



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2014 Rhif 2709 (Cy. 270)

2014 No. 2709 (W. 270)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Unedau
Cyfeirio Disgyblion) (Pwyllgorau
Rheoli etc.) (Cymru) 2014**

**The Education (Pupil Referral
Units) (Management Committees
etc.) (Wales) Regulations 2014**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn, a ddaw i rym ar 31 Hydref 2014, yn ei gwneud yn ofynnol i awdurdodau lleol sefydlu pwyllgorau rheoli i redeg unedau cyfeirio disgyblion (UCDau) yn eu hardal, ac yn gwneud darpariaeth ar gyfer cyfansoddiad a gweithdrefnau pwyllgorau o'r fath.

Mae Rhan 2 yn ei gwneud yn ofynnol i awdurdodau lleol sefydlu pwyllgor mewn perthynas â phob UCD yn ei ardal, gyda'r amod y caiff pwyllgor redeg mwy nag un UCD. O ran yr UCDau a agorir cyn 31 Hydref 2014, rhaid sefydlu pwyllgor erbyn 23 Chwefror 2015. O ran yr UCDau a agorir ar neu ar ôl 31 Hydref 2014, rhaid sefydlu pwyllgor (neu rhaid gwneud trefniadau i bwyllgor presennol reoli'r UCD) heb fod yn hwyrach na'r diwrnod cyntaf y mae ar agor i ddisgyblion (rheoliadau 3 a 4). Rhaid i'r awdurdod lleol wneud offeryn llywodraethu mewn cysylltiad â phob uned (neu grŵp o unedau) a phenodi'r aelodau cyntaf (ac eithrio'r rheini y mae'n ofynnol iddynt gael eu hethol) (rheoliad 5).

Mae Rhan 3 yn rhagnodi'r categorïau o aelodau. Mae Rhan 4 yn rhagnodi cyfansoddiad y pwyllgorau. Mae Rhan 5 yn rhagnodi cymhwyster a deiliadaeth swydd aelodau.

Mae Rhan 6 yn gwneud darpariaeth ar gyfer gweithdrefnau pwyllgorau drwy gymhwyso Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 i bwyllgorau, gydag addasiadau penodol (rheoliad 21 ac Atodlen 3).

Mae rheoliadau 22 a 23 yn Rhan 7, a ddaw i rym ar 23 Chwefror 2015, yn ei gwneud yn ofynnol i awdurdodau lleol ddirprwyo swyddogaethau penodol, yn bennaf y swyddogaeth o gynnal yr uned, i'r pwyllgor ac yn ei gwneud yn ofynnol i ddatganiad polisi ysgrifenedig mewn perthynas â'r cwricwlwm ar

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 31 October 2014, require local authorities to establish management committees to run pupil referral units (PRUs) in their area, and make provision for the constitution and procedures of such committees.

Part 2 requires local authorities to establish a committee in relation to each PRU in their area, with the proviso that a committee may run more than one PRU. In relation to PRUs opened before 31 October 2014, a committee must be established by 23 February 2015. In relation to PRUs opened on or after 31 October 2014, a committee must be established (or arrangements must be made for an existing committee to take on the management of the PRU) by no later than the first day it is open to pupils (regulations 3 and 4). The local authority must make an instrument of government in respect of each unit (or group of units) and appoint the first members (other than those who are required to be elected (regulation 5)).

Part 3 prescribes the categories of members. Part 4 prescribes the composition of committees. Part 5 prescribes the qualifications and tenure of office of members.

Part 6 makes provision for the procedures of committees by applying the Government of Maintained Schools (Wales) Regulations 2005 to committees, with certain modifications (regulation 21 and Schedule 3).

Regulations 22 and 23 in Part 7, which come into force on 23 February 2015, require local authorities to delegate certain functions, principally the function of conducting the unit, to the committee and require a written statement of policy in relation to the

gyfer yr uned gael ei wneud a'i adolygu o bryd i'w gilydd.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth: Yr Is-adran Cymorth i Ddysgwyr, Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

curriculum for the unit to be made and periodically reviewed.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained at the Support for Learners Division, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Unedau
Cyfeirio Disgyblion) (Pwyllgorau
Rheoli etc.) (Cymru) 2014

The Education (Pupil Referral
Units) (Management Committees
etc.) (Wales) Regulations 2014

Gwnaed 7 Hydref 2014

Made 7 October 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol
Cymru* 9 Hydref 2014

Laid before the National Assembly for Wales

*Yn dod i rym ar 31 Hydref 2014, ac eithrio
rheoliadau 22 a 23 sy'n dod i rym ar 23
Chwefror 2015*

9 October 2014
*Coming into force on 31 October 2014, except
for regulations 22 and 23 which come into
force on 23 February 2015*

CYNNWYS

CONTENTS

RHAN 1

PART 1

CYFFREDINOL

GENERAL

1. Enwi, cychwyn a chymhwyso
2. Dehongli

1. Title, commencement and application
2. Interpretation

RHAN 2

PART 2

SEFYDLU PWYLLGORAU RHEOLI

ESTABLISHMENT OF MANAGEMENT
COMMITTEES

3. Sefydlu pwyllgorau
4. Cyd-bwyllgorau
5. Dyletswydd i wneud offeryn
llywodraethu a phenodi'r aelodau
cyntaf
6. Cynnwys yr offeryn llywodraethu
7. Adolygu'r offeryn llywodraethu
8. Gofynion eraill mewn perthynas ag
offerynnau llywodraethu

3. Establishment of committees
4. Joint committees
5. Duty to make instrument of
government and appoint first members
6. Content of instrument of government
7. Review of instrument of government
8. Other requirements relating to
instruments of government

RHAN 3

PART 3

CATEGORIAU O AELODAU

CATEGORIES OF MEMBERS

9. Rhiant-aelodau

9. Parent members

10. Staff-aelodau
11. Aelodau a benodir gan yr awdurdod
12. Aelodau cymunedol
13. Noddwr-aelodau

RHAN 4

CYFANSODDIAD Y PWYLLGORAU

14. Egwyddorion cyffredinol
15. Hysbysu ynghylch penodiadau

RHAN 5

CYMHWYSTER A DEILIADAETH SWYDD

16. Cymhwyso ac anghymhwyso
17. Tymor y swydd
18. Ymddiswyddo
19. Symud aelodau o'u swyddi
20. Y weithdrefn ar gyfer symud aelodau o'u swyddi gan y pwyllgor

RHAN 6

GWEITHDREFNAU'R PWYLLGORAU

21. Cymhwyso Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

RHAN 7

DIRPRWYO SWYDDOGAETHAU I BWYLLGORAU A'R CWRICWLWM

22. Dirprwyo swyddogaethau
23. Cwricwlwm

ATODLEN 1 — Ethol a phenodi aelodau

ATODLEN 2 — Cymhwysoac anghymhwyso

ATODLEN 3 — Cymhwyso, gydag addasiadau, Ran 7, 8, 9 a 10 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

10. Staff members
11. Authority appointed members
12. Community members
13. Sponsor members

PART 4

COMPOSITION OF COMMITTEES

14. General principles
15. Notification of appointments

PART 5

QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS

16. Qualifications and disqualifications
17. Term of office
18. Resignation
19. Removal of members
20. Procedure for removal of members by the committee

PART 6

PROCEDURES OF COMMITTEES

21. Application of the Government of Maintained Schools (Wales) Regulations 2005

PART 7

DELEGATION OF FUNCTIONS TO COMMITTEES AND CURRICULUM

22. Delegation of functions
23. Curriculum

SCHEDULE 1 — Election and appointment of members

SCHEDULE 2 — Qualifications and disqualifications

SCHEDULE 3 — Application, with modifications, of Part 7, 8, 9 and 10 of the Government of Maintained Schools (Wales) Regulations 2005

Mae Gweinidogion Cymru yn gwneud y Rheoliadau a ganlyn drwy arfer y pwerau a roddwyd iddynt gan adran 569(4) a (5) o Ddeddf Addysg 1996(1) a pharagraffau 3, 6(2) a 15 o Atodlen 1 iddi:

RHAN 1 CYFFREDINOL

Enwi, cychwyn a chymhwys

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014.

(2) Daw'r Rheoliadau hyn, ac eithrio rheoliadau 22 a 23, i rym ar 31 Hydref 2014.

(3) Daw rheoliadau 22 a 23 i rym ar 23 Chwefror 2015.

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

Dehongli

2. Yn y Rheoliadau hyn—

ystyr “aelod” (“*member*”) yw aelod o bwyllgor a benodir neu a etholir yn unol â'r Rheoliadau hyn;

ystyr “awdurdod” (“*authority*”), mewn perthynas ag uned, yw'r awdurdod lleol y cynhelir yr uned ganddo;

ystyr “clerc y pwyllgor” (“*clerk to the committee*”) yw clerc a benodir i bwyllgor yn unol â Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(2);

The Welsh Ministers make the following Regulations in exercise of the powers conferred on them by section 569(4) and (5) of, and paragraphs 3, 6(2) and 15 of Schedule 1 to, the Education Act 1996(1):

PART 1 GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014.

(2) These Regulations, except regulations 22 and 23, come into force on 31 October 2014.

(3) Regulations 22 and 23 come into force on 23 February 2015.

(4) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“authority” (“*awdurdod*”), in relation to a unit, means the local authority by which the unit is maintained;

“clerk to the committee” (“*clerc y pwyllgor*”) means a clerk appointed to a committee in accordance with the Government of Maintained Schools (Wales) Regulations 2005(2);

(1) 1996 p. 56; mewnosodwyd paragraff 15 o Atodlen 1 gan adran 48 o Ddeddf Addysg 1997 (p. 44), ac fe'i diwygiwyd gan baragraff 184(c) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) a chan O.S. 2001/2237. *Gweler* adran 579(1) o Ddeddf Addysg 1996 i gael y diffiniadau o “prescribed” a “regulations”. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn Atodlen 1 i Ddeddf Addysg 1996 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(2) O.S. 2005/2914 (Cy. 211) fel y'i diwygiwyd gan Reoliadau Cynghorau Ysgol (Cymru) 2005 (O.S. 2005/3200 (Cy. 236)); a chan Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 (O.S. 2006/873 (Cy. 81)) a chan Reoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007 (O.S. 2007/944 (Cy. 80)), a chan Reoliadau Addysg (Diwygiadau Amrywiol ynghylch Diogelu Plant) (Cymru) 2009 (O.S. 2009/2544 (Cy. 206)), a chan Orchymyn Awdurdodau Addysg Lleol ac Awdurdodau Gwasanaethau Plant (Integreiddio Swyddogaethau) (Is-ddeddfwriaeth) (Cymru) 2010 (O.S. 2010/1142 (Cy. 101)), a chan Reoliadau Llywodraethu Ysgolion a Gynhelir (Gofynion Hyfforddi ar gyfer Llywodraethwyr) (Cymru) 2013 (O.S. 2013/2124 (Cy. 207)).

