



Deddf Addysg (Cymru) 2014

2014 dccc 5

Nodiadau Esboniadol

Education (Wales) Act 2014

2014 anaw 5

Explanatory Notes

£6.00

DEDDF ADDYSG (CYMRU) 2014

NODIADAU ESBONIADOL

CYFLWYNIAD

1. Mae'r Nodiadau Esboniadol hyn ar gyfer Deddf Addysg (Cymru) 2014 a basiwyd gan Gynulliad Cenedlaethol Cymru ar 25 Mawrth 2014 ac a gafodd y Cydsyniad Brenhinol ar 12 Mai 2014. Fe'u lluniwyd gan Adran Addysg a Sgiliau Llywodraeth Cymru er mwyn cynorthwyo'r sawl sy'n darllen y Ddeddf. Dylid darllen y Nodiadau Esboniadol ar y cyd â'r Ddeddf ond nid ydynt yn rhan ohoni.

CEFNDIR

2. Sefydlwyd Cyngor Addysgu Cyffredinol Cymru (CyngACC) o dan Ddeddf Addysgu ac Addysg Uwch 1998. Mae wedi bod yn gyfrifol am gofrestru a rheoleiddio athrawon ers hynny.
3. Mae'r Ddeddf yn ailenwi CyngACC yn Gyngor y Gweithlu Addysg (y Cyngor) ac mae'n ehangu cylch gwaith y Cyngor er mwyn cynnwys cofrestru a rheoleiddio mwy o'r bobl sy'n ymwneud ag addysgu a dysgu yng Nghymru. O ganlyniad i'r newid hwn, mae'r Ddeddf yn diweddarau cyfansoddiad, trefniadau llywodraethu a swyddogaethau'r Cyngor. Mae'r Ddeddf hefyd yn darparu mecanwaith ar gyfer ychwanegu categorïau newydd o berson at gylch gwaith rheoleidiol y Cyngor.
4. Mae'r Ddeddf hefyd yn manteisio ar y cyfle i ailddatgan rhai o'r darpariaethau perthnasol sy'n ymwneud ag athrawon a gweithwyr cymorth dysgu sydd i'w gweld ar hyn o bryd yn Neddf Addysg 2002.
5. Mae Rhan 3 o'r Ddeddf yn ymwneud â thri phwnc amrywiol ym maes addysg. Mae adran 42 yn ymwneud â dyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol, mae adran 43 yn ymwneud â'r trefniadau ar gyfer penodi Arolygwyr Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru, ac mae adran 44 yn gwneud darpariaeth i egluro y gall swyddogaethau addysg awdurdodau lleol gael eu cyflawni gan bersonau a enwebir at bob diben pan fo cyfarwyddyd i'r perwyl hwnnw yn ei le.

SYLWEBAETH AR YR ADRANNAU

Adran 1 - Trosolwg

6. Mae'r adran hon yn crynhoi prif ddarpariaethau'r Ddeddf. Ei nod yw bod yn ddarpariaeth dangos y ffordd a chyflwyno cysyniadau allweddol. Mae hefyd yn cyflwyno'r mynegai o eiriau ac ymadroddion wedi eu diffinio sydd i'w weld yn Atodlen 4 i'r Ddeddf.

Adrannau 2 i 6 (ac Atodlen 1) - Cyngor y Gweithlu Addysg

7. Mae adran 2 yn newid enw CyngACC i Gyngor y Gweithlu Addysg ac yn cyflwyno Atodlen 1 sy'n nodi cyfansoddiad diweddaraf y corff hwnnw.

EDUCATION (WALES) ACT 2014

EXPLANATORY NOTES

INTRODUCTION

1. These Explanatory Notes are for the Education (Wales) Act 2014 which was passed by the National Assembly for Wales on 25 March 2014 and received Royal Assent on 12 May 2014. They have been prepared by the Department for Education and Skills of the Welsh Government to assist the reader of the Act. The Explanatory Notes should be read in conjunction with the Act but are not part of it.

BACKGROUND

2. The General Teaching Council for Wales (GTCW) was established under the Teaching and Higher Education Act 1998. It has been responsible for the registration and regulation of teachers since that time.
3. The Act renames the GTCW as the Education Workforce Council (the Council) and expands its remit to include the registration and regulation of more of the people who are involved in teaching and learning in Wales. As a consequence of this change, the Act updates the Council's constitution, governance arrangements and functions. The Act also provides a mechanism for new categories of person to be added to the regulatory remit of the Council.
4. The Act also takes the opportunity to restate some of the relevant provisions relating to teachers and learning support workers which are currently in the Education Act 2002.
5. Part 3 of the Act deals with three miscellaneous education topics. Section 42 deals with term and holiday dates and the times of school sessions, section 43 deals with the arrangements for appointing Her Majesty's Inspectors of Education and Training in Wales, and section 44 makes provision to clarify that local authority education functions can be performed by nominated persons for all purposes when there is a direction in place to that effect.

COMMENTARY ON SECTIONS

Section 1 – Overview

6. This section summarises the main provisions of the Act. It is intended to be a signposting provision and to introduce key concepts. It also introduces the index of defined words and expressions which may be found in Schedule 4 to the Act.

Sections 2 to 6 (and Schedule 1) – Education Workforce Council

7. Section 2 changes the name of the GTCW to the Education Workforce Council and introduces Schedule 1 which sets out the updated constitution of that body.

