OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2022 Rhif 913 (Cy. 199)

2022 No. 913 (W. 199)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Diwygiadau Canlyniadol ac Amrywiol) 2022

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential and Miscellaneous Amendments) Regulations 2022

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn wedi eu gwneud o ganlyniad i Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 ("y Ddeddf"). Mae'r Ddeddf honno yn diwygio'r gyfraith ar addysg a hyfforddiant ar gyfer plant a phobl ifanc ag anghenion dysgu ychwanegol ac yn ailenwi Tribiwnlys Anghenion Addysgol Arbennig Cymru yn Dribiwnlys Addysg Cymru.

Mae'r Rheoliadau hyn yn gwneud diwygiadau canlyniadol i is-ddeddfwriaeth sy'n ymwneud â chyfraith addysg yng Nghymru.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made in consequence of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the Act"). That Act reforms the law on education and training for children and young people with additional learning needs and renames the Special Educational Needs Tribunal for Wales as the Education Tribunal for Wales.

These Regulations make consequential amendments to secondary legislation relating to education law in Wales.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to 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

2022 Rhif 913 (Cy. 199)

ADDYSG, CYMRU

Rheoliadau Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Diwygiadau Canlyniadol ac Amrywiol) 2022

Gwnaed	*22 Awst 2022*
Gosodwyd gerbron Senedd Cymru	*23 Awst 2022*
Yn dod i rym	*14 Medi 2022*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adran 97(1) a (2) o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(**1**), yn gwneud y Rheoliadau a ganlyn.

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Diwygiadau Canlyniadol ac Amrywiol) 2022 a deuant i rym ar 14 Medi 2022.

Rheoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002

2.—(1) Mae rheoliad 17 o Reoliadau Addysg (Anghenion Addysgol Arbennig) (Cymru) 2002(**2**) wedi ei ddiwygio fel a ganlyn.

(2) Ym mharagraff (4)—

(a) ar ôl is-baragraff (c) mewnosoder "neu";

(b) hepgorer is-baragraff (d) a'r "neu" o'i flaen.

(3) Ym mharagraff (7)(b) yn lle "(d)" rhodder "(ch)".

(**1**) 2018 dccc 2.

(**2**) O.S. 2002/152 (Cy. 20), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

WELSH STATUTORY INSTRUMENTS

2022 No. 913 (W. 199)

EDUCATION, WALES

The Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential and Miscellaneous Amendments) Regulations 2022

Made	*22 August 2022*
Laid before Senedd Cymru	*23 August 2022*
Coming into force	*14 September 2022*

The Welsh Ministers, in exercise of the powers conferred by section 97(1) and (2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**1**), make the following Regulations.

Title and commencement

1. The title of these Regulations is the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Consequential and Miscellaneous Amendments) Regulations 2022 and they come into force on 14 September 2022.

The Education (Special Educational Needs) (Wales) Regulations 2002

2.—(1) Regulation 17 of the Education (Special Educational Needs) (Wales) Regulations 2002(**2**) is amended as follows.

(2) In paragraph (4)—

(a) after sub-paragraph (c) insert "or";

(b) omit sub-paragraph (e) and the "or" before it.

(3) In paragraph (7)(b) for "(e)" substitute "(d)".

(**1**) 2018 anaw 2.

(**2**) S.I. 2002/152 (W. 20), to which there are amendments not relevant to these Regulations.

Rheoliadau Grantiau Safonau Addysg (Cymru) 2002

3.—(1) Mae Rheoliadau Grantiau Safonau Addysg (Cymru) 2002(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2(1)—

(a) yn y lleoedd priodol mewnosoder—

"ystyr "adolygiad CDU" ("*IDP review*") yw'r adolygiad o gynllun datblygu unigol sy'n ofynnol gan adran 23 o Ddeddf 2018;";

"mae i "anghenion dysgu ychwanegol" ("*additional learning needs*") yr un ystyr ag yn Neddf 2018;";

"ystyr "cynllun datblygu unigol" ("*individual development plan*") yw cynllun datblygu unigol a gynhelir o dan Ran 2 o Ddeddf 2018;";

"ystyr "Deddf 2018" ("*the 2018 Act*") yw Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(**2**);".