(1) 1996 c. 56; paragraph 15 of Schedule 1 is inserted by section 48 of the Education Act 1997 (c. 44), and amended by paragraph 184(c) of Schedule 30 of the School Standards and Framework Act 1998 (c. 31) and by S.I. 2001/2237. *See* section 579(1) of the Education Act 1996 for the definitions of “prescribed” and “regulations”. The functions of the Secretary of State in Schedule 1 to the Education Act 1996 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 by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(2) S.I. 2005/2914 (W. 211) as amended by the School Councils (Wales) Regulations 2005 (S.I.2005/3200 (W. 236)); and by the Staffing of Maintained Schools (Wales) Regulations 2006 (S.I. 2006/873 (W. 81)) and by the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 (S.I. 2007/944 (W. 80)), and by the Education (Miscellaneous Amendments relating to Safeguarding Children) (Wales) Regulations 2009 (S.I. 2009/2544 (W. 206)), and by the Local Education Authorities and Children's Services Authorities (Integration of Functions) (Subordinate Legislation) (Wales) Order 2010 (S.I. 2010/1142 (W. 101)), and by the Government of Maintained Schools (Training Requirements for Governors) (Wales) Regulations 2013 (S.I. 2013/2124 (W. 207)).

ystyr “cynrychiolydd ysgol” (“*school representative*”) yw person sy’n llywodraethwr neu’n aelod o staff ysgol a gynhelir yn y gymuned a wasanaethir gan yr uned (neu, yn ôl y digwydd, y grŵp o unedau);

ystyr “grŵp o unedau” (“*group of units*”) yw dwy neu ragor o unedau a reolir gan yr un pwyllgor yn unol â rheoliad 4;

ystyr “offeryn llywodraethu” (“*instrument of government*”) yw offeryn llywodraethu uned, neu grŵp o unedau, a wneir yn unol â’r Rheoliadau hyn;

ystyr “pwyllgor” (“*committee*”) yw pwyllgor rheoli uned, neu grŵp o unedau, a sefydlir o dan y Rheoliadau hyn; ac

ystyr “uned” (“*unit*”) yw uned cyfeirio disgyblion.

“committee” (“*pwyllgor*”) means a management committee of a unit, or a group of units, established under these Regulations;

“group of units” (“*grŵp o unedau*”) means two or more units managed by the same committee in accordance with regulation 4;

“instrument of government” (“*offeryn llywodraethu*”) means an instrument of government of a unit, or a group of units, made in accordance with these Regulations;

“member” (“*aelod*”) means a member of a committee appointed or elected in accordance with these Regulations;

“school representative” (“*cynrychiolydd ysgol*”) means a person who is a governor or member of staff of a maintained school in the community served by the unit (or as the case may be, the group of units); and

“unit” (“*uned*”) means a pupil referral unit.

RHAN 2

SEFYDLU PWYLLGORAU RHEOLI

Sefydlu pwyllgorau

3. Yn ddarostyngedig i reoliad 4, rhaid i awdurdod sefydlu pwyllgor i weithredu fel pwyllgor rheoli pob uned a gynhelir ganddo—

- (a) mewn perthynas ag uned a agorir cyn 31 Hydref 2014, erbyn 23 Chwefror 2015; a
- (b) mewn perthynas ag uned a agorir ar neu ar ôl 31 Hydref 2014, cyn gynted ag y bo’n ymarferol, a beth bynnag heb fod yn hwyrach na’r diwrnod cyntaf y mae’r uned ar agor i ddisgyblion.

Cyd-bwyllgorau

4. Caiff awdurdod—

- (a) sefydlu pwyllgor i weithredu fel pwyllgor rheoli dwy neu ragor o unedau a gynhelir ganddo; neu
- (b) gwneud trefniadau i bwyllgor a sefydlir ganddo o dan reoliad 3 neu baragraff (a) weithredu fel pwyllgor rheoli uned, neu unedau, ychwanegol a gynhelir ganddo.

Dylatswydd i wneud offeryn llywodraethu a phenodi’r aelodau cyntaf

5. Rhaid i awdurdod—

PART 2

ESTABLISHMENT OF MANAGEMENT COMMITTEES

Establishment of committees

3. Subject to regulation 4, an authority must establish a committee to act as the management committee of each unit maintained by it—

- (a) in relation to a unit opened before 31 October 2014, by 23 February 2015; and
- (b) in relation to a unit opened on or after 31 October 2014, as soon as practicable, and in any event no later than the first day on which the unit is open to pupils.

Joint committees

4. An authority may—

- (a) establish a committee to act as the management committee of two or more units maintained by it; or
- (b) make arrangements for a committee established by it under regulation 3 or paragraph (a) to act as the management committee of an additional unit, or units, maintained by it.

Duty to make instrument of government and appoint first members

5. An authority must—

- (a) gwneud offeryn llywodraethu, i benderfynu ar y cyfansoddiad a materion eraill sy'n ymwneud â'r pwyllgor, mewn cysylltiad â phob uned (neu, yn ôl y digwydd, bob grŵp o unedau) a gynhelir ganddo; a
- (b) penodi aelodau cyntaf pob pwyllgor a sefydlir ganddo o dan reoliad 3 neu 4, (ac eithrio rhiant-aelodau, a staff-aelodau y mae'n ofynnol iddynt gael eu hethol o dan reoliad 10(1)(b)).

- (a) make an instrument of government, to determine the composition and other matters relating to the committee, in respect of every unit (or, as the case may be, every group of units) maintained by it; and
- (b) appoint the first members of each committee established by it under regulation 3 or 4, (other than parent members, and staff members required to be elected under regulation 10(1)(b)).

Cynnwys yr offeryn llywodraethu

6. Rhaid i'r offeryn llywodraethu nodi—

- (a) enw'r uned (neu'r grŵp o unedau);
- (b) enw'r pwyllgor;
- (c) y modd y mae'r pwyllgor i gael ei gyfansoddi yn unol â rheoliad 14, gan bennu—
 - (i) nifer yr aelodau ym mhob categori o aelod, a
 - (ii) cyfanswm nifer aelodau'r pwyllgor, gan gynnwys unrhyw noddwr-aelodau;
- (d) pan fo tymor y swydd ar gyfer categori o aelod i fod yn llai na phedair blynedd, hyd tymor y swydd honno;
- (e) enw unrhyw noddwr sydd â'r hawl i enwebu personau i'w penodi yn aelodau o'r fath o dan Atodlen 1; ac
- (f) y dyddiad pan fydd yr offeryn llywodraethu yn cymryd effaith.

Content of instrument of government

6. The instrument of government must set out—

- (a) the name of the unit (or group of units);
- (b) the name of the committee;
- (c) the manner in which the committee is to be constituted in accordance with regulation 14, specifying—
 - (i) the number of members in each category of member, and
 - (ii) the total membership of the committee, including any sponsor members;
- (d) where the term of office for a category of member is to be less than four years, the length of that term of office;
- (e) the name of any sponsor who is entitled to nominate persons for appointment as such members under Schedule 1; and
- (f) the date when the instrument of government takes effect.

Adolygu'r offeryn llywodraethu

7.—(1) Caiff y pwyllgor neu'r awdurdod adolygu'r offeryn llywodraethu ar unrhyw adeg ar ôl iddo gael ei wneud.

(2) Pan fo'r pwyllgor neu'r awdurdod yn penderfynu, ar ôl unrhyw adolygiad, y dylid amrywio'r offeryn llywodraethu, rhaid i'r pwyllgor neu (yn ôl y digwydd) yr awdurdod hysbysu'r llall am yr amrywiad a gynigir ganddo ynghyd â'i resymau dros gynnig amrywiad o'r fath.

(3) Pan fo'r pwyllgor wedi cael hysbysiad o dan baragraff (2), rhaid iddo hysbysu'r awdurdod pa un a yw'n fodlon ar yr amrywiad a gynigir ai peidio ac, os nad yw'n fodlon, am ba resymau.

(4) Os—

- (a) yw'r pwyllgor neu'r awdurdod, pa un bynnag sy'n cael hysbysiad o dan baragraff (2), yn cytuno â'r amrywiad a gynigir; neu
- (b) oes cytundeb rhwng yr awdurdod a'r pwyllgor y dylid gwneud rhyw amrywiad arall yn ei le,

Review of instrument of government

7.—(1) The committee or the authority may review the instrument of government at any time after it is made.

(2) Where, on any review, the committee or the authority decides that the instrument of government should be varied, the committee or (as the case may be) the authority must notify the other of its proposed variation together with its reasons for proposing such a variation.

(3) Where the committee has received notification under paragraph (2), it must inform the authority whether or not it is content with the proposed variation and, if not content, its reasons.

(4) If—

- (a) whichever of the committee or the authority is the recipient of a notification under paragraph (2) agrees with the proposed variation; or
- (b) there is agreement between the authority and the committee that some other variation

rhaid i'r awdurdod amrywio'r offeryn llywodraethu yn unol â hynny.

(5) Os nad yw paragraff (4) yn gymwys, rhaid i'r awdurdod—

- (a) hysbysu'r pwyllgor am y rhesymau—
 - (i) pam nad yw'n fodlon ar yr amrywiad a gynigir gan y pwyllgor, neu yn ôl y digwydd,
 - (ii) pam y mae'n dymuno bwrw ymlaen â'i amrywiad ei hun; a
- (b) rhoi cyfle rhesymol i'r pwyllgor i ddod i gytundeb ag ef mewn perthynas â'r amrywiad, a rhaid iddo amrywio'r offeryn llywodraethu naill ai yn y modd y cytunwyd arno rhyngddo ef a'r pwyllgor neu (yn absenoldeb cytundeb o'r fath) ym mha bynnag fodd y gwel yn dda.

(6) Pan fo'r offeryn llywodraethu wedi ei amrywio o dan y rheoliad hwn, rhaid iddo nodi'r dyddiad y mae'r amrywiad yn cymryd effaith.

Gofynion eraill mewn perthynas ag offerynnau llywodraethu

8.—(1) Rhaid i'r awdurdod sicrhau y darperir i'r personau a nodir ym mharagraff (2) (yn rhad ac am ddim)—

- (a) copi o'r offeryn llywodraethu; a
- (b) pan fo unrhyw amrywiad wedi ei wneud i'r offeryn llywodraethu, fersiwn wedi ei chydgrynhoi o'r offeryn llywodraethu sy'n ymgorffori pob amrywiad a wnaed gan yr awdurdod (ac eithrio amrywiadau sydd wedi peidio â chael effaith).

(2) Dyma'r personau y mae'r wybodaeth y cyfeirir ati ym mharagraff (1) i gael ei darparu iddynt—

- (a) pob aelod o'r pwyllgor; a
- (b) yr athro neu'r athrawes â gofal am yr uned, os nad yw'n aelod o'r pwyllgor (neu, yn achos grŵp o unedau, unrhyw athro neu athrawes â gofal nad yw'n aelod o'r pwyllgor).

RHAN 3

CATEGORÏAU O AELODAU

Rhiant-aelodau

9.—(1) Yn y Rheoliadau hyn ystyr "rhiant-aelod" ("*parent member*") yw—

- (a) person sydd wedi ei ethol yn aelod yn unol â pharagraffau 2 i 6 o Atodlen 1 gan rieni disgyblion cofrestredig yn yr uned (neu, yn ôl y digwydd, ym mhob un o'r unedau yn y

should be made instead, the instrument of government must be varied accordingly by the authority.

(5) If paragraph (4) does not apply, the authority must—

- (a) inform the committee of the reasons—
 - (i) why it is not content with the committee's proposed variation, or as the case may be,
 - (ii) why it wishes to proceed with its own variation; and
- (b) give the committee a reasonable opportunity to reach agreement with it with regard to the variation, and the instrument of government must be varied by it either in the manner agreed between it and the committee or (in the absence of such agreement) in such manner as it thinks fit.