8. Mae is-adran (1)(a) yn cadarnhau mai'r un endid cyfreithiol yw CyngACC a Chyngor y Gweithlu Addysg. Golyga hyn, er enghraifft, nad yw'r newidiadau yn effeithio ar delerau ac amodau contractau ei gyflogeion.
9. Mae adran 3 yn nodi prif nodau'r Cyngor, sef:
 - cyfrannu at wella safonau addysgu ac ansawdd y dysgu yng Nghymru; a
 - cynnal a gwella safonau ymddygiad proffesiynol ymhlith athrawon ac eraill yn y gweithlu addysg yng Nghymru.
10. Mae adran 4 yn pennu prif swyddogaethau'r Cyngor, sef:
 - a. darparu cyngor ar faterion sy'n ymwneud â'r personau y mae'r Cyngor yn eu rheoleiddio, ac ar faterion addysgu a dysgu (gweler adran 7);
 - b. hybu gyrfaoedd mewn proffesiynau cofrestradwy (gweler adran 8);
 - c. sefydlu a chynnal cofrestr (gweler adran 9);
 - d. sicrhau bod ganddo'r wybodaeth ddiweddaraf ynghylch sefydlu'r gweithlu addysg a gwrandio apelau mewn perthynas â phenderfyniadau sy'n ymwneud â sefydlu (gweler adrannau 17 a 19);
 - e. adolygu a diwygio cod ymddygiad ac ymarfer (gweler adran 24);
 - f. ymchwilio i ymddygiad proffesiynol annerbyniol ac anghymhwysedd proffesiynol a chymryd camau mewn perthynas ag ymddygiad o'r fath (gweler adran 26); ac
 - g. cadw a darparu gwybodaeth (gweler adrannau 33 a 35).
11. Yn rhinwedd adran 5 caiff Gweinidogion Cymru roi neu osod swyddogaethau ychwanegol ar y Cyngor, drwy orchymyn. Cyn gwneud gorchymyn o'r fath, rhaid i Weinidogion Cymru ymgynghori â phersonau neu gyrff priodol (er enghraifft, y Cyngor).
12. Mae adran 6 yn rhoi pwerau i Weinidogion Cymru i roi cyfarwyddiadau i'r Cyngor. Gellid defnyddio'r pwerau hyn o dan amgylchiadau pan oedd gan Weinidogion Cymru bryderon ynghylch llywodraethu'r Cyngor neu mewn perthynas â'r modd yr oedd yn arfer ei swyddogaethau. Rhaid i'r Cyngor gydymffurfio â chyfarwyddyd o'r fath.
13. Fodd bynnag, ni chaiff Gweinidogion Cymru roi cyfarwyddyd mewn perthynas â chais penodol i gofrestru, apêl sy'n ymwneud â chais o'r fath neu achos disgyblu penodol.

Adrannau 7 ac 8 - Darparu cyngor a hybu gyrfaoedd

14. Fel y nodir yn adran 4 o'r Ddeddf, un o brif swyddogaethau'r Cyngor yw darparu cyngor ar faterion sy'n ymwneud â'r personau y mae'n eu rheoleiddio, ac ar faterion addysgu a dysgu.
15. O dan adran 7 caiff Gweinidogion Cymru ei gwneud yn ofynnol i'r Cyngor roi cyngor iddynt hwy neu i bersonau eraill ar 'faterion perthnasol' (mae'r materion perthnasol hyn wedi eu nodi yn adran 7(2)).
16. Caiff y Cyngor hefyd roi unrhyw gyngor i bersonau eraill sy'n briodol yn ei farn ef. Caniateir i gyngor gael ei roi ar ystod o faterion gan gynnwys hyfforddiant, datblygu gyrfa, rheoli perfformiad ac addasrwydd i ymarfer.

8. Subsection (1)(a) confirms that the GTCW and the Education Workforce Council are the same legal entity. This means, for example, that the contractual terms and conditions of its employees are unaffected by the changes.
9. Section 3 sets out the principal aims of the Council:
 - to contribute to the improvement of the standards of teaching and the quality of learning in Wales; and
 - to maintain and improve standards of professional conduct amongst teachers and others in the education workforce in Wales.
10. Section 4 establishes the main functions of the Council:
 - a. to provide advice on matters related to the persons whom the Council regulates, and on teaching and learning matters (see section 7);
 - b. to promote careers in registrable professions (see section 8);
 - c. to establish and maintain a register (see section 9);
 - d. to keep itself informed about the induction of the education workforce and to hear appeals in relation to decisions relating to induction (see sections 17 and 19);
 - e. to review and revise a code of conduct and practice (see section 24);
 - f. to investigate and take action in relation to unacceptable professional conduct and professional incompetence (see section 26); and
 - g. to hold and provide information (see sections 33 and 35).
11. By virtue of section 5 the Welsh Ministers may confer or impose additional functions on the Council, by way of an order. Before making such an order the Welsh Ministers must consult appropriate persons or bodies (for example, the Council).
12. Section 6 gives powers to the Welsh Ministers to give directions to the Council. This could be used in circumstances where the Welsh Ministers had concerns about the governance of the Council or in relation to the manner in which it was exercising its functions. The Council must comply with such a direction.
13. However, the Welsh Ministers may not give a direction in relation to a specific application for registration, an appeal relating to such an application or a specific disciplinary case.

Sections 7 and 8 - Provision of advice and promotion of careers

14. As set out in section 4 of the Act, one of the main functions of the Council is to provide advice on matters related to the persons whom it regulates, and on teaching and learning matters.
15. Under section 7 the Welsh Ministers may require the Council to provide advice to them or to other persons on 'relevant matters' (these are set out in section 7(2)).
16. The Council may also give such advice to other persons as it considers appropriate. Advice may be given on a range of matters including training, career development, performance management and fitness to practice.

17. Rhaid i'r Cyngor hysbysu Gweinidogion Cymru yn ysgrifenedig, bob dau fis, am unrhyw gyngor sydd wedi ei roi ganddo ar faterion perthnasol yn ystod y ddau fis blaenorol ac am y sawl a gafodd y cyngor hwnnw.
18. Mae adran 8 yn darparu bod y Cyngor yn gallu rhoi cyngor, trefnu cynadleddau a darlithoedd a chyhoeddi deunyddiau hybu er mwyn hybu gyrfaoedd y gweithlu addysgol cofrestredig, sy'n ofynnol gan Weinidogion Cymru. Yn ychwanegol at ffeiriau gyrfaoedd, caniateir i hyn gynnwys trefnu cynadleddau a darlithoedd a fydd yn cyfrif tuag at ddatblygiad proffesiynol parhaus personau cofrestredig.