(b) yn y diffiniad o "cynorthwy-ydd cynnal dysgu" yn lle "anghenion addygsol arbennig" rhodder "anghenion dysgu ychwanegol neu anghenion addysgol arbennig";

(c) yn y diffiniad o "gwasanaethau partneriaeth rhieni"—

(i) ar ôl "o dan" mewnosoder "Ran 2 o Ddeddf 2018 neu", a

(ii) ar ôl "anghenion addysgol arbennig", yn y ddau le y mae'n digwydd, mewnosoder "neu anghenion dysgu ychwanegol".

(3) Ym mharagraff 6 o'r Atodlen—

(a) yn is-baragraffau (a), (c), (ch) ac (e) ar ôl "anghenion addysgol arbennig", ym mhob lle y mae'n digwydd, mewnosoder "neu anghenion dysgu ychwanegol";

(b) yn is-baragraff (b) ar ôl "arbennig" mewnosoder "ac anghenion dysgu ychwanegol";

(c) yn is-baragraff (c) ar ôl "cyfarfodydd adolygu blynyddol" mewnosoder "a'r adolygiadau CDU,";

(d) yn is-baragraff (f) ar ôl "arbennig" mewnosoder "ac anghenion dysgu ychwanegol";

(e) yn is-baragraff (ff) ar ôl "arbennig" mewnosoder "a'r ddarpariaeth anghenion dysgu ychwanegol".

The Education Standards Grants (Wales) Regulations 2002

3.—(1) The Education Standards Grants (Wales) Regulations 2002(**1**) are amended as follows.

(2) In regulation 2(1)—

(a) at the appropriate places insert—

""the 2018 Act" ("*Deddf 2018*") means the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**2**);";

""additional learning needs" ("*anghenion dysgu ychwanegol*") has the same meaning as in the 2018 Act;";

""IDP review" ("*adolygiad CDU*") means the review of an individual development plan required by section 23 of the 2018 Act;";

""individual development plan" ("*cynllun datblygu unigol*") means an individual development plan maintained under Part 2 of the 2018 Act;".

(b) in the definition of "learning support assistant" after "with" insert "additional learning needs or";

(c) in the definition of "parent partnership services"—

(i) after "under" insert "Part 2 of the 2018 Act or", and

(ii) after "special educational needs", in both places it occurs, insert "or additional learning needs".

(3) In paragraph 6 of the Schedule—

(a) in sub-paragraphs (a), (c), (d) and (g) after "special educational needs", in each place it occurs, insert "or additional learning needs";

(b) in sub-paragraph (b) after "needs" insert "and additional learning needs";

(c) in sub-paragraph (c) after "annual review meetings" insert "and IDP reviews,";

(d) in sub-paragraph (h) after "needs" insert "and additional learning needs";

(e) in sub-paragraph (i) after "provision" insert "and additional learning needs provision".

(**1**) O.S. 2002/438 (Cy. 56), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) 2018 dccc 2.

(**1**) S.I. 2002/438 (W. 56), to which there are amendments not relevant to these Regulations.
(**2**) 2018 anaw 2.

Rheoliadau Addysg (Fforymau Derbyn) (Cymru) 2003

4.—(1) Mae Rheoliadau Addysg (Fforymau Derbyn) (Cymru) 2003(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1)(e), ar ôl "arbennig," mewnosoder "plant ag anghenion dysgu ychwanegol (o fewn yr ystyr a roddir gan adran 2 o Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018),".

Rheoliadau Cynghorau Ysgol (Cymru) 2005

5.—(1) Mae Rheoliadau Cynghorau Ysgol (Cymru) 2005(**2**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) yn y lleoedd priodol, mewnosoder—

"mae i "anghenion dysgu ychwanegol" ("*additional learning needs*") yr un ystyr ag yn Neddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018;";

"ystyr "canolfan adnoddau anghenion dysgu ychwanegol" ("*additional learning needs resource base*") yw dosbarth neu adran mewn ysgol ar gyfer disgyblion sydd ag anghenion dysgu ychwanegol;";

(b) yn y testun Saesneg, ar ddiwedd y diffiniad o "infant school" hepgorer "and", ac

(c) hepgorer y diffiniad o "canolfan adnoddau anghenion addysgol arbennig" ac yn y testun Cymraeg, hepgorer yr "ac" sy'n ei ddilyn.