(6) Where the instrument of government is varied under this regulation, it must set out the date on which the variation takes effect.

Other requirements relating to instruments of government

8.—(1) The authority must ensure that the persons set out in paragraph (2) are provided (free of charge) with—

- (a) a copy of the instrument of government; and
- (b) where any variation is made to the instrument of government, a consolidated version of the instrument of government incorporating all variations made by the authority (other than variations which have ceased to have effect).

(2) The persons who are to be provided with the information referred to in paragraph (1) are—

- (a) every member of the committee; and
- (b) if not a member of the committee, the teacher in charge (or, in the case of a group of units, any teacher in charge who is not a member of the committee).

PART 3

CATEGORIES OF MEMBERS

Parent members

9.—(1) In these Regulations "parent member" ("*rhiant-aelod*") means—

- (a) a person who is elected in accordance with paragraphs 2 to 6 of Schedule 1 as a member by parents of registered pupils at the unit (or, as the case may be, at all the units in the

grŵp o unedau), ac sy'n rhiant i ddisgybl cofrestredig yn yr uned (neu, yn ôl y digwydd, unrhyw uned yn y grŵp o unedau) ar yr adeg pan etholir y person hwnnw; neu

(b) person a benodir yn rhiant-aelod yn unol â pharagraffau 7 ac 8 o Atodlen 1.

(2) Mae person wedi ei anghymhwysu rhag cael ei ethol neu ei benodi yn rhiant-aelod os yw'r person hwnnw—

(a) yn aelod etholedig o'r awdurdod; neu

(b) wedi ei anghymhwysu o dan reoliad 10(2).

(3) Nid yw person wedi ei anghymhwysu rhag parhau i ddal swydd rhiant-aelod pan fo'r person hwnnw yn peidio â bod yn rhiant i ddisgybl cofrestredig yn yr uned (neu, yn ôl y digwydd, unrhyw uned yn y grŵp o unedau) neu'n methu â bodloni unrhyw un neu ragor o'r gofynion a nodir ym mharagraff 8 o Atodlen 1 oni bai bod y person hwnnw wedi ei anghymhwysu fel arall o dan y Rheoliadau hyn.

Staff-aelodau

10.—(1) Yn y Rheoliadau hyn ystyr “staff-aelod” (“*staff member*”) yw—

(a) yr athro neu'r athrawes â gofal am uned (neu, yn achos grŵp o unedau, yr athro neu'r athrawes â gofal am bob un o'r unedau); neu

(b) person sydd wedi ei ethol yn aelod yn unol â pharagraffau 9 i 11 o Atodlen 1 gan bersonau sy'n cael eu talu i weithio yn gyfan gwbl neu'n bennaf yn yr uned (neu, yn ôl y digwydd, unrhyw uned yn y grŵp o unedau) ac sy'n berson sy'n gweithio felly ar yr adeg pan etholir y person hwnnw.

(2) Nid yw person sy'n gymwys i'w ethol yn staff-aelod ac sy'n cael ei dalu i weithio yn yr uned honno am fwy na 500 awr ym mhob blwyddyn academaidd yn gymwys i'w ethol neu ei benodi yn aelod o dan reoliad 9, 11, 12 neu 13.

(3) Pan fydd staff-aelod yn peidio â gweithio yn yr uned honno, mae i'w anghymhwysu rhag parhau i ddal ei swydd fel aelod o'r fath.

Aelodau a benodir gan yr awdurdod

11.—(1) Yn y Rheoliadau hyn ystyr “aelod a benodir gan yr awdurdod” (“*authority appointed member*”) yw person sydd wedi ei benodi yn aelod gan yr awdurdod (ac eithrio staff-aelod, aelod cymunedol, neu noddwr-aelod a benodir gan yr awdurdod o dan reoliad 5(b)).

(2) Mae person wedi ei anghymhwysu rhag cael ei benodi yn aelod a benodir gan yr awdurdod os yw'r person hwnnw yn gymwys i fod yn staff-aelod.

group of units), and is a parent of a registered pupil at the unit (or, as the case may be, any unit in the group of units) at the time when that person is elected; or

(b) a person appointed as a parent member in accordance with paragraphs 7 and 8 of Schedule 1.

(2) A person is disqualified from election or appointment as a parent member if that person is—

(a) an elected member of the authority; or

(b) disqualified under regulation 10(2).

(3) A person is not disqualified from continuing to hold office as a parent member when that person ceases to be a parent of a registered pupil at the unit (or, as the case may be, any unit in the group of units) or to fulfil any of the requirements set out in paragraph 8 of Schedule 1 unless that person is otherwise disqualified under these Regulations.

Staff members

10.—(1) In these Regulations “staff member” (“*staff-aelod*”) means—

(a) the teacher in charge of a unit (or, in the case of a group of units, the teacher in charge of each of the units); or

(b) a person who is elected in accordance with paragraphs 9 to 11 of Schedule 1 as a member by persons who are paid to work wholly or mainly at the unit (or, as the case may be, any unit in the group of units) and is a person so working at the time when that person is elected.

(2) A person who is eligible for election as a staff member and who is paid to work at that unit for more than 500 hours in each academic year is not eligible for election or appointment as a member under regulation 9, 11, 12 or 13.

(3) Upon ceasing to work at that unit, a staff member is to be disqualified from continuing to hold office as such a member.

Authority appointed members

11.—(1) In these Regulations “authority appointed member” (“*aelod a benodir gan yr awdurdod*”) means a person who is appointed as a member by the authority (other than a staff member, a community member, or a sponsor member appointed by the authority under regulation 5(b)).

(2) A person is disqualified from appointment as an authority appointed member if that person is eligible to be a staff member.

Aelodau cymunedol

12.—(1) Yn y Rheoliadau hyn ystyr “aelod cymunedol” (“*community member*”) yw person sydd wedi ei benodi yn aelod gan y pwyllgor (neu gan yr awdurdod o dan reoliad 5(b)) ac sy’n—

- (a) cynrychiolydd ysgol;
- (b) person sy’n byw neu’n gweithio yn y gymuned a wasanaethir gan yr uned (neu, yn ôl y digwydd, y grŵp o unedau); neu
- (c) person sydd, ym marn y pwyllgor (neu, yn achos aelod cymunedol a benodir o dan reoliad 5(b), yr awdurdod), wedi ymrwymo i lywodraethu da ac i lwyddiant yr uned (neu, yn ôl y digwydd, y grŵp o unedau).

(2) Mae person wedi ei anghymhwysu rhag cael ei benodi yn aelod cymunedol os yw’r person hwnnw—

- (a) yn gymwys i fod yn staff-aelod o’r pwyllgor; neu
- (b) yn aelod etholedig o’r awdurdod.

Noddwr-aelodau

13. Yn y Rheoliadau hyn ystyr “noddwr-aelod” (“*sponsor member*”) yw person sydd wedi ei enwebu’n noddwr-aelod ac sydd wedi ei benodi felly gan y pwyllgor yn unol â pharagraffau 12 i 14 o Atodlen 1 (neu sydd wedi ei benodi’n noddwr-aelod gan yr awdurdod o dan reoliad 5(b)).

RHAN 4

CYFANSODDIAD Y PWYLLGORAU

Egwyddorion cyffredinol

14.—(1) Mae’r offeryn llywodraethu i bennu maint ac aelodaeth y pwyllgor nad yw i fod yn llai na 7 aelod nac yn fwy nag 20 o aelodau (gan ddiystyru unrhyw noddwr-aelodau).

(2) Mae’r offeryn llywodraethu i bennu nifer yr aelodau i’w hethol neu eu penodi o bob un o’r categorïau o aelod a ganlyn—

- (a) rhiant-aelod;
- (b) staff-aelod;
- (c) aelod a benodir gan yr awdurdod;
- (d) aelod cymunedol;
- (e) noddwr-aelod.

(3) Wrth gyfrifo nifer yr aelodau sy’n ofynnol ym mhob categori yn unol â pharagraff (5), rhaid talgrynnu’r nifer i fyny neu i lawr i’r rhif cyfan agosaf.

Community members

12.—(1) In these Regulations “community member” (“*aelod cymunedol*”) means a person who is appointed as a member by the committee (or by the authority under regulation 5(b)) and who is—

- (a) a school representative;
- (b) a person who lives or works in the community served by the unit (or, as the case may be, the group of units); or
- (c) a person who, in the opinion of the committee (or in the case of a community member appointed under regulation 5(b), the authority), is committed to the good government and success of the unit (or, as the case may be, the group of units).

(2) A person is disqualified from appointment as a community member if that person is—

- (a) eligible to be a staff member of the committee; or
- (b) an elected member of the authority.

Sponsor members

13. In these Regulations “sponsor member” (“*noddwr-aelod*”) means a person who is nominated as a sponsor member and is appointed as such by the committee in accordance with paragraphs 12 to 14 of Schedule 1 (or is appointed as a sponsor member by the authority under regulation 5(b)).

PART 4

COMPOSITION OF COMMITTEES

General principles

14.—(1) The instrument of government is to specify the size and membership of the committee, which is to be no fewer than 7 and no more than 20 members (disregarding any sponsor members).

(2) The instrument of government is to specify the numbers of members from each of the following categories of member to be elected or appointed—

- (a) parent member;
- (b) staff member;
- (c) authority appointed member;
- (d) community member;
- (e) sponsor member.

(3) In calculating the number of members required in each category in accordance with paragraph (5), the number must be rounded up or down to the nearest whole number.

(4) Wrth gyfrifo nifer y staff-aelodau sy'n ofynnol, rhaid cynnwys yr athro neu'r athrawes â gofal (neu, yn achos grŵp o unedau, yr athro neu'r athrawes â gofal am bob un o'r unedau) pa un a yw'r person hwnnw wedi ymddiswyddo fel aelod ai peidio.

(5) O ran cyfanswm nifer yr aelodau—

- (a) rhaid bod o leiaf un ond dim mwy na phumed ran ohono yn rhiant-aelodau;
- (b) rhaid bod o leiaf un ond dim mwy na thraean ohono yn staff-aelodau;
- (c) rhaid bod o leiaf un ond dim mwy na thraean ohono yn aelodau a benodir gan yr awdurdod;
- (d) rhaid bod o leiaf un ond dim mwy na dau yn noddwr-aelodau; ac
- (e) rhaid i nifer yr aelodau cymunedol fod yn fwy na nifer yr holl aelodau eraill a restrir yn is-baragraffau (a) i (d).

Hysbysu ynghylch penodiadau

15. Pan fo person yn gwneud penodiad neu'n enwebu person i'w benodi i'r pwyllgor rhaid i'r person hwnnw roi hysbysiad ysgrifenedig am y penodiad neu'r enwebiad i glerc y pwyllgor, gan bennu enw a phreswylfa arferol y person a benodir neu a enwebir.

RHAN 5

CYMHWYSTER A DEILIADAETH SWYDD AELODAU

Cymhwyso ac anghymhwyso

16. Mae Atodlen 2 yn nodi'r amgylchiadau pan fo person yn gymwys i ddal swydd neu barhau yn ei swydd fel aelod, neu pan fo wedi ei anghymhwyso rhag dal swydd neu barhau yn ei swydd fel aelod.