Adrannau 9 i 13 (ac Atodlen 2) - Cofrestru'r gweithlu addysg

19. Mae adrannau 9 i 13 yn ymwneud â chofrestru'r gweithlu addysg. Mae angen eu darllen ar y cyd ag Atodlen 2, a gyflwynir gan adran 9.
20. Yn rhinwedd adran 9, mae'n ofynnol i'r Cyngor gadw cofrestr o bob person sy'n gymwys i'w gofrestru ac sy'n gwneud cais i gael ei gofrestru.
21. Mae Atodlen 2 yn nodi'r union ddisgrifiadau o'r rhai y caiff fod yn ofynnol iddynt gofrestru ac yn caniatáu i Weinidogion Cymru (yn rhinwedd paragraff 2 o'r Atodlen) ychwanegu categorïau newydd o bersonau y caiff fod yn ofynnol iddynt gofrestru drwy orchymyn. Gallai hyn gynnwys, er enghraifft, gweithwyr ieuencid neu bersonau sy'n gysylltiedig â chynlluniau dysgu seiliedig ar waith a sefydlwyd o dan adran 31 o Ddeddf Dysgu a Sgiliau 2000, a phersonau sy'n gweithio mewn ysgolion annibynnol.
22. Rhaid i berson sy'n dymuno cael ei gofrestru wneud cais i'r Cyngor, a rhaid iddo fodloni'r amodau cymhwysra a nodir yn adran 10. Os yw'r person yn bodloni'r amodau hynny, rhaid i'r Cyngor ei gofrestru.
23. Caiff person gofrestru yn llawn neu ar sail dros dro. Mae amrywiaeth o amgylchiadau pryd y gall fod yn briodol i berson gofrestru dros dro gan gynnwys tra bo'r person:
 - yn ymgymryd â chyfnod sefydlu;
 - yn dechrau hyfforddiant athrawon; neu
 - yn gweithio tuag at ennill cymhwyster gofynnol.Fodd bynnag, dim ond unwaith y mae cymhwysra person i gael ei gofrestru yn cael ei asesu.
24. Mae angen darllen yr amodau y mae rhaid i berson eu bodloni er mwyn bod yn gymwys i gael ei gofrestru ar y cyd ag adran 40. Mae'r amodau yn cynnwys gofyniad bod y Cyngor wedi ei fodloni bod y ceisydd yn addas i gael ei gofrestru.
25. Mae adran 11 yn darparu hawl i apelio yn erbyn penderfyniad y Cyngor ynghylch addasrwydd ceisydd i gael ei gofrestru.

17. The Council must, every two months, notify the Welsh Ministers in writing of any advice it has given on relevant matters during the proceeding two months, and of the recipient of that advice.
18. Section 8 provides for the Council to be able to give advice, organise conferences and lectures and publish promotional materials so as to promote the careers of the registered educational workforce, as may be required by the Welsh Ministers. In addition to careers fairs, this may include organising conferences and lectures which will count towards the continuing professional development of registered persons.

Sections 9 to 13 (and Schedule 2) - Registration of the education workforce

19. Sections 9 to 13 deal with the registration of the education workforce. They need to be read in conjunction with Schedule 2, which is introduced by section 9.
20. By virtue of section 9, the Council is required to keep a register of every person who is eligible for registration and applies to be registered.
21. Schedule 2 sets out the exact descriptions of those who may be required to register and allows the Welsh Ministers (by virtue of paragraph 2 of the Schedule) to add new categories of persons who may be required to register by order. This might include, for example, youth workers or persons who are involved in the work based learning schemes established under section 31 of the Learning and Skills Act 2000, and persons who work in independent schools.
22. A person who wishes to be registered must apply to the Council, and must meet the eligibility conditions set out in section 10. If the person meets those conditions, the Council must register them.
23. Registration may be on a full or a provisional basis. There are a variety of circumstances where it may be appropriate for a person to be provisionally registered including while the person:
 - undertakes a period of induction;
 - starts teacher training; or
 - works towards obtaining a required qualification.

However, a person's eligibility to be registered is assessed only once.

24. The conditions a person must meet in order to be eligible to be registered needs to be read in conjunction with section 40. The conditions include a requirement for the Council to be satisfied that the applicant is suitable to be registered.
25. Section 11 provides a right of appeal against the Council's decision about an applicant's suitability to be registered.

26. Mae adran 12 yn caniatáu i Weinidogion Cymru wneud rheoliadau ynghylch y ffioedd y caiff y Cyngor eu codi mewn cysylltiad â chofrestru. Mae hyn yn cynnwys swm y ffioedd y caniateir iddo eu codi a hefyd y dulliau y caniateir iddynt gael eu defnyddio i gasglu'r ffioedd hynny. Er enghraifft, gallai fod yn ofynnol i gyflogwyr personau cofrestredig ddiwyddu'r ffioedd o gyflog y person ac anfon y swm hwnnw i'r Cyngor.
27. Mae adran 13 yn caniatáu i Weinidogion Cymru wneud rheoliadau ynghylch cofrestru yn gyffredinol. Mae is-adran (2) yn darparu rhai enghreifftiau o sut y caniateir i'r pŵer gael ei arfer. Mae hyn yn caniatáu i reoliadau gael eu gwneud ar ystod eang o bynciau sy'n amrywio o'r agweddau gweinyddol a gweithdrefnol ar gofrestru i'r canlyniadau ar ôl i berson roi gwybodaeth anwir neu gamarweiniol i'r Cyngor fel rhan o'r broses gofrestru, a sut y gall y cyhoedd weld yr wybodaeth y mae'r Cyngor yn ei chadw.

