OFFERYNNAU STATUDOL CYMRU

2021 Rhif 217 (Cy. 54)

ADDYSG, CYMRU

Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) (Diwygio) 2021

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003 ("Rheoliadau 2003"). Mae'r diwygiadau hyn yn ofynnol o ganlyniad i weithredu Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 ("Deddf 2018").

Mae rheoliad 3 yn mewnosod diffiniadau perthnasol yn rheoliad 2 (dehongli) o Reoliadau 2003. Yn benodol, mae Deddf 2018 wedi ei diffinio, yn ogystal â'r termau "anghenion dysgu ychwanegol" a "darpariaeth ddysgu ychwanegol". Cyflwynwyd y ddau derm hyn yn Neddf 2018 ac mae'r diwygiadau i Reoliadau 2003 yn diweddaru'r derminoleg. Mae rheoliad 3 hefyd yn mewnosod diffiniadau o "anghenion addysgol arbennig" a "darpariaeth addysgol arbennig" o dan adran 312 o Ddeddf Addysg 1996, er mwyn gwahaniaethu rhwng yr hen system a'r system newydd.

Mae rheoliad 4 yn diwygio'r Atodlen i Reoliadau 2003. Mae paragraff 3 o'r Atodlen wedi ei ddiwygio i gwmpasu "anghenion addysgol arbennig" yn ogystal ag "anghenion dysgu ychwanegol". Mae paragraff 3(5) wedi ei hepgor. Mae paragraff 3(6) wedi ei ddisodli i ddiweddaru'r derminoleg ac ychwanegu'r gofyniad am restr o'r math o ddarpariaeth ddysgu ychwanegol y mae'r ysgol yn ei gwneud. Yn ychwanegol, mae paragraff 5(1)(a) o'r Atodlen wedi ei ddiwygio i ddiweddaru'r cyfeiriad at ddatganiadau anghenion addysgol arbennig i gynnwys cynlluniau datblygu unigol, ac i ddileu'r gofyniad i ddarparu gwybodaeth a fyddai'n nodi pwy yw disgyblion unigol. Mae paragraff 5(2) wedi ei ddiwygio fel ei fod yn cyfeirio at anghenion dysgu ychwanegol yn ogystal ag at anghenion addysgol arbennig.

WELSH STATUTORY INSTRUMENTS

2021 No. 217 (W. 54)

EDUCATION, WALES

The Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Independent Schools (Provision of Information) (Wales) Regulations 2003 ("the 2003 Regulations"). These amendments are required as a result of the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the 2018 Act").

Regulation 3 inserts relevant definitions into regulation 2 (interpretation) of the 2003 Regulations. In particular, the 2018 Act is defined, as well as the terms "additional learning needs" and "additional learning provision". These are both terms introduced in the 2018 Act and the amendments to the 2003 Regulations update the terminology. Regulation 3 also inserts definitions of "special educational needs" and "special educational provision" under section 312 of the Education Act 1996, to distinguish between the old system and the new.

Regulation 4 amends the Schedule to the 2003 Regulations. Paragraph 3 of the Schedule is amended to cover both "special educational needs" and "additional learning needs". Paragraph 3(5) is omitted. Paragraph 3(6) is replaced to update the terminology and add the requirement for a list of the type of additional learning provision the school makes. Additionally, paragraph 5(1)(a) of the Schedule is amended to update the reference to statements of special educational needs to include individual development plans, and to remove the requirement to provide information that would identify individual pupils. Paragraph 5(2) is amended so that it refers to both additional learning needs and special educational needs.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol yng ngoleuni'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in the light of these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

OFFERYNNAU STATUDOL CYMRU

2021 Rhif 217 (Cy. 54)

ADDYSG, CYMRU

Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) (Diwygio) 2021

Gwnaed	*26 Chwefror 2021*
Gosodwyd gerbron Senedd Cymru	*2 Mawrth 2021*
Yn dod i rym	*1 Medi 2021*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 160(1), 168 a 210(1) a (7) o Ddeddf Addysg 2002(**1**), yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) (Diwygio) 2021 a deuant i rym ar 1 Medi 2021.

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

Diwygio Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003

2. Mae Rheoliadau Ysgolion Annibynnol (Darparu Gwybodaeth) (Cymru) 2003(**2**) wedi eu diwygio yn unol â rheoliadau 3 a 4.

(**1**) 2002 p. 32. Mae adran 212(1) yn diffinio "regulations" fel rheoliadau a wneir o dan Ddeddf Addysg 2002 (p. 32) gan Gynulliad Cenedlaethol Cymru (o ran Cymru). Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32). Mae adran 212(1) hefyd yn diffinio "prescribes". Diwygiwyd adran 210 o Ddeddf Addysg 2002 gan adran 21 o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2).

(**2**) O.S. 2003/3230 (Cy. 310).