Tymor y swydd

17.—(1) Yn ddarostyngedig i baragraffau (2) i (4), mae aelod i ddal swydd am gyfnod penodol o bedair blynedd o'r dyddiad y'i hetholir neu y'i penodir.

(2) Nid yw paragraff (1) yn gymwys i unrhyw staff-aelod sy'n athro neu'n athrawes â gofal am uned, a gaiff ddal y swydd cyhyd ag y bo'r person hwnnw yn parhau yn ei swydd fel yr athro neu'r athrawes â gofal.

(3) Caiff yr offeryn llywodraethu bennu tymor swydd llai ar gyfer categori penodol o aelod, ond ni chaiff y tymor fod yn llai na blwyddyn.

(4) In calculating the number of staff members required, the teacher in charge (or, in the case of a group of units, the teacher in charge of each of the units) must be included whether or not that person has resigned their membership.

(5) Of the total number of members—

- (a) at least one but no more than one fifth must be parent members;
- (b) at least one but no more than one third must be staff members;
- (c) at least one but no more than one third must be authority appointed members;
- (d) at least one but no more than two may be sponsor members; and
- (e) the number of community members must outnumber all the other members listed in subparagraphs (a) to (d).

Notification of appointments

15. Where any person makes an appointment or nominates a person to be appointed to the committee that person must give written notice of the appointment or the nomination to the clerk to the committee, specifying the name and usual place of residence of the person appointed or nominated.

PART 5

QUALIFICATIONS AND TENURE OF OFFICE OF MEMBERS

Qualifications and disqualifications

16. Schedule 2 sets out the circumstances in which a person is qualified for, or disqualified from, holding or continuing in office as a member.

Term of office

17.—(1) Subject to paragraphs (2) to (4), a member is to hold office for a fixed period of four years from the date of his election or appointment.

(2) Paragraph (1) does not apply to any staff member who is the teacher in charge of a unit, who may hold office for as long as that person is the teacher in charge.

(3) The instrument of government may specify a shorter term of office for a particular category of member, being not less than one year.

(4) Nid yw'r rheoliad hwn yn rhwystro aelod rhag—

- (a) cael ei ethol neu ei benodi am dymor pellach, ac eithrio fel y darperir fel arall yn y Rheoliadau hyn;
- (b) ymddiswyddo yn unol â rheoliad 18(1);
- (c) cael ei symud o'i swydd yn unol â rheoliad 19; neu
- (d) cael ei anghymhwyso, yn rhinwedd unrhyw ddarpariaeth yn y Rheoliadau hyn, rhag dal swydd neu barhau i ddal swydd.

Ymddiswyddo

18.—(1) Caiff aelod ymddiswyddo ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i glerc y pwyllgor.

(2) Caiff yr athro neu'r athrawes â gofal am uned dynnu ei ymddiswyddiad neu ei hymddiswyddiad yn ôl ar unrhyw adeg drwy roi hysbysiad ysgrifenedig i glerc y pwyllgor.

Symud aelodau o'u swyddi

19.—(1) Caniateir i unrhyw aelod a benodir gan yr awdurdod gael ei symud o'i swydd gan yr awdurdod, a rhaid i'r awdurdod roi hysbysiad ysgrifenedig am hynny i glerc y pwyllgor, ac i'r aelod a symudir o'i swydd felly.

(2) Caniateir i unrhyw aelod cymunedol neu noddwr-aelod gael ei symud o'i swydd gan y pwyllgor yn unol â'r weithdrefn a nodir yn rheoliad 20.

(3) Rhaid i gorff enwebu sy'n cynnig symud aelod cymunedol neu noddwr-aelod o'i swydd hysbysu clerc y pwyllgor, a'r aelod o dan sylw, yn ysgrifenedig am ei resymau dros gynnig bod yr aelod hwnnw yn cael ei symud o'i swydd.

(4) Caiff y pwyllgor, yn unol â'r weithdrefn a nodir yn rheoliad 20, symud unrhyw aelod cymunedol, neu unrhyw noddwr-aelod, o'i swydd yn dilyn cais gan y corff enwebu.

(5) Yn y rheoliad hwn, ystyr "corff enwebu" ("*nominating body*") yw unrhyw berson y ceisiwyd enwebiadau ganddo at y diben o benodi'r aelod o dan sylw, ac a enwebodd yr aelod o dan sylw.

(6) Caniateir i unrhyw riant-aelod a benodir gan y pwyllgor o dan baragraffau 7 ac 8 o Atodlen 1 gael ei symud o'i swydd gan y pwyllgor yn unol â'r weithdrefn a nodir yn rheoliad 20.

(4) This regulation does not prevent a member from—

- (a) being elected or appointed for a further term, except as otherwise provided in these Regulations;
- (b) resigning their office in accordance with regulation 18(1);
- (c) being removed from office in accordance with regulation 19; or
- (d) being disqualified, by virtue of any provision of these Regulations, from holding or continuing to hold office.

Resignation

18.—(1) A member may at any time resign their office by giving written notice to the clerk to the committee.

(2) The teacher in charge of a unit may withdraw their resignation at any time by giving written notice to the clerk to the committee.

Removal of members

19.—(1) Any authority appointed member may be removed from office by the authority, who must give written notice thereof to the clerk to the committee, and to the member so removed.

(2) Any community or sponsor member may be removed from office by the committee in accordance with the procedure set out in regulation 20.

(3) A nominating body proposing the removal of a community or a sponsor member must inform the clerk to the committee, and the member in question, in writing of the reasons why it is proposing that member's removal.

(4) The committee may, in accordance with the procedure set out in regulation 20, remove any community member, or any sponsor member, at the request of the nominating body.

(5) In this regulation, "nominating body" ("*corff enwebu*") means any person from whom nominations were sought for the purpose of appointing, and who nominated, the member in question.

(6) Any parent member appointed by the committee under paragraphs 7 and 8 of Schedule 1 may be removed by the committee in accordance with the procedure set out in regulation 20.

Y weithdrefn ar gyfer symud aelodau o'u swyddi gan y pwyllgor

20.—(1) Mae'r rheoliad hwn yn gymwys mewn perthynas â symud aelod o'i swydd yn unol â rheoliad 19.

(2) Ni fydd penderfyniad i symud aelod o'i swydd a gaiff ei basio mewn cyfarfod o'r pwyllgor yn cael effaith—

- (a) oni bai, mewn perthynas â symud aelod a enwebwyd gan gorff enwebu o'i swydd, cyn bod y pwyllgor yn penderfynu symud yr aelod o'i swydd, fod clerch y pwyllgor yn rhoi'r rhesymau a ddarparwyd gan y corff enwebu (fel y bo'n briodol) dros symud yr aelod o'i swydd, a bod yr aelod hwnnw y cynigir ei fod yn cael ei symud o'i swydd yn cael cyfle i wneud datganiad er mwyn ymateb i hynny;
- (b) oni bai, mewn perthynas â symud aelod cymunedol, noddwr-aelod neu riant-aelod o'i swydd, cyn bod y pwyllgor yn penderfynu symud yr aelod o'i swydd, fod yr aelod neu'r aelodau sy'n cynnig bod yr aelod yn cael ei symud yn datgan, yn y cyfarfod hwnnw, eu rhesymau dros wneud hynny a bod yr aelod y cynigir ei fod yn cael ei symud o'i swydd yn cael cyfle i wneud datganiad er mwyn ymateb i hynny;
- (c) oni bai ei fod wedi ei gadarnhau drwy benderfyniad a gaiff ei basio mewn ail gyfarfod o'r pwyllgor a gynhelir heb fod yn llai na phedwar diwrnod ar ddeg ar ôl y cyfarfod cyntaf; a
- (d) oni bai bod y mater o symud aelod o'i swydd wedi ei bennu fel eitem o fusnes ar yr agenda ar gyfer pob un o'r cyfarfodydd hynny.

RHAN 6

GWEITHDREFNAU'R PWYLLGORAU

Cymhwyso Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

21. Mae Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 yn gymwys mewn perthynas ag unedau fel y maent yn gymwys mewn perthynas ag ysgolion a gynhelir i'r graddau a chyda'r addasiadau a ragnodir yn Atodlen 3 (ac yn y Rheoliadau hynny fel y'u cymhwyswyd felly mae gan unrhyw ymadrodd sydd wedi ei ddiffinio yn rheoliad 2 yr un ystyr ag yn y rheoliad hwnnw).

Procedure for removal of members by the committee

20.—(1) This regulation applies in relation to the removal of a member from office in accordance with regulation 19.

(2) A resolution to remove a member from office which is passed at a meeting of the committee will not have effect unless—

- (a) in relation to the removal of a member who has been nominated by a nominating body, before the committee resolve to remove the member from office, the clerk to the committee gives the reasons for removal provided by the nominating body (as appropriate), and the member whom it is proposed to remove is given an opportunity to make a statement in response;
- (b) in relation to the removal of a community, sponsor or parent member, before the committee resolves to remove the member from office, the member or members proposing the removal state, at that meeting, their reasons for doing so, and the member who it is proposed to remove is given an opportunity to make a statement in response;
- (c) it is confirmed by a resolution passed at a second meeting of the committee held not less than fourteen days after the first meeting; and
- (d) the matter of the member's removal from office is specified as an item of business on the agenda for each of those meetings.

PART 6

PROCEDURES OF COMMITTEES

Application of the Government of Maintained Schools (Wales) Regulations 2005

21. The Government of Maintained Schools (Wales) Regulations 2005 apply in relation to units as they apply in relation to maintained schools to the extent and with the modifications prescribed in Schedule 3 (and in those Regulations as so applied any expression defined in regulation 2 has the same meaning as in that regulation).

RHAN 7

DIRPRWYO SWYDDOGAETHAU I BWYLLGORAU A'R CWRICWLWM

Dirprwyo swyddogaethau

22.—(1) Yn ddarostyngedig i baragraff (3), rhaid i awdurdod ddirprwyo'r swyddogaethau a grybwyllir ym mharagraff (2) sy'n ymwneud ag uned i'r pwyllgor, ynghyd ag unrhyw bwerau sydd gan yr awdurdod sy'n angenrheidiol er mwyn cyflawni'r swyddogaethau hynny.

(2) Dyma'r swyddogaethau—

- (a) cynnal yr uned;
- (b) swyddogaethau'r awdurdod o dan baragraff 6(3) o Atodlen 1 i Ddeddf Addysg 1996 (cwynion sy'n ymwneud â'r cwricwlwm);
- (c) swyddogaethau'r awdurdod o dan adran 88 o Ddeddf Addysg ac Arolygiadau 2006(1) (cyfrifoldeb dros ddisgyblu); a
- (d) mewn cysylltiad ag athrawon a gyflogir gan yr awdurdod i weithio yn yr uned, swyddogaethau'r awdurdod o dan Reoliadau Gwerthuso Athrawon Ysgol (Cymru) 2011(2).