Adrannau 14 i 16 – Y gofynion sydd i'w bodloni er mwyn darparu gwasanaethau

28. Mae adrannau 14 i 16 yn galluogi Gweinidogion Cymru i osod cyfyngiadau ar bwys a gaiff ddarparu gwasanaethau penodol mewn ysgolion a gynhelir (ac ysgolion arbennig), ac mewn sefydliadau addysg bellach yng Nghymru. Er enghraifft, gall fod rhaid i'r person feddu ar gymwysterau neu brofiad penodol neu fodloni amodau penodol.
29. Mae adran 14 yn gwneud darpariaeth mewn cysylltiad ag athrawon ysgol a gweithwyr cymorth dysgu. Caiff y rheoliadau bennu'r mathau o wasanaethau nad yw person yn gallu eu darparu heb fodloni'r gofynion amrywiol. Gall hyn gynnwys, er enghraifft, addysgu neu baratoi cynlluniau gwersi.
30. Mae adrannau 15 ac 16 yn ymwneud â darparu addysg a gwasanaethau eraill mewn sefydliadau addysg bellach (neu ar eu rhan). Caniateir i'r cyfyngiad ar ddarparu gwasanaethau oni bai bod gofynion penodol wedi eu bodloni gael ei osod ar bobl sy'n darparu addysg bellach (neu sy'n cefnogi'r addysg honno) yn y gymuned.
31. Mae addysg yn y cyd-destun hwn yn cynnwys hyfforddiant galwedigaethol, cymdeithasol, corfforol a hamdden.

Adrannau 17 i 22 – Sefydlu personau cofrestredig

32. Mae adran 17 yn galluogi Gweinidogion Cymru i'w gwneud yn ofynnol i berson gwblhau cyfnod sefydlu cyn y gellir ei gofrestru'n llawn.
33. Caiff rheoliadau a wneir o dan yr adran hon nodi'r manylion o ran yr hyn y bydd ei angen o safbwynt sefydlu ym mhob un o'r categorïau cofrestru. Caiff hyn gynnwys pa mor hir y dylai'r cyfnod sefydlu bara; ei leoliad a phwy a ddylai asesu a yw'r cyfnod sefydlu wedi ei gwblhau'n foddhaol. Caiff y rheoliadau hefyd ddarparu ar gyfer y canlyniadau pan na fo person yn cwblhau cyfnod sefydlu yn foddhaol (er enghraifft, efallai na fydd person yn gallu cael ei gyflogi'n athro neu'n athrawes mewn ysgol a gynhelir).
34. Mae adran 18 yn caniatáu i Weinidogion Cymru bennu'r safonau y mae rhaid asesu person sy'n ymgymryd â chyfnod sefydlu yn unol â hwy. Wrth bennu'r safonau hynny rhaid i Weinidogion Cymru ymgynghori â'r Cyngor.

26. Section 12 allows the Welsh Ministers to make regulations about the fees which the Council may charge in connection with registration. This includes both the amount of fees that may be charged and also the methods which may be used to collect those fees. For example, employers of registered persons could be required to deduct the fees from the person's salary and send that sum to the Council.
27. Section 13 allows the Welsh Ministers to make regulations about registration generally. Subsection (2) provides some examples of how the power may be exercised. This allows regulations to be made on a broad range of topics from the administrative and procedural aspects of registration through to the consequences of a person providing false or misleading information to the Council as part of the registration process, and how members of the public can access the information that the Council holds.

Sections 14 to 16 - Requirements to be satisfied in order to provide services

28. Sections 14 to 16 enable the Welsh Ministers to impose limitations on who may provide certain services in maintained (and special) schools, and in further education institutions in Wales. For example, the person may have to have certain qualifications or experience or meet certain conditions.
29. Section 14 makes provision in respect of school teachers and learning support workers. The regulations may specify the types of services which a person can't provide without meeting the various requirements. This may include, for example, teaching or preparing lesson plans.
30. Sections 15 and 16 deal with the provision of education and other services at (or for) further education institutions. The restriction on providing services unless certain requirements are met may be imposed on people who provide further education (or support such education) in the community.
31. Education in this context includes vocational, social, physical and recreational training.

Sections 17 to 22 - Induction of registered persons

32. Section 17 enables the Welsh Ministers to require a person to complete a period of induction before they can be fully registered.
33. Regulations made under this section may set out the details of what will be required by way of induction for each category of registration. This may include how long the induction period should be; where it must take place and who should assess if the induction period has been completed satisfactorily. The regulations may also provide for the consequences of not completing an induction period satisfactorily (for example, a person may not be able to be employed as a teacher in a maintained school).
34. Section 18 allows the Welsh Ministers to set the standards against which a person undertaking an induction period must be assessed. In setting those standards the Welsh Ministers must consult the Council.

35. Mae adran 19 yn darparu bod gan berson y bernir nad yw wedi cwblhau cyfnod sefydlu yn foddhaol yr hawl i apelio i'r Cyngor yn erbyn y penderfyniad.
36. Mae adran 20 yn gwneud darpariaeth i ymdrin ag achosion pan fo person neu gorff sydd â swyddogaethau mewn cysylltiad â chyfnodau sefydlu yn methu â chyflawni'r swyddogaethau hynny, neu'n eu cyflawni mewn modd annigonol.
37. Mae'n gwneud hynny drwy gymhwyso'r darpariaethau perthnasol o Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 i'r swyddogaethau hyn. Mae hyn yn rhoi'r pŵer i Weinidogion Cymru i ymyrryd ac i ddyroddi cyfarwyddiadau yn unol â'r Ddeddf honno mewn perthynas â chorff llywodraethu sefydliad addysg bellach ac mewn perthynas â chyrrff priodol (ac eithrio awdurdodau lleol a chyrrff llywodraethu ysgolion a gynhelir).
38. Gan fod y Ddeddf hon wedi ei dosbarthu yn un o'r "Deddfau Addysg" (gweler adran 45 o'r Ddeddf) mae Deddf Safonau a Threftadaeth Ysgolion (Cymru) 2013 eisoes yn gymwys i awdurdodau lleol a chyrrff llywodraethu ysgolion a gynhelir neu ysgolion arbennig. Mae is-adran (3) yn cadarnhau nad oes bwriad i effeithio ar weithrediad y Ddeddf honno yn y cyswllt hwn.
39. Mae adran 22 yn ymwneud â chyllido mewn sefyllfaoedd pan fo person wedi methu â chwblhau cyfnod sefydlu yn foddhaol ond ei fod yn parhau yn gyflogedig (â dyletswyddau cyfyngedig) mewn ysgol a gynhelir sydd â chyllideb ddirprwyedig. O dan yr amgylchiadau hyn, dim ond os oes rhesymau da dros wneud hynny y caiff awdurdod lleol wneud didyniadau o'r costau sy'n ymwneud â thâl y person o gyfran yr ysgol o'r gyllideb.