(3) Yn rheoliad 4(4) yn lle "addysgol arbennig", yn y ddau le y mae'n digwydd, rhodder "dysgu ychwanegol".

Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012

6.—(1) Mae Rheoliadau Tribiwnlys Anghenion Addysgol Arbennig Cymru 2012(**3**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 61(5)—

(a) ar ôl is-baragraff (c) mewnosoder "neu";

(b) hepgorer is-baragraff (d) a'r "neu" o'i flaen.

(3) Yn rheoliad 62(3)—

(a) ar ôl is-baragraff (c) mewnosoder "neu";

(b) hepgorer is-baragraff (d) a'r "neu" o'i flaen.

(**1**) O.S. 2003/2962 (Cy. 279), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.
(**2**) O.S. 2005/3200 (Cy. 236).
(**3**) O.S. 2012/322 (Cy. 53), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

The Education (Admission Forums) (Wales) Regulations 2003

4.—(1) The Education (Admission Forums) (Wales) Regulations 2003(**1**) are amended as follows.

(2) In regulation 3(1)(g), after "needs," insert "children with additional learning needs (within the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018),".

The School Councils (Wales) Regulations 2005

5.—(1) The School Councils (Wales) Regulations 2005(**2**) are amended as follows.

(2) In regulation 2—

(a) at the appropriate places, insert—

""additional learning needs" ("*anghenion dysgu ychwanegol*") has the same meaning as in the Additional Learning Needs and Education Tribunal (Wales) Act 2018;";

""additional learning needs resource base" ("*canolfan adnoddau anghenion dysgu ychwanegol*") means a class or department within a school for pupils with additional learning needs;";

(b) at the end of the definition of "infant school" omit "and"; and

(c) omit the definition of "special educational needs resource base".

(3) In regulation 4(4) for "special educational", in both places it occurs, substitute "additional learning".

The Special Educational Needs Tribunal for Wales Regulations 2012

6.—(1) The Special Educational Needs Tribunal for Wales Regulations 2012(**3**) are amended as follows.

(2) In regulation 61(5)—

(a) after sub-paragraph (c) insert "or";

(b) omit subparagraph (e) and the "or" before it.

(3) In regulation 62(3)—

(a) after sub-paragraph (c) insert "or";

(b) omit sub-paragraph (e) and the "or" before it.

(**1**) S.I. 2003/2962 (W. 279), to which there are amendments not relevant to these Regulations.
(**2**) S.I. 2005/3200 (W. 236).
(**3**) S.I. 2012/322 (W. 53), to which there are amendments not relevant to these Regulations.

Rheoliadau Dethol Llywydd Tribiwnlysoedd Cymru 2017

7.—(1) Mae Rheoliadau Dethol Llywydd Tribiwnlysoedd Cymru 2017(**1**) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 1(2)(b), yn y tabl, ar ddiwedd y ddarpariaeth yn y golofn chwith "Section 333(2)(a) of the Education Act 1996" mewnosoder "or Section 91(3) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**2**)".

The Selection of the President of the Welsh Tribunals Regulations 2017

7.—(1) The Selection of the President of the Welsh Tribunals Regulations 2017(**1**) are amended as follows.

(2) In regulation 1(2)(b), in the table, at the end of the provision in the left-hand column "Section 333(2)(a) of the Education Act 1996" insert "or Section 91(3) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**2**)".

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
22 Awst 2022

Minister for Education and Welsh Language, one of the Welsh Ministers
22 August 2022

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(**1**) O.S. 2017/1282.
(**2**) 2018 dccc 2. Diwygiwyd is-adran (3) o adran 91 gan reoliad 2(2) o Reoliadau Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 (Darpariaethau Atodol) 2019 (O.S. 2019/794) (Cy. 148).

(**1**) S.I. 2017/1282.
(**2**) 2018 anaw 2. Subsection (3) of section 91 was amended by regulation 2(2) of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 (Supplementary Provisions) Regulations 2019 (S.I. 2019/794) (W. 148).

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