(3) Nid yw paragraff (1) yn gymwys i'r canlynol—

- (a) swyddogaethau'r awdurdod o dan—
 - (i) adran 4 o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013(3) (pŵer i ymyrryd),
 - (ii) rheoliadau a wneir o dan adran 31 o Ddeddf Addysg 2002(4) (rheoli mangreoedd ysgol), a
 - (iii) adran 29(5) o Ddeddf Addysg 2002 (cyfarwyddyd gan awdurdod mewn perthynas ag iechyd a diogelwch);
- (b) unrhyw bŵer i benodi neu ddiswyddo athrawon a staff nad ydynt yn addysgu yn yr uned, neu eu hatal dros dro;
- (c) unrhyw bŵer i wario unrhyw swm o arian a neilltuwyd gan yr awdurdod at ddibenion yr uned.

PART 7

DELEGATION OF FUNCTIONS TO COMMITTEES AND CURRICULUM

Delegation of functions

22.—(1) Subject to paragraph (3), an authority must delegate the functions mentioned in paragraph (2) relating to a unit to the committee, together with such of the authority's powers as are requisite for discharging those functions.

(2) The functions are—

- (a) conducting the unit;
- (b) the authority's functions under paragraph 6(3) of Schedule 1 to the Education Act 1996 (complaints relating to the curriculum);
- (c) the authority's functions under section 88 of the Education and Inspections Act 2006(1) (responsibility for discipline); and
- (d) with respect to teachers employed by the authority to work at the unit, the authority's functions under the School Teacher Appraisal (Wales) Regulations 2011(2).

(3) Paragraph (1) does not apply to the following—

- (a) the authority's functions under—
 - (i) section 4 of the School Standards and Organisation (Wales) Act 2013(3) (power to intervene),
 - (ii) regulations made under section 31 of the Education Act 2002(4) (control of school premises), and
 - (iii) section 29(5) of the Education Act 2002 (direction by authority concerning health and safety);
- (b) any power to appoint, dismiss or suspend teachers and non-teaching staff at the unit;
- (c) any power to spend any sum of money appropriated by the authority for the purposes of the unit.

(1) 2006 p. 40.

(2) O.S. 2011/2940 (Cy. 316).

(3) 2013 decc 1.

(4) 2002 p. 32.

(1) 2006 c. 40.

(2) S.I. 2011/2940 (W. 316).

(3) 2013 anaw 1.

(4) 2002 c. 32.

Cwricwlwm

23. Rhaid i'r awdurdod, y pwyllgor a'r athro neu'r athrawes â gofal am uned (gan weithio ar y cyd) wneud, ac adolygu o bryd i'w gilydd, ddatganiad polisi ysgrifenedig mewn perthynas â'r cwricwlwm ar gyfer yr uned.

Curriculum

23. The authority, committee and teacher in charge of a unit (acting jointly) must make, and from time to time review, a written statement of the policy in relation to the curriculum for the unit.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion
Cymru

Minister for Education and Skills, one of the Welsh
Ministers

7 Hydref 2014

7 October 2014

ATODLEN 1

Rheoliadau 9, 10 a 13

Ethol a phenodi aelodau

1. Caiff yr awdurdod ddirprwyo i'r athro neu'r athrawes â gofal am uned unrhyw un neu ragor o'i swyddogaethau o dan yr Atodlen hon.

Ethol a phenodi rhiant-aelodau

2. Yn ddarostyngedig i baragraffau 1 a 3 i 6, rhaid i'r awdurdod wneud yr holl drefniadau angenrheidiol ar gyfer ethol rhiant-aelodau.

3. Nid yw'r ddyletswydd a osodir gan baragraff 2 yn cynnwys pŵer i osod unrhyw ofynion o ran yr isafswm o bleidleisiau y mae'n ofynnol iddynt gael eu bwrw er mwyn i aelod gael ei ethol.

4. Rhaid cynnal pleidlais gyfrinachol ar gyfer unrhyw etholiad a ymleddir.

5.—(1) Rhaid i'r trefniadau a wneir o dan baragraff 2 ddarparu bod pob person sydd â'r hawl i bleidleisio yn cael y cyfle i wneud hynny drwy'r post.

(2) At ddibenion is-baragraff (1), mae "post" ("post") yn cynnwys danfon drwy law.

(3) Caiff y trefniadau a wneir o dan baragraff 2 ddarparu bod pob person sydd â'r hawl i bleidleisio yn cael y cyfle i wneud hynny drwy ddull electronig.

6. Pan fo swydd rhiant-aelod yn dod yn wag, rhaid i'r awdurdod gymryd unrhyw gamau sy'n rhesymol ymarferol er mwyn sicrhau bod pob person y mae'n gwybod ei fod yn rhiant i ddisgybl cofrestredig yn yr uned neu yn un o'r unedau—

- (a) yn cael ei hysbysu am y swydd wag a'i bod yn ofynnol i'r swydd honno gael ei llenwi drwy etholiad;
- (b) yn cael ei hysbysu bod hawl ganddo i sefyll fel ymgeisydd ac i bleidleisio yn yr etholiad; ac
- (c) yn cael y cyfle i wneud hynny.

7. Rhaid i nifer y rhiant-aelodau sy'n ofynnol gynnwys rhiant-aelodau a benodir gan y pwyllgor os oes un neu ragor o swyddi rhiant-aelodau gwag a bod nifer y rhieni sy'n sefyll i'w hethol yn llai na nifer y swyddi gwag.

8.—(1) Dim ond y rhai a ganlyn y caiff y pwyllgor eu penodi'n rhiant-aelod—

- (a) rhiant i ddisgybl cofrestredig yn yr uned;

SCHEDULE 1

Regulations 9, 10, and 13

Election and appointment of members

1. The authority may delegate to the teacher in charge of a unit any of its functions under this Schedule.

Election and appointment of parent members

2. Subject to paragraphs 1 and 3 to 6, the authority must make all the necessary arrangements for the election of parent members.

3. The duty imposed by paragraph 2 does not include power to impose any requirements as to the minimum number of votes required to be cast for a member to be elected.

4. Any election which is contested must be held by secret ballot.

5.—(1) The arrangements made under paragraph 2 must provide for every person who is entitled to vote to have an opportunity to do so by post.

(2) For the purposes of sub-paragraph (1), "post" ("post") includes delivery by hand.

(3) The arrangements made under paragraph 2 may provide for every person who is entitled to vote to have an opportunity to do so by electronic means.

6. Where a vacancy for a parent member arises, the authority must take such steps as are reasonably practicable to secure that every person who is known to them to be a parent of a registered pupil at the unit or one of the units is—

- (a) informed of the vacancy and that it is required to be filled by election;
- (b) informed that he is entitled to stand as a candidate and vote in the election; and
- (c) given the opportunity to do so.

7. The number of parent members required must be made up by parent members appointed by the committee if one or more vacancies for parent members arises and the number of parents standing for election is less than the number of vacancies.

8.—(1) The committee may only appoint as a parent member—

- (a) a parent of a registered pupil at the unit;

- (b) rhiant i gyn-ddisgybl cofrestredig yn yr uned;
- (c) rhiant i ddisgybl cofrestredig mewn uned arall, neu mewn ysgol a gynhelir yn ardal yr awdurdod;
- (d) rhiant i blentyn sydd o oedran ysgol gorfodol; neu
- (e) unrhyw riant.

(2) Ni chaiff y pwyllgor ond penodi person y cyfeirir ato yn is-baragraff (1)(b), (c), (d) neu (e) os nad oes unrhyw berson arall i'w benodi o is-baragraff (1)(a).

Ethol staff-aelodau

9. Yn ddarostyngedig i baragraffau 1, 10 ac 11, rhaid i'r awdurdod wneud yr holl drefniadau angenrheidiol ar gyfer ethol staff-aelodau.

10. O ran y ddyletswydd a osodir gan baragraff 9—

- (a) mae'n cynnwys y pŵer i wneud darpariaeth o ran dyddiadau cymhwyso; ond
- (b) nid yw'n cynnwys y pŵer i osod unrhyw ofynion o ran yr isafswm o bleidleisiau y mae'n ofynnol iddynt gael eu bwrw er mwyn i ymgeisydd gael ei ethol.

11. Rhaid cynnal pleidlais gyfrinachol ar gyfer unrhyw etholiad a ymleddir.

Penodi noddwr-aelodau

12. Yn yr Atodlen hon, ystyr "noddwr" ("*sponsor*") mewn perthynas ag uned yw—

- (a) person sy'n rhoi neu sydd wedi rhoi cymorth ariannol sylweddol (sydd at y dibenion hyn yn cynnwys buddion mewn nwyddau neu wasanaethau) i'r uned ac eithrio yn unol â rhwymedigaeth statudol; neu
- (b) unrhyw berson arall (nad yw wedi ei gynrychioli fel arall ar y pwyllgor) sy'n darparu neu sydd wedi darparu gwasanaethau sylweddol i'r uned.

13. Pan fo gan yr uned un neu ragor o noddwyr, caiff yr offeryn llywodraethu ddarparu ar gyfer penodi pa nifer bynnag o noddwr-aelodau, na fydd yn fwy na dau, a enwebir yn unol â pharagraff 14.

14. Rhaid ceisio enwebiadau ar gyfer penodiadau o'r fath gan y noddwr neu (yn ôl y digwydd) gan un neu ragor o'r noddwyr.

- (b) a parent of a former registered pupil at the unit;
- (c) a parent of a pupil registered at another unit, or at a maintained school in the area of the authority;
- (d) a parent of a child of compulsory school age; or
- (e) any parent.

(2) The committee may only appoint a person referred to in sub-paragraph (1)(b), (c), (d) or (e) if there is no other person to be appointed from sub-paragraph (1)(a).

Election of staff members

9. Subject to paragraphs 1, 10 and 11, the authority must make all the necessary arrangements for the election of staff members.

10. The duty imposed by paragraph 9—

- (a) includes the power to make provision as to qualifying dates; but
- (b) does not include the power to impose any requirements as to the minimum number of votes required to be cast for a candidate to be elected.

11. Any election which is contested must be held by secret ballot.

Appointment of sponsor members

12. In this Schedule, "sponsor" ("*noddwr*") in relation to a unit means—

- (a) a person who gives or has given substantial financial assistance (which for these purposes includes benefits in kind) to the unit other than pursuant to statutory obligation; or
- (b) any other person (not being otherwise represented on the committee) who provides or has provided substantial services to the unit.

13. Where the unit has one or more sponsors, the instrument of government may provide for the appointment of such number of sponsor members, not exceeding two, nominated in accordance with paragraph 14.

14. Nominations must be sought for such appointments from the sponsor or (as the case may be) from one or more of the sponsors.

Cymhwysyo ac anghymhwysyo

Cyffredinol

1. Mae person wedi ei anghymhwysyo rhag dal swydd neu barhau i ddal swydd fel aelod ar unrhyw adeg pan fo'r person hwnnw yn ddisgybl cofrestredig mewn uned.

2. Nid yw unrhyw berson yn gymwys i fod yn aelod oni bai bod y person hwnnw yn 18 oed neu'n hŷn ar ddyddiad ethol neu benodi'r person hwnnw.

3. Ac eithrio fel y darperir fel arall yn y Rheoliadau hyn, nid yw'r ffaith bod person yn gymwys i'w ethol neu ei benodi yn aelod o gategori penodol yn anghymhwysyo'r person hwnnw rhag cael ei ethol neu ei benodi neu rhag parhau i fod yn aelod o unrhyw gategori arall.