Adran 23 – Gwerthuso personau cofrestredig

40. Mae adran 23 yn caniatáu i Weinidogion Cymru wneud rheoliadau i'w gwneud yn ofynnol i berfformiad person cofrestredig gael ei werthuso.

Adrannau 24 a 25 – Cod ymddygiad ac ymarfer ar gyfer personau cofrestredig

41. Mae adran 24 yn ei gwneud yn ofynnol i Weinidogion Cymru lunio a chyhoeddi cod ymddygiad ac ymarfer sy'n pennu'r safonau a ddisgwylir gan bersonau cofrestredig. Caiff y Cod bennu safonau gwahanol ar gyfer categorïau gwahanol yn y gweithlu addysg.
42. Mae'n ofynnol i'r Cyngor adolygu'r Cod yn gyson. Rhaid iddo ei adolygu cyn pen 3 blynedd ar ôl y dyddiad y cyhoeddwyd y Cod ddiwethaf a pha bryd bynnag yr ychwanegir categori cofrestru newydd.
43. Mae adran 25 yn caniatáu i Weinidogion Cymru wneud rheoliadau ynghylch y Cod. Mae hyn yn cynnwys gwneud rheoliadau ynghylch ffurf a chynnwys y Cod yn ogystal ag ynghylch y canlyniadau pan nad yw person cofrestredig wedi cydymffurfio â'r Cod.

35. Section 19 provides a person who has been judged not to have satisfactorily completed a period of induction with a right of appeal to the Council against the decision.
36. Section 20 makes provision to deal with circumstances in which a person or body with functions in connection with induction periods is failing to perform those functions, or is performing those functions in an inadequate way.
37. It does so by applying the relevant provisions of the Schools Standards and Organisation (Wales) Act 2013 to these functions. This gives the Welsh Ministers the power to intervene and to issue directions in accordance with that Act in relation to the governing body of a further education institution and in relation to appropriate bodies (other than local authorities and the governing bodies of maintained schools).
38. Because this Act is classified as one of the “Education Acts” (see section 45 of the Act) the Schools Standards and Organisation (Wales) Act 2013 already applies to local authorities and governing bodies of maintained schools or special schools. Subsection (3) confirms that there is no intention to affect the operation of that Act in this respect.
39. Section 22 deals with funding in situations where a person has failed to satisfactorily complete a period of induction but remains employed (on restricted duties) at a maintained school with a delegated budget. In these circumstances, a local authority may only make deductions of costs relating to the person’s remuneration from the school’s budget share if there are good reasons for doing so.

Section 23 – Appraisal of registered persons

40. Section 23 allows the Welsh Minister to make regulations requiring the appraisal of the performance of a registered person.

Sections 24 and 25 - Code of conduct and practice for registered persons

41. Section 24 requires the Welsh Ministers to prepare and publish a code of conduct and practice which specifies the standards which are expected of registered persons. The Code may specify different standards for the different categories within the education workforce.
42. The Council is required to keep the Code under review. It must review it within 3 years of when it was last published and whenever a new category of registration is added.
43. Section 25 allows the Welsh Ministers to make regulations about the Code. This includes making regulations about the form and content of the Code as well as about the consequences when a registered person has not complied with the Code.

Adrannau 26 i 32 – Swyddogaethau disgyblu'r Cyngor

44. Yn rhinwedd adran 26, mae'n ofynnol i'r Cyngor gynnal ymchwiliadau pan honnir bod person cofrestredig (neu pan ymddengys i'r Cyngor fod person cofrestredig):
- yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol; neu
 - wedi ei gollfarnu o drosedd berthnasol.
45. Rhaid i'r Cyngor benderfynu, ar ôl iddo gynnal ymchwiliad, ba gamau pellach i'w cymryd. Pan fo'r Cyngor yn penderfynu bod person yn euog (neu wedi ei gollfarnu) mae'r Cyngor yn gallu gwneud gorchymyn disgyblu. Pan fo o'r farn nad oes achos i'w ateb, caiff y Cyngor beidio â pharhau â'r achos.
46. At ddiben adran 26, mae adran 27 yn egluro bod y diffiniad o berson cofrestredig yn cynnwys person a oedd wedi ei gofrestru pan ddigwyddodd yr ymddygiad neu drosedd honedig (p'un ai o dan adran 9 o'r Ddeddf hon neu o dan adran 3 o Ddeddf Addysgu ac Addysg Uwch 1998), yn ogystal ag unrhyw berson sydd wedi gwneud cais i gael ei gofrestru felly.
47. Mae adran 28 yn caniatáu i Weinidogion Cymru wneud rheoliadau ynghylch swyddogaethau disgyblu'r Cyngor. Mae hyn yn cynnwys gwneud rheoliadau ynghylch gweithdrefnau ar gyfer ymchwilio, ynghylch gorchymynion disgyblu ac ynghylch y camau y caniateir iddi fod yn ofynnol i gyflogwr eu cymryd pan fo cyflogai yn cael gorchymyn disgyblu.
48. Ni all rheoliadau ei gwneud yn ofynnol i berson roi unrhyw dystiolaeth neu ddangos unrhyw ddogfennau na allai gael ei orfodi i'w rhoi mewn trafodion sifil mewn unrhyw lys yng Nghymru a Lloegr.
49. Mae adrannau 29, 30 ac 31 yn nodi effaith rhai o'r gorchymynion disgyblu sydd ar gael i'r Cyngor. Maent yn cynnwys:
- gosod amodau ar gofrestrriad person (a chymryd camau pellach os nad yw'n cydymffurfio â'r amodau hynny);
 - atal dros dro gofrestrriad person am gyfnod o hyd at 2 flynedd (gan atal y person rhag gweithio fel person cofrestredig). Ar ddiwedd y cyfnod atal dros dro, gall fod rhaid i'r person gydymffurfio ag unrhyw amodau a osodwyd am gyfnod pellach; a
 - gwahardd person rhag bod yn berson cofrestredig a hynny am gyfnod amhenodol.
50. Mae adran 32 yn darparu hawl i apelio yn erbyn unrhyw orchymyn disgyblu a wneir gan y Cyngor. Rhaid gwneud apelau cyn pen 28 o ddiwrnodau. Mae'r Uchel Lys yn gallu gwneud unrhyw orchymyn sy'n briodol yn ei farn ef mewn perthynas ag apel ac mae penderfyniad yr Uchel Lys yn derfynol.