WELSH STATUTORY INSTRUMENTS

2021 No. 217 (W. 54)

EDUCATION, WALES

The Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021

Made	*26 February 2021*
Laid before Senedd Cymru	*2 March 2021*
Coming into force	*1 September 2021*

The Welsh Ministers, in exercise of the powers conferred on them by sections 160(1), 168 and 210(1) and (7) of the Education Act 2002(**1**) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Independent Schools (Provision of Information) (Wales) (Amendment) Regulations 2021 and they come into force on 1 September 2021.

(2) These Regulations apply in relation to Wales.

Amendment to the Independent Schools (Provision of Information) (Wales) Regulations 2003

2. The Independent Schools (Provision of Information) (Wales) Regulations 2003(**2**) are amended in accordance with regulations 3 and 4.

(**1**) 2002 c. 32. Section 212(1) defines "regulations" as regulations made under the Education Act 2002 (c. 32) by the National Assembly for Wales (in relation to Wales). The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). Section 212(1) also defines "prescribes". Section 210 of the Education Act 2002 was amended by section 21 of the Learner Travel (Wales) Measure 2008 (nawm 2).

(**2**) S.I. 2003/3230 (W. 310).

Diwygio rheoliad 2 (dehongli)

3. Yn rheoliad 2, yn y lle priodol, mewnosoder—

"mae i "anghenion addysgol arbennig" yr ystyr a roddir i "*special educational needs*" gan adran 312 o Ddeddf 1996;",

"mae i "anghenion dysgu ychwanegol" ("*additional learning needs*") yr ystyr a roddir iddo gan adran 2 o Ddeddf 2018;",

"mae i "cynllun datblygu unigol" ("*individual development plan*") yr ystyr a roddir iddo gan adran 10 o Ddeddf 2018;",

"mae i "darpariaeth addysgol arbennig" yr ystyr a roddir i "*special educational provision*" gan adran 312 o Ddeddf 1996;",

"mae i "darpariaeth ddysgu ychwanegol" ("*additional learning provision*") yr ystyr a roddir iddo gan adran 3 o Ddeddf 2018;",

"ystyr "Deddf 2018" ("*the 2018 Act*") yw Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018;".

Amendments to regulation 2 (interpretation)

3. In regulation 2, in the appropriate place insert—

""the 2018 Act" ("*Deddf 2018*") means the Additional Learning Needs and Education Tribunal (Wales) Act 2018;",

""additional learning needs" ("*anghenion dysgu ychwanegol*") has the meaning assigned to it by section 2 of the 2018 Act;",

""additional learning provision" ("*darpariaeth ddysgu ychwanegol*") has the meaning assigned to it by section 3 of the 2018 Act;",

""individual development plan" ("*cynllun datblygu unigol*") has the meaning assigned to it by section 10 of the 2018 Act;",

""special educational needs" ("*anghenion addysgol arbennig*") has the meaning assigned to it by section 312 of the 1996 Act;",

""special educational provision" ("*darpariaeth addysgol arbennig*") has the meaning assigned to it by section 312 of the 1996 Act;".

Diwygio'r Atodlen

4. Yn yr Atodlen—

(a) hepgorer paragraff 3(5).

(b) yn lle paragraff 3(6) rhodder—

"(6) Y math neu'r mathau o—

(a) darpariaeth ddysgu ychwanegol a wneir gan yr ysgol ar gyfer disgyblion ag anghenion dysgu ychwanegol (os oes un), a

(b) darpariaeth addysgol arbennig a wneir gan yr ysgol ar gyfer disgyblion ag anghenion addysgol arbennig (os oes un)."

(c) yn lle paragraff 5(1) rhodder—

"(1) Nifer y disgyblion yn yr ysgol—

(a) y mae'r ysgol neu awdurdod lleol yn cynnal cynllun datblygu unigol mewn perthynas â hwy, a

(b) y mae awdurdod lleol yn cynnal datganiad anghenion addysgol arbennig mewn perthynas â hwy o dan adran 324 o Ddeddf 1996."

Amendments to the Schedule

4. In the Schedule—

(a) omit paragraph 3(5).

(b) for paragraph 3(6) substitute—

"(6) The type or types of—

(a) additional learning provision made by the school for pupils with additional learning needs (if any), and

(b) special educational provision made by the school for pupils with special educational needs (if any)."

(c) for paragraph 5(1) substitute—

"(1) The number of pupils at the school in respect of whom—

(a) the school or a local authority maintains an individual development plan, and

(b) a local authority maintains a statement of special educational needs under section 324 of the 1996 Act."

(d) yn lle paragraff 5(2) rhodder—

"(2) Nifer y disgyblion yn yr ysgol nad ydynt yn dod o fewn is-baragraff (1), ond y nodwyd bod ganddynt anghenion dysgu ychwanegol neu anghenion addysgol arbennig."

(d) for paragraph 5(2) substitute—

"(2) The number of pupils at the school who do not fall within sub-paragraph (1), but who have been identified as having additional learning needs or special educational needs."

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
26 Chwefror 2021

Minister for Education, one of the Welsh Ministers
26 February 2021

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