Anhwylder meddwl

4. Mae person wedi ei anghymhwysyo rhag dal swydd neu barhau i ddal swydd fel aelod ar unrhyw adeg pan fo'r person hwnnw yn agored i gael ei gadw'n gaeth o dan Ddeddf Iechyd Meddwl 1983(1) neu o dan unrhyw ailddeddfiad neu addasiad statudol o'r Ddeddf honno sydd mewn grym o bryd i'w gilydd.

Methiant i fod yn bresennol mewn cyfarfodydd

5.—(1) Mae'r paragraff hwn yn gymwys i unrhyw aelod nad yw'n aelod yn rhinwedd swydd y person hwnnw.

(2) Mae aelod, sydd, heb gydsyniad y pwyllgor, wedi methu â bod yn bresennol yng nghyfarfodydd y pwyllgor am gyfnod di-dor o chwe mis sy'n dechrau ar ddyddiad y cyfarfod cyntaf o'r fath y methodd y person hwnnw â bod yn bresennol ynddo, pan fydd y cyfnod hwnnw yn dod i ben, wedi ei anghymhwysyo rhag parhau i ddal swydd fel aelod o'r pwyllgor hwnnw.

(3) Pan fo aelod wedi anfon ei ymddiheuriadau i glerc y pwyllgor cyn cyfarfod nad yw'r person yn bwriadu bod yn bresennol ynddo, rhaid i gofnodion y cyfarfod hwnnw gofnodi a oedd y pwyllgor yn cydsynio i absenoldeb yr aelod ai peidio, a rhaid anfon copi o'r cofnodion at yr aelod o dan sylw yn ei breswylfa arferol.

(1) 1983 p. 20.

Qualifications and disqualifications

General

1. A person is disqualified from holding or from continuing to hold office as a member at any time when that person is a registered pupil at a unit.

2. No person is qualified to be a member unless that person is aged 18 or over at the date of that person's election or appointment.

3. Save as otherwise provided in these Regulations, the fact that a person is qualified to be elected or appointed as a member of a particular category does not disqualify that person from election or appointment or from continuing as a member of any other category.

Mental disorder

4. A person is disqualified from holding or for continuing to hold office as a member at any time when that person is liable to be detained under the Mental Health Act 1983(1) or under any re-enactment or statutory modification of that Act in force from time to time.

Failure to attend meetings

5.—(1) This paragraph applies to any member who is not a member by virtue of that person's office.

(2) A member, who, without the consent of the committee, has failed to attend the meetings thereof for a continuous period of six months beginning with the date of the first such meeting that person failed to attend, is, on the expiry of that period, disqualified from continuing to hold office as a member of that committee.

(3) Where a member has sent an apology to the clerk to the committee before a meeting which that person does not propose to attend, the minutes of the meeting must record the committee's consent or otherwise to the absence and a copy of the minutes must be sent to the member concerned at that person's normal place of residence.

(1) 1983 c. 20.

(4) Nid yw aelod sydd wedi ei anghymhwysu o dan is-baragraff (2) yn gymwys i'w ethol, i'w enwebu neu i'w benodi yn aelod o unrhyw gategori yn yr uned honno yn ystod y deuddeng mis yn union ar ôl ei anghymhwysu o dan is-baragraff (2).

Methdaliad

6. Mae person wedi ei anghymhwysu rhag dal swydd neu barhau i ddal swydd fel aelod—

- (a) os yw wedi ei ddyfarnu'n fethdalwr neu os yw ei ystad wedi ei secwestro ac (yn y naill achos neu'r llall) os nad yw'r person hwnnw wedi ei ryddhau ac os nad yw'r gorchymyn methdalu wedi ei ddiddymu neu ei ddadwneud neu fod cyfnod moratoriwm o dan orchymyn rhyddhau o ddyled yn gymwys mewn perthynas â'r person hwnnw; neu
- (b) os yw wedi gwneud compownd neu drefniant gyda'i gredydwr, neu wedi rhoi gweithred ymddiriedaeth ar eu cyfer, ac nad yw wedi ei ryddhau mewn cysylltiad â hynny.

Anghymhwysu cyfarwyddwyr cwmnïau

7. Mae person wedi ei anghymhwysu rhag dal swydd neu barhau i ddal swydd fel aelod ar unrhyw adeg pan fo'r person hwnnw yn ddarostyngedig i—

- (a) gorchymyn anghymhwysu neu ymgymeriad anghymhwysu o dan Ddeddf Anghymhwysu Cyfarwyddwyr Cwmnïau 1986(1);
- (b) gorchymyn anghymhwysu o dan Ran 2 o Orchymyn Cwmnïau (Gogledd Iwerddon) 1989(2);
- (c) ymgymeriad anghymhwysu a dderbyniwyd o dan Orchymyn Anghymhwysu Cyfarwyddwyr Cwmnïau (Gogledd Iwerddon) 2002(3); neu
- (d) gorchymyn a wnaed o dan adran 429(2)(b) o Ddeddf Ansolfedd 1986(4) (methu â thalu o dan orchymyn gweinyddu llys sirol).

Anghymhwysu ymddiriedolwyr elusennau

8. Mae person wedi ei anghymhwysu rhag dal swydd neu barhau i ddal swydd fel aelod—

- (a) os yw wedi ei symud o swydd ymddiriedolwr elusen drwy orchymyn a wnaed gan y Comisiynwyr Elusennau neu'r Uchel Lys ar sail unrhyw gamymddwyn neu gamreoli wrth weinyddu'r elusen yr oedd y person hwnnw

(4) A member who has been disqualified as a under sub-paragraph (2) is not qualified for election, nomination or appointment as a member of any category at that unit during the twelve months immediately following that person's disqualification under sub-paragraph (2).

Bankruptcy

6. A person is disqualified from holding or continuing to hold office as a member if—

- (a) that person has been adjudged bankrupt or sequestration of that person's estate has been awarded and (in either case) that person has not been discharged and the bankruptcy order has not been annulled or rescinded or a moratorium period under a debt relief order applies in relation that person; or
- (b) that person has made a composition or arrangement with, or granted a trust deed for, that person's creditors and has not been discharged in respect of it.

Disqualification of company directors

7. A person is disqualified from holding or from continuing to hold office as a member at any time when that person is subject to—

- (a) a disqualification order or disqualification undertaking under the Company Directors Disqualification Act 1986(1);
- (b) a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989(2);
- (c) a disqualification undertaking accepted under the Company Directors Disqualification (Northern Ireland) Order 2002(3); or
- (d) an order made under section 429(2)(b) of the Insolvency Act 1986(4) (failure to pay under county court administration order).

Disqualification of charity trustees

8. A person is disqualified from holding or from continuing to hold office as a member if—

- (a) that person has been removed from the office of trustee for a charity by an order made by the Charity Commissioners or the High Court on the grounds of any misconduct or mismanagement in the administration of the

(1) 1986 p. 46.

(2) Rhif 2404 (G.I. 18).

(3) Rhif 3150 (G.I. 4).

(4) 1986 p. 45.

(1) 1986 c. 46.

(2) No. 2404 (N.I. 18).

(3) No. 3150 (N.I. 4).

(4) 1986 c. 45.

yn gyfrifol amdano neu'n ymwybodol ohono, neu y cyfrannodd y person hwnnw iddo neu a hwyluswyd gan y person hwnnw drwy ei ymddygiad; neu

- (b) os yw'r person hwnnw wedi ei symud o'i swydd, o dan adran 34 o Ddeddf Elusennau a Buddsoddi gan Ymddiriedolwyr (Yr Alban) 2005(1) (pwerau'r Llys Sesiwn i ymdrin â rheoli elusennau), rhag ymwneud â rheoli neu reolaeth ar unrhyw gorff.

Personau y gwaherddir eu cyflogi neu y cyfyngir ar eu cyflogi

9. Mae person wedi ei anghymhwysu rhag dal swydd neu barhau i ddal swydd fel aelod ar unrhyw adeg pan fo'r person hwnnw—

- (a) wedi ei gynnwys ar y rhestr o athrawon a'r rhai sy'n gweithio gyda phlant neu bobl ifanc y gwaherddir eu cyflogi neu y cyfyngir ar eu cyflogi o dan adran 1 o Ddeddf Amddiffyn Plant 1999(2);
- (b) yn ddarostyngedig i gyfarwyddyd gan Weinidogion Cymru neu'r Ysgrifennydd Gwladol o dan adran 142 o Ddeddf Addysg 2002(3);
- (c) wedi ei anghymhwysu rhag gweithio gyda phlant o dan adrannau 28, 29 neu 29A o Ddeddf Cyfiawnder Troseddol a Gwasanaethau Llysoedd 2000(4);
- (d) wedi ei anghymhwysu rhag cofrestru o dan Ran XA o Ddeddf Plant 1989(5) ar gyfer gwarchod plant neu ddarparu gofal dydd;
- (e) wedi ei anghymhwysu rhag cofrestru o dan Ran 3 o Ddeddf Gofal Plant 2006(6);

charity for which that person was responsible or to which that person was privy, or to which that person contributed or which that person facilitated by that person's conduct; or

- (b) that person has been removed, under section 34 of the Charities and Trustee Investment (Scotland) Act 2005(1) (powers of Court of Session to deal with management of charities), from being concerned in the management or control of any body.

Persons whose employment is prohibited or restricted

9. A person is disqualified from holding or from continuing to hold office as a member at any time when that person is—

- (a) included in the list of teachers and workers with children or young persons whose employment is prohibited or restricted under section 1 of the Protection of Children Act 1999(2);
- (b) subject to a direction of the Welsh Ministers or the Secretary of State under section 142 of the 2002 Education Act(3);
- (c) disqualified from working with children under sections 28, 29 or 29A of the Criminal Justice and Court Services Act 2000(4);
- (d) disqualified from registration under Part XA of the Children Act 1989(5) for childminding or providing day care;
- (e) disqualified from registration under Part 3 of the Childcare Act 2006(6);

(1) 2005 dsa 10.

(2) 1999 p. 14; ac fel y'i harbedwyd gan erthygl 5 o Orchymyn Deddf Diogelu Grwpiau Hyglwyf 2006 (Cychwyn Rhif 6, Darpariaethau Trosiannol ac Arbedion) 2009 (O.S. 2009/2611).

(3) Wedi ei diddymu at ddibenion penodol gan Ddeddf Diogelu Grwpiau Hyglwyf 2006 p. 47 (gweler adran 63).

(4) 2000 p. 43; mae adrannau 28, 29 a 29A wedi eu diddymu at ddibenion penodol gan adran 63 o Ddeddf Diogelu Grwpiau Hyglwyf 2006.

(5) 1989 p. 41. Wedi ei diddymu gan adran 73 o Fesur Plant a Theuluoedd (Cymru) 2010 (mccc1) ac nid yw eto mewn grym.

(6) 2006 p. 21.

(1) 2005 asp 10.

(2) 1999 c. 14; and as saved by article 5 of the Safeguarding Vulnerable Groups Act 2006 (Commencement No.6, Transitional Provisions and Savings) Order 2009 (S.I. 2009/2611).

(3) Repealed for certain purposes by the Safeguarding Vulnerable Groups Act 2006 c. 47 (see section 63).

(4) 2000 c. 43; sections 28, 29 and 29A have been repealed for certain purposes by section 63 of the Safeguarding Vulnerable Groups Act 2006.

(5) 1989 c. 41. Repealed by section 73 of the Children and Families (Wales) Measure 2010 (nawm 1) and is not yet in force.