Adrannau 33 i 38 – Dyletswyddau o ran gwybodaeth

51. Mae adrannau 33 i 38 yn ymwneud â chadw a rhoi gwybodaeth sy'n berthnasol i swyddogaethau'r Cyngor o ran cofrestru a rheoleiddio personau sy'n dymuno cael eu cofrestru.

Sections 26 to 32 - Disciplinary functions of the Council

44. By virtue of section 26, the Council is required to carry out investigations where it is alleged that a registered person (or where it appears to the Council that a registered person):
- is guilty of unacceptable professional conduct or serious professional incompetence; or
 - has been convicted of a relevant offence.
45. Following its investigation the Council must decide what further action to take. Where the Council determines that a person is guilty (or has been convicted) the Council is able to make a disciplinary order. Where it finds no case to answer, the Council may discontinue the case.
46. For the purpose of section 26, section 27 makes explicit that the definition of a registered person includes a person who was registered at the time when the alleged conduct or offence took place (whether under section 9 of this Act or under section 3 of the Teaching and Higher Education Act 1998), as well as any person who has applied to be so registered.
47. Section 28 allows the Welsh Ministers to make regulations about the disciplinary functions of the Council. This includes making regulations about procedures for investigation, about disciplinary orders, and about the action that may be required of an employer when an employee is the recipient of a disciplinary order.
48. Regulations cannot require a person to give any evidence or produce any documents which they could not be compelled to give in civil proceedings in any court in England and Wales.
49. Sections 29, 30 and 31 set out the effect of some of the disciplinary orders available to the Council. These include:
- imposing conditions on a person's registration (and if the conditions are not complied with, taking further action);
 - suspending a person's registration for a period of time of up to 2 years (preventing them from working as a registered person). At the end of the period of suspension, the person may have to comply with any conditions imposed for a further period; and
 - prohibiting a person from being a registered person indefinitely.
50. Section 32 provides a right of appeal against any disciplinary order made by the Council. Appeals must be made within 28 days. The High Court is able to make any order it considers appropriate in relation to an appeal, and the decision of the High Court is final.

Sections 33 to 38 - Information duties

51. Sections 33 to 38 deal with the retention and supply of information which is relevant to the Council's functions of registering and regulating persons who wish to be registered.

52. Mae adran 33 yn caniatáu i Weinidogion Cymru wneud rheoliadau sy'n ei gwneud yn ofynnol i'r Cyngor gynnal cofnodion ynghylch personau amrywiol. Caiff hyn gynnwys, er enghraifft, gadw gwybodaeth am bobl sydd wedi gwneud cais i gofrestru ac sydd wedi cael eu gwrthod, neu am bobl sydd wedi eu tynnu oddi ar y gofrestr ar sail disgyblu.
53. Mae adran 34 yn caniatáu i Weinidogion Cymru ddarparu gwybodaeth i'r Cyngor am bersonau cofrestredig, naill ai ar gais y Cyngor neu pan fo Gweinidogion Cymru o'r farn ei bod yn angenrheidiol neu'n ddymunol i'r Cyngor gael yr wybodaeth honno. Mae adran 34 yn caniatáu i'r Ysgrifennydd Gwladol ddarparu gwybodaeth i'r Cyngor am athrawon unigol mewn ysgolion, naill ai ar gais y Cyngor neu pan fo'r Ysgrifennydd Gwladol o'r farn ei bod yn angenrheidiol neu'n ddymunol i'r Cyngor gael yr wybodaeth honno.
54. Mae adran 35 yn gosod nifer o ddyletswyddau o ran gwybodaeth ar y Cyngor. Mae'n caniatáu i Weinidogion Cymru ei gwneud yn ofynnol i'r Cyngor ddarparu gwybodaeth iddynt (gan gynnwys gwybodaeth am bersonau cofrestredig). Mae hefyd yn caniatáu i berson y mae'r Cyngor yn cadw gwybodaeth amdano gael yr wybodaeth honno.
55. Mae adran 35 hefyd yn galluogi Gweinidogion Cymru i wneud rheoliadau sy'n ei gwneud yn ofynnol i'r Cyngor ddarparu gwybodaeth i bersonau neu gyrff penodol (at unrhyw ddibenion ac yn ddarostyngedig i unrhyw amodau y caiff Gweinidogion Cymru eu pennu). Er enghraifft, gellid defnyddio'r pŵer hwn i'w gwneud yn ofynnol i'r Cyngor ddarparu gwybodaeth i Gyngor Addysgu Cyffredinol yr Alban ynghylch person sy'n destun gorchymyn disgyblu.
56. Mae adran 36 yn ei gwneud yn ofynnol i gyflogwyr personau cofrestredig sy'n gweithio yng Nghymru roi i'r Cyngor enw unrhyw berson cofrestredig y mae'n ei gyflogi i ddarparu gwasanaethau perthnasol. Mae hefyd yn ei gwneud yn ofynnol i'r cyflogwyr hynny hysbysu'r Cyngor os caiff person cofrestredig ei ddiswyddo o ganlyniad i ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol, neu oherwydd collfarn am drosedd berthnasol, a rhoi unrhyw wybodaeth bellach i'r Cyngor a bennir mewn rheoliadau. Mae hyn yn galluogi'r Cyngor i adolygu a oes angen iddo ymchwilio i ymddygiad y person o dan ei bwerau disgyblu.
57. Mae adran 37 yn gosod dyletswyddau tebyg i'r rhai a osodir gan adran 36 ar bersonau sy'n gweithredu fel asiant i berson cofrestredig.
58. Mae adran 38 yn caniatáu i Weinidogion Cymru ddyroddi cyfarwyddyd, y caniateir ei orfodi drwy waharddeb, i unrhyw gyfloger neu asiant person cofrestredig os yw Gweinidogion Cymru o'r farn bod cyflogwr perthnasol neu asiant wedi methu neu'n debygol o fethu â chydymffurfio â dyletswydd o dan adran 36 neu adran 37.

