any secondary need identified;
- (b) the SEN provision type forming part of the graduated approach adopted pursuant to "The Special Educational Needs Code of Practice for Wales"(1), which was issued under section 313 of the 1996 Act, that is being made for that pupil; and
- (c) the support being provided.

4. Where the pupil is a child looked after by a local authority, that fact and the name of the local authority.

5. Details of the address where the pupil normally resides.

6. The surname of at least one contact person and details of their relationship to the pupil.

7. An indicator where medical information exists that may be relevant to the pupil's new school.

8. The total number of—

- (a) sessions in the school year to the date the pupil ceases to be registered at the old school;
- (b) such sessions in the school year attended by the pupil; and
- (c) the pupil's authorised and unauthorised absences (within the meaning of the Education (Pupil Registration) (Wales) Regulations 2010(2)) in the school year.

9. The LA number and the school number for each of the old school and the new school.

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ADDYSG, CYMRU

Rheoliadau Gwybodaeth am
Ddisgyblion (Cymru) 2011

WELSH STATUTORY
INSTRUMENTS

2011 No. 1942 (W.209)

EDUCATION, WALES

The Pupil Information (Wales)
Regulations 2011