(6) 2006 c. 21.

- (f) wedi ei wahardd o weithgaredd a reoleiddir sy'n ymwneud â phlant yn unol ag adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1);
- (g) yn ddarostyngedig i gyfarwyddyd gan yr awdurdod priodol o dan adran 167A o Ddeddf Addysg 2002(2);
- (h) wedi ei anghymhwysu, yn rhinwedd gorchymyn a wneir o dan adran 470 neu adran 471 o Ddeddf Addysg 1996, rhag bod yn berchennog unrhyw ysgol annibynnol neu rhag bod yn athro neu'n athrawes, neu'n gyflogai arall mewn unrhyw ysgol; neu
- (i) wedi ei anghymhwysu rhag cofrestru o dan Ran 2 o Fesur Plant a Theuluoedd (Cymru) 2010.

- (f) barred from regulated activity relating to children in accordance with section 3(2) of the Safeguarding Vulnerable Groups Act 2006(1);
- (g) subject to a direction by the appropriate authority under section 167A of the 2002 Education Act(2);
- (h) by virtue of an order made under section 470 or section 471 of the 1996 Education Act, disqualified from being the proprietor of any independent school or from being a teacher or other employee in any school; or
- (i) disqualified from registration under Part 2 of the Children and Families (Wales) Measure 2010.

Collfarnau troseddol

10.—(1) Yn ddarostyngedig i is-baragraff (5), mae person wedi ei anghymhwysu rhag dal swydd, neu barhau i ddal swydd, fel aelod pan fo unrhyw un neu ragor o is-baragraffau (2) i (4) neu (6) yn gymwys iddo.

(2) Mae'r is-baragraff hwn yn gymwys i berson os yw—

- (a) o fewn y cyfnod o bum mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai penodiad neu etholiad y person hwnnw yn aelod fel arall wedi cymryd effaith neu, yn ôl y digwydd, y dyddiad y byddai'r person hwnnw fel arall wedi dod yn aelod yn rhinwedd ei swydd; neu
- (b) ers ei benodi neu ei ethol yn aelod neu, yn ôl y digwydd, ers iddo ddod yn aelod yn rhinwedd ei swydd;

wedi ei gollfarnu yn y Deyrnas Unedig neu yn rhywle arall o unrhyw drosedd ac wedi ei ddedfrydu i garchar (pa un a yw'n ddedfryd ohiriedig ai peidio) am gyfnod nad yw'n llai na thri mis heb yr opsiwn o ddirwy.

(3) Mae'r is-baragraff hwn yn gymwys i berson os cafodd y person hwnnw, o fewn y cyfnod o 20 mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai penodiad neu etholiad y person hwnnw yn aelod fel arall wedi cymryd effaith neu, yn ôl y digwydd, y dyddiad y byddai'r person hwnnw fel arall wedi dod yn aelod yn rhinwedd ei swydd, ei gollfarnu fel y disgrifiwyd uchod o unrhyw drosedd a'i ddedfrydu i garchar am gyfnod nad yw'n llai na dwy flynedd a hanner.

Criminal convictions

10.—(1) Subject to sub-paragraph (5), a person is disqualified from holding, or continuing to hold, office as a member where any of sub-paragraphs (2) to (4) or (6) apply to that person.

(2) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which that person's appointment or election as member would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a member by virtue of that person's office; or
- (b) since that person's appointment or election as member or, as the case may be, since that person became a member by virtue of that person's office;

that person has been convicted, whether in the United Kingdom or elsewhere, of any offence and has had passed on that person a sentence of imprisonment (whether suspended or not) for a period of not less than three months without the option of a fine.

(3) This sub-paragraph applies to a person if within the period of 20 years ending with the date immediately preceding the date on which that person's appointment or election as member would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a member by virtue of that person's office, that person has been convicted as aforesaid of any offence and has had passed on them a sentence of imprisonment for a period of not less than two and a half years.

(1) 2006 p. 47.

(2) Mewnosodwyd adran 167A gan adran 169 o Ddeddf Addysg ac Arolygiadau 2006 (p. 40), ond nid yw eto mewn grym.

(1) 2006 c. 47.

(2) Section 167A was inserted by section 169 of the Education and Inspections Act 2006 (c. 40), but it is not yet in force.

(4) Mae'r is-baragraff hwn yn gymwys i berson os yw ar unrhyw adeg wedi ei gollfarnu fel y disgrifiwyd uchod o unrhyw drosedd ac wedi ei ddeddfrydu i garchar am gyfnod nad yw'n llai na phum mlynedd.

(5) At ddibenion is-baragraffau (2) i (4), rhaid diystyru unrhyw gollfarn gan lys y tu allan i'r Deyrnas Unedig, neu gerbron llys o'r fath, am drosedd na fyddai, pe bai'r ffeithiau a oedd wedi arwain at y drosedd wedi digwydd yn unrhyw ran o'r Deyrnas Unedig, wedi ei hystyried yn drosedd yn y rhan honno o'r Deyrnas Unedig yn ôl y gyfraith mewn grym ar yr adeg yr oedd y ffeithiau a oedd wedi arwain at y drosedd wedi digwydd.

(6) Mae'r is-baragraff hwn yn gymwys i berson os yw—

- (a) o fewn y cyfnod o bum mlynedd a ddaw i ben ar y dyddiad yn union cyn y dyddiad y byddai penodiad neu etholiad y person hwnnw yn aelod fel arall wedi cymryd effaith neu, yn ôl y digwydd, y dyddiad y byddai'r person hwnnw fel arall wedi dod yn aelod yn rhinwedd ei swydd; neu
- (b) ers ei benodi neu ei ethol yn aelod neu, yn ôl y digwydd, ers iddo ddod yn aelod yn rhinwedd ei swydd;

wedi ei gollfarnu o dan adran 547 o Ddeddf Addysg 1996(1) (niwsans neu aflonyddwch ar fangreodd ysgol) neu o dan adran 85A o Ddeddf Addysg Bellach ac Uwch 1992(2) (niwsans ac aflonyddwch ar fangreodd addysgol) o drosedd ac wedi ei ddeddfrydu i dalu dirwy.

Gwrthod gwneud cais am dystysgrif cofnodion troseddol

11. Mae person wedi ei anghymhwysio rhag dal swydd neu barhau i ddal swydd fel aelod ar unrhyw adeg pan fo'r person hwnnw yn gwrthod cais gan glerc y pwyllgor i wneud cais o dan adran 113B o Ddeddf yr Heddlu 1997(3) am dystysgrif cofnodion troseddol.

(4) This sub-paragraph applies to a person if that person has at any time been convicted as aforesaid of any offence and that person has had passed on them a sentence of imprisonment for a period of not less than five years.

(5) For the purposes of sub-paragraphs (2) to (4), any conviction by or before a court outside the United Kingdom of an offence which, if the facts giving rise to the offence had taken place in any part of the United Kingdom, would not have constituted an offence in that part of the United Kingdom under the law in force at the time the facts given rise to the offence had taken place, must be disregarded.

(6) This sub-paragraph applies to a person if—

- (a) within the period of five years ending with the date immediately preceding the date on which that person's appointment or election as member would otherwise have taken effect or, as the case may be, on which that person would otherwise have become a member by virtue of that person's office; or
- (b) since that person's appointment or election as member or, as the case may be, since that person became a member by virtue of that person's office;

that person has been convicted under section 547 of the 1996 Education Act(1) (nuisance or disturbance on school premises) or under section 85A of the Further and Higher Education Act 1992(2) (nuisance and disturbance on educational premises) of an offence and has been sentenced to a fine.

Refusal to make an application for a criminal records certificate

11. A person is disqualified from holding or continuing to hold office as a member at any time when that person refuses a request by the clerk to the committee to make an application under section 113B of the Police Act 1997(3) for a criminal records certificate.

(1) Fel y'i diwygiwyd gan baragraff 163 o Atodlen 30 i Ddeddf 1998 a chan adran 206 o Ddeddf Addysg 2002 ac Atodlen 20 iddi a chan adran 6 o Ddeddf Addysg ac Arolygiadau 2006 (p. 40) ac Atodlen 1 iddi.

(2) 1992 p. 13; mewnosodwyd gan adran 206 o Ddeddf Addysg 2002 ac Atodlen 20 iddi.

(3) 1997 (p. 50); mewnosodwyd gan adran 163 o Ddeddf Troseddau Cyfundrefnol Difrifol a'r Heddlu 2005 (p. 15). Mewnosodwyd is-adrannau (2A) a (12), a diwygiwyd is-adran (6), gan Orchymyn Deddf yr Heddlu 1997 (Cofnodion Troseddol) (Cyfathrebu Electronig) 2009 (O.S. 2009/203). Rhoddwyd paragraff (a) o is-adran (10) yn lle paragraffau (a) a (b) fel y'u deddfwyd yn wreiddiol gan baragraff 149 o Atodlen 16 i Ddeddf y Lluoedd Arfog 2006 (p. 52).

(1) As amended by paragraph 163 of Schedule 30 to the 1998 Act and by section 206 of, and Schedule 20, to the 2002 Education Act and by section 6 of, and Schedule 1 to, the Education and Inspections Act 2006 (c. 40).

(2) 1992 c. 13; inserted by section 206 of and Schedule 20 to the 2002 Education Act.

(3) 1997 (c. 50); inserted by section 163 of the Serious Organised Crime and Police Act 2005 (c. 15). Subsections (2A) and (12) were inserted, and subsection (6) was amended, by the Police Act 1997 (Criminal Records) (Electronic Communications) Order 2009 (S.I. 2009/203). Paragraph (a) of subsection (10) was substituted for paragraphs (a) and (b) as originally enacted by paragraph 149 of Schedule 16 to the Armed Forces Act 2006 (c. 52).

Hysbysu'r cler

12. Pan fo person—

- (a) yn rhinwedd unrhyw un o baragraffau 6 i 11 wedi ei anghymhwysu rhag dal swydd, neu barhau i ddal swydd, fel aelod o bwyllgor; a
- (b) yn aelod neu y bwriedir iddo ddod yn aelod;

rhaid iddo hysbysu cler y pwyllgor am y ffaith honno.

Notification to clerk

12. Where—

- (a) by virtue of any of paragraphs 6 to 11 a person is disqualified from holding, or for continuing to hold, office as a member of a committee; and
- (b) that person is, or is proposed to become, a member;

that person must give notice of that fact to the clerk to the committee.

Cymhwyso, gydag addasiadau, Ran 7, 8, 9 a 10 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

1. Ym mha le bynnag y maent yn ymddangos yn Rhannau 7, 8, 9 a 10 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005—

- (a) yn lle cyfeiriadau at y “corff llywodraethu” rhodder cyfeiriadau at y “pwyllgor”;
- (b) yn lle cyfeiriadau at “llywodraethwr” rhodder cyfeiriadau at “aelod”;
- (c) yn lle cyfeiriadau at yr “ysgol” rhodder cyfeiriadau at yr “uned neu, yn ôl y digwydd, y grŵp o unedau”; a
- (d) yn lle cyfeiriadau at “pwyllgor” rhodder cyfeiriadau at “is-bwyllgor y pwyllgor”.