Adrannau 39 a 40 - Darpariaeth drosiannol a darfodol sy'n ymwneud â chofrestru

59. Mae adran 39 yn darparu bod yr athrawon hynny sydd eisoes wedi eu cofrestru gyda CyngACC ac sydd wedi cwblhau cyfnod sefydlu yn foddhaol yn cael eu cofrestru'n awtomatig yn athro neu athrawes ysgol cyn gynted ag y bo'r gofrestr newydd a gynhelir gan y Cyngor yn dod i rym.

52. Section 33 allows the Welsh Ministers to make regulations requiring the Council to maintain records about various persons. This may include, for example, holding information about people who have applied and have been refused registration, or about people who have been removed from the register on disciplinary grounds.
53. Section 34 allows the Welsh Ministers to provide information about registered persons to the Council, either upon the request of the Council or where the Welsh Ministers consider that it is necessary or desirable for the Council to have that information. Section 34 allows the Secretary of State to provide information to the Council about individual teachers in schools either upon the request of the Council or where the Secretary of State considers that it is necessary or desirable for the Council to have that information.
54. Section 35 imposes a number of information duties on the Council. It allows the Welsh Ministers to require the Council to provide information to them (including information about registered persons). It also allows a person in respect of whom the Council holds information to be provided with that information.
55. Section 35 also enables the Welsh Ministers to make regulations which require the Council to provide information to specific persons or bodies (for any purposes and subject to any conditions which the Welsh Ministers may specify). For example, this power could be used to require the Council to provide information to the General Teaching Council for Scotland about a person who is the subject of a disciplinary order.
56. Section 36 requires employers of registered persons who are working in Wales to provide the Council with the name of any registered person which they employ to provide relevant services. It also requires such employers to notify the Council if a registered person is dismissed for unacceptable professional conduct or professional incompetence, or because of a conviction for a relevant offence, and to supply such further information to the Council as may be specified in regulations. This enables the Council to review whether it needs to investigate the person's conduct under its disciplinary powers.
57. Section 37 imposes similar duties to those imposed by section 36 on persons who act as an agent for a registered person.
58. Section 38 allows the Welsh Ministers to issue a direction, which may be enforced by an injunction, to any employer or agent of a registered person if the Welsh Ministers consider that a relevant employer or agent has failed or is likely to fail to comply with a duty under section 36 or section 37.

Section 39 and 40 - Transitional and transitory provision relating to registration

59. Section 39 provides for those teachers who are already registered with the GTCW and who have satisfactorily completed a period of induction to be automatically registered as a school teacher as soon as the new register maintained by the Council comes into force.

60. Mae hefyd yn darparu bod athrawon sydd wedi eu cofrestru, ond nad ydynt wedi cwblhau cyfnod sefydlu yn foddhaol hyd yn hyn, yn cael eu cofrestru'n awtomatig yn athro neu athrawes ysgol ar sail dros dro cyn gynted ag y bo'r gofrestr newydd yn dod i rym.
61. Mae adran 40 yn sicrhau bod y personau hynny sydd wedi eu gwahardd rhag addysgu drwy orchymyn disgyblu o dan Ddeddf Addysgu ac Addysg Uwch 1998 neu yn rhinwedd cyfarwyddyd o dan adran 142 o Ddeddf Addysg 2002 yn parhau yn anghymwys i'w cofrestru o dan y system newydd.

Adran 42 (ac Atodlen 3) - Dyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol

62. Mae'r trefniadau presennol ar gyfer penderfynu ar ddyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol wedi eu nodi yn adran 32 o Ddeddf Addysg 2002.
63. Mae adran 42 yn diwygio Deddf 2002 mewn cysylltiad â Chymru drwy fewnosod adrannau 32A, 32B a 32C newydd.
64. Mae adran 32A newydd o Ddeddf Addysg 2002 yn nodi cyfrifoldebau awdurdod lleol neu gorff llywodraethu o ran pennu dyddiadau tymhorau a gwyliau'r ysgolion y maent yn gyfrifol amdanynt.
65. Wrth bennu dyddiadau, rhaid i'r awdurdodau lleol a'r cyrff llywodraethu gydweithredu a chydgyssylltu er mwyn sicrhau bod y dyddiadau a bennir yr un peth (neu mor agos â phosibl at fod yr un peth) ar gyfer pob ysgol a gynhelir yng Nghymru.
66. Unwaith y penderfynir ar y dyddiadau, mae Gweinidogion Cymru i gael eu hysbysu am y dyddiadau hynny yn dilyn gweithdrefn i'w nodi mewn rheoliadau.
67. Mae adran 32B newydd o Ddeddf 2002 yn caniatáu i Weinidogion Cymru gyfarwyddo awdurdod lleol neu gorff llywodraethu i benderfynu ar ddyddiadau tymhorau ysgol gwahanol i'r rhai a bennir o dan adran 32A. Gallai hyn ddigwydd, er enghraifft, pan fo digwyddiad arbennig yn cael ei gynnal sy'n golygu y gallai fod yn ddymunol i ysgol benodol neu gyfres o ysgolion fod ar wyliau ar adeg wahanol. Gellid defnyddio hyn hefyd pan na fo ardal wedi pennu dyddiadau tymhorau yn unol â gweddill Cymru.
68. Cyn rhoi cyfarwyddyd o dan yr adran hon, rhaid i Weinidogion Cymru gynnal ymgynghoriad priodol. Caniateir i reoliadau gael eu gwneud ynghylch ymgynghoriad o'r fath.
69. Mae adran 32C newydd o Ddeddf 2002 yn ailddatgan y ddarpariaeth bresennol o ran amserau sesiynau ysgol sy'n ymwneud â Chymru yn adran 32 gyfredol o Ddeddf Addysg 2002.
70. Mae'r trefniadau deddfwriaethol cyfredol ar gyfer Lloegr yn adran 32 o Ddeddf Addysg 2002 o ran penderfynu ar ddyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol wedi eu cadw drwy baragraff 1 o Atodlen 3.