Penodi swyddogion, eu swyddogaethau a’u diswyddo

2. Yn rheoliad 39—

- (a) ym mharagraff (1) hepgorer “ac i adran 18 o Ddeddf 1998 (pŵer Cynulliad Cenedlaethol Cymru i benodi llywodraethwyr ychwanegol)”;
- (b) ym mharagraff (6) hepgorer “ac i adran 18 o Ddeddf 1998”.

3. Yn rheoliad 39(5)(c), hepgorer “neu os cymerir ei le gan gadeirydd a enwebwyd gan Gynulliad Cenedlaethol Cymru yn unol ag adran 18 o Ddeddf 1998”.

4. Yn rheoliad 41(1), hepgorer “onis enwebwyd gan Gynulliad Cenedlaethol Cymru yn unol ag adran 18 o Ddeddf 1998”.

5. Yn rheoliad 42—

- (a) ym mharagraff (1) hepgorer “â’r corff llywodraethu neu”;
- (b) ym mharagraff (2) yn lle “Rhaid i’r corff llywodraethu” rhodder “Rhaid i’r awdurdod”;
- (c) ym mharagraff (3) yn lle is-baragraff (c) rhodder—
 “(c) yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am unrhyw uned yn y grŵp o unedau.”;
- (d) ym mharagraff (5) yn lle “Caiff y corff llywodraethu” rhodder “Caiff yr awdurdod”; ac

Application, with modifications, of Part 7, 8, 9 and 10 of the Government of Maintained Schools (Wales) Regulations 2005

1. Wherever they appear in Parts 7, 8, 9 and 10 of the Government of Maintained Schools (Wales) Regulations 2005—

- (a) for references to the “governing body” substitute references to the “committee”;
- (b) for references to a “governor” substitute references to a “member”;
- (c) for references to the “school” substitute references to the “unit or, as the case may be, the group of units”; and
- (d) for references to a “committee” substitute references to a “sub-committee of the committee”.

Appointment, functions and removal of officers

2. In regulation 39—

- (a) in paragraph (1) omit “and to section 18 of the 1998 Act (power of National Assembly for Wales to appoint additional governors)”;
- (b) in paragraph (6) omit “and to section 18 of the 1998 Act”.

3. In regulation 39(5)(c), omit “or replaced by a chair nominated by the National Assembly for Wales pursuant to section 18 of the 1998 Act”.

4. In regulation 41(1), omit “unless he or she has been nominated by the National Assembly for Wales pursuant to section 18 of the 1998 Act”.

5. In regulation 42—

- (a) in paragraph (1) omit “with the governing body or”;
- (b) in paragraph (2) for “The governing body must” substitute “The authority must”;
- (c) in paragraph (3) for sub-paragraph (c) substitute—
 “(c) the teacher in charge of the unit or, as the case may be, of any unit in the group of units.”;
- (d) in paragraph (5) for “The governing body may” substitute “The authority may”; and

(e) hepgorer paragraff (6).

6. Yn rheoliad 43(1) yn lle is-baragraff (d) rhodder—

“(d) rhoi a derbyn hysbysiadau yn unol â rheoliadau 15 (hysbysu ynghylch penodiadau) a 18 (ymddiswyddo) o Reoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014 a pharagraff 12 o Atodlen 2 (hysbysu’r clerc) iddynt a rheoliadau 39(4) a 45(4) o’r Rheoliadau hyn;”.

Cyfarfodydd a thrafodion cyrff llywodraethu

7. Yn rheoliad 44 yn lle paragraff (b) rhodder—

“(b) yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am bob uned yn y grŵp o unedau, pa un a yw’r person hwnnw yn aelod ai peidio;”.

8. Hepgorer rheoliad 44A.

9. Yn rheoliad 45—

(a) ym mharagraff (4) yn lle is-baragraff (b) rhodder—

“(b) yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am bob uned yn y grŵp o unedau, pa un a yw’r person hwnnw yn aelod ai peidio;” a

(b) ym mharagraff (6) hepgorer is-baragraff (ch).

10. Yn rheoliad 46—

(a) ym mharagraff (1) hepgorer “unrhyw ddisgybl-lywodraethwyr cyswllt”;

(b) ym mharagraff (2) hepgorer “(ac eithrio unrhyw ddisgybl-lywodraethwyr)”;

(c) hepgorer paragraffau (2A) a (4).

11. Yn rheoliad 49—

(a) ym mharagraff (1)(b) yn lle “Atodlen 5” rhodder “Atodlen 2 i Reoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014”;

(b) ym mharagraff (1)(c) hepgorer “neu gymeriad crefyddol”; ac

(c) ym mharagraff (6) yn lle “baragraff 5 o Atodlen 5” rhodder “baragraff 5 o Atodlen 2 i Reoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014”.

12. Yn rheoliad 50(1)—

(a) hepgorer y geiriau o “rheoliad 3(2)” i “2000”;

(e) omit paragraff (6).

6. In regulation 43(1) for sub-paragraph (e) substitute—

“(e) give and receive notices in accordance with regulations 15 (notification of appointments) and 18 (resignation) of, and paragraph 12 of Schedule 2 (notification to clerk) to the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014 and regulations 39(4) and 45(4) of these Regulations;”.

Meetings and proceedings of governing bodies

7. In regulation 44 for paragraph (b) substitute—

“(b) the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not that person is a member;”.

8. Omit regulation 44A.

9. In regulation 45—

(a) in paragraph (4) for sub-paragraph (b) substitute—

“(b) the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not that person is a member;” and

(b) in paragraph (6) omit sub-paragraph (d).

10. In regulation 46—

(a) in paragraph (1) omit “any associate pupil governors”;

(b) in paragraph (2) omit “(excluding any associate pupil governors)”;

(c) omit paragraphs (2A) and (4).

11. In regulation 49—

(a) in paragraph (1)(b) for “Schedule 5” substitute “Schedule 2 to the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014”;

(b) in paragraph (1)(c) omit “or with the religious character”; and

(c) in paragraph (6) for “paragraph 5 of Schedule 5” substitute “paragraph 5 of Schedule 2 to the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014”.

12. In regulation 50(1)—

(a) omit the words from “regulation 3(2)” to “2000”; and

(b) yn lle is-baragraff (c) rhodder—

“(c) yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am unrhyw un neu ragor o’r unedau yn y grŵp o unedau, pa un a yw’r person hwnnw yn aelod ai peidio.”

13. Yn lle rheoliad 51 rhodder—

“(1) Ni chaiff y pwyllgor ddirprwyo o dan reoliad 50(1) ei swyddogaethau o dan—

- (a) rheoliadau 39 a 41 (ethol a diswyddo cadeirydd ac is-gadeirydd);
- (b) rheoliad 42 (penodi a diswyddo clerck y corff llywodraethu);
- (c) rheoliad 49 (atal llywodraethwyr);
- (ch) rheoliad 50 (dirprwyo swyddogaethau);
- (d) rheoliad 54 (sefydlu pwyllgorau); a
- (dd) rheoliadau 7 (adolygu’r offeryn llywodraethu), 9 (rhiant-aelodau), 12 (aelodau cymunedol), 13 (noddwr-aelodau), 19 (symud aelodau o’u swyddi) ac 20 (y weithdrefn ar gyfer symud aelodau o’u swyddi gan y pwyllgor) o Reoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014.

(2) Ni chaiff y pwyllgor ddirprwyo i unigolyn o dan reoliad 50(1)—

- (a) ei swyddogaethau yn adran 88 o Ddeddf Addysg ac Arolygiadau 2006; neu
- (b) y swyddogaethau y mae rhaid eu dirprwyo i’r pwyllgor a bennir yn rheoliad 56.”

14. Yn rheoliad 52, yn lle paragraff (1)(b) rhodder—

“(b) yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am unrhyw un neu ragor o’r unedau yn y grŵp o unedau, pa un a yw’r person hwnnw yn aelod ai peidio;”.

Pwyllgorau cyrff llywodraethu

15. Hefgorer rheoliadau 55 a 57.

(b) for sub-paragraph (c) substitute—

“(c) the teacher in charge of the unit or, as the case may be, of any of the units in the group of units, whether or not that person is a member.”

13. For regulation 51 substitute—

“(1) The committee may not delegate under regulation 50(1) its functions under—

- (a) regulations 39 and 41 (election and removal of chair and vice chair);
- (b) regulation 42 (appointment and removal of clerk to the governing body);
- (c) regulation 49 (suspension of governors);
- (d) regulation 50 (delegation of functions);
- (e) regulation 54 (establishment of committees); and
- (f) regulations 7 (review of instrument of government), 9 (parent members), 12 (community members), 13 (sponsor members), 19 (removal of members) and 20 (procedure for removal of members by the committee) of the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014.

(2) The committee may not delegate to an individual under regulation 50(1)—

- (a) its functions in section 88 of the Education and Inspections Act 2006; or
- (b) the functions that must be delegated to the committee specified in regulation 56.”

14. In regulation 52, for paragraph (1)(b) substitute—

“(b) the teacher in charge of the unit or, as the case may be, of any of the units in the group of units, whether or not that person is a member;”.

Committees of governing bodies

15. Omit regulations 55 and 57.

16. Yn rheoliad 58—

- (a) yn lle paragraff (1) rhodder—
“(1) Rhaid i’r awdurdod benodi clerc i bob is-bwyllgor, ond ni chaniateir i’r clerc hwnnw fod yn athro neu’n athrawes â gofal am yr uned neu, yn ôl y digwydd, am unrhyw uned yn y grŵp o unedau.”;
- (b) hepgorer paragraff (2); ac
- (c) ym mharagraff (4) yn lle “y corff llywodraethu” rhodder “yr awdurdod” a hepgorer “o’i eiddo”.

17. Yn rheoliad 59—

- (a) yn lle paragraff (1)(b), rhodder—
“(b) yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am bob uned yn y grŵp o unedau, pa un a yw’r person hwnnw yn aelod o’r is-bwyllgor ai peidio;” a
- (b) hepgorer paragraff (3).

18. Yn rheoliad 63 ym mharagraff (1)(a) yn lle “y pennaeth (boed yn llywodraethwr neu beidio)” rhodder “yr athro neu’r athrawes â gofal am yr uned neu, yn ôl y digwydd, am bob uned yn y grŵp o unedau, pa un a yw’r person hwnnw yn aelod ai peidio”.

16. In regulation 58—

- (a) for paragraph (1) substitute—
“(1) The authority must appoint a clerk to each sub-committee, who must not be the teacher in charge of the unit or, as the case may be, of any unit in the group of units.”;
- (b) omit paragraph (2); and
- (c) in paragraph (4) for “governing body” substitute “authority” and omit “of their”.

17. In regulation 59—

- (a) for paragraph (1)(b) substitute—
“(b) the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not that person is a member of the sub-committee;” and
- (b) omit paragraph (3).

18. In regulation 63 in paragraph (1)(a) for “the head teacher (whether or not he or she is a governor)” substitute “the teacher in charge of the unit or, as the case may be, of each unit in the group of units, whether or not that person is a member”.

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EDUCATION, WALES

Rheoliadau Addysg (Unedau
Cyfeirio Disgyblion) (Pwyllgorau
Rheoli etc.) (Cymru) 2014

The Education (Pupil Referral
Units) (Management Committees
etc.) (Wales) Regulations 2014

£6.00

W2105/10/14

ON

ISBN 978-0-348-10999-3



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