60. It also provides for teachers who are registered, but have not yet satisfactorily completed a period of induction, to be automatically registered as a school teacher on a provisional basis as soon as the new register comes into force.
61. Section 40 ensures that those persons who are prohibited from teaching by a disciplinary order under the Teaching and Higher Education Act 1998 or by virtue of a direction under section 142 of the Education Act 2002 remain ineligible for registration under the new system.

Section 42 (and Schedule 3) - Dates of terms and holidays and times of school sessions

62. The existing arrangements for determining the dates of terms and holidays and the times of school sessions are set out in section 32 of the Education Act 2002.
63. Section 42 amends the 2002 Act in respect of Wales by inserting new sections 32A, 32B and 32C.
64. New section 32A of the Education Act 2002 sets out the responsibilities of a local authority or governing body in setting school term and holiday dates for the schools for which they are responsible.
65. In setting dates, the local authorities and governing bodies must co-operate and co-ordinate with each other to ensure that the dates set are the same (or as close as possible to being the same) for every maintained school in Wales.
66. Once the dates have been determined, the Welsh Ministers are to be notified of the dates following a procedure to be set out in regulations.
67. New section 32B of the 2002 Act allows the Welsh Ministers to direct a local authority or governing body to determine different school term dates from those set under section 32A. This might occur, for example, where a special event is taking place which means that it might be desirable for a particular school or set of schools to be on holiday at a different time. It might also be used where an area has not set term dates in accordance with the rest of Wales.
68. Before making a direction under this section, the Welsh Ministers must carry out appropriate consultation. Regulations may be made about such consultation.
69. New section 32C of the 2002 Act is a restatement of the existing provision regarding school session times which relate to Wales in the current section 32 of the Education Act 2002.
70. The current legislative arrangements for England in section 32 of the Education Act 2002 regarding the determination of the dates of terms and holidays and the times of school sessions are preserved by paragraph 1 of Schedule 3.

Adran 43 – Arolygiaeth Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru

71. Mae adran 43 yn diwygio adran 19 o Ddeddf Addysg 2005.
72. Fel y mae ar hyn o bryd, mae adran 19 yn darparu y caiff Prif Arolygydd Ei Mawrhydi dros Addysg a Hyfforddiant yng Nghymru (y “Prif Arolygydd”), ac Arolygwyr Ei Mawrhydi dros Addysg a Hyfforddiant, eu penodi gan Ei Mawrhydi drwy Orchymyn yn y Cyfrin Gyngor. Caiff y Prif Arolygydd ei ddiswyddo hefyd gan Ei Mawrhydi drwy Orchymyn yn y Cyfrin Gyngor.
73. Mae adran 19(6) o Ddeddf Addysg 2005 yn darparu bod Gweinidogion Cymru i gynghori'r Ysgrifennydd Gwladol ar unrhyw argymhelliad sydd i'w wneud i'w Mawrhydi ar arfer y pwerau penodi a diswyddo hyn. Fodd bynnag, yn rhinwedd confensiwn cyfansoddiadol, yn y dyfodol Prif Weinidog Cymru, yn rhinwedd ei swydd fel Cyfrin-Gynghorydd, fydd yn cynghori Ei Mawrhydi yn lle'r Ysgrifennydd Gwladol. Felly mae'r gofyniad statudol i Weinidogion Cymru gynghori'r Ysgrifennydd Gwladol wedi ei ddileu drwy ddiddymu adran 19(6) o Ddeddf 2005.

Adran 44 – Swyddogaethau addysg awdurdodau lleol yn arferadwy gan y personau a gyfarwyddir

74. Mae adran 44 yn diwygio Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013 i egluro, pan fo cyfarwyddyd wedi ei wneud gan Weinidogion Cymru i swyddogaethau addysg awdurdod lleol gael eu cyflawni gan gorff arall, tra bo'r cyfarwyddyd hwnnw mewn grym y gall y swyddogaethau addysg hynny gael eu harfer at bob diben gan y corff hwnnw.

Adran 45 – Statws fel Deddf Addysg

75. Mae adran 45 yn darparu bod y Ddeddf i gael ei chynnwys yn y rhestr o Ddeddfau Addysg a nodir yn adran 578 o Ddeddf Addysg 1996. Mae hyn yn golygu, ymhlith pethau eraill, y bydd unrhyw swyddogaethau a roddir i awdurdod lleol o dan y Ddeddf hon yn swyddogaeth addysg (gweler adran 36A o Ddeddf Addysg 1996) ac yn ddarostyngedig i bwerau ymyrryd amrywiol Gweinidogion Cymru o dan Ddeddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013.

Adran 46 – Darpariaeth ategol

76. Mae'r pwerau a roddir i Weinidogion Cymru gan yr adran hon yn caniatáu iddynt wneud unrhyw orchmynion sy'n briodol yn eu barn hwy er mwyn i'r Ddeddf gyflawni ei dibenion a chael ei heffaith lawn.
77. Mae enghreifftiau o sut y gellid defnyddio'r pŵer hwn yn cynnwys:
- i wneud newidiadau i ddeddfwriaeth arall o ganlyniad i'r newidiadau a wneir gan y Ddeddf hon;
 - i roi mwy o eglurder o ran unrhyw un neu ragor o'r gweithdrefnau newydd;
 - i ymdrin â manylion sydd heb eu rhag-weld ac sy'n codi wrth roi'r system newydd ar waith.
78. Pan fo'r pŵer hwn yn cael ei ddefnyddio i ddiwygio testun deddfwriaeth sylfaenol rhaid iddo gael ei osod gerbron Cynulliad Cenedlaethol Cymru, a'i gymeradwyo ganddo, cyn y daw i rym (yn rhinwedd adran 47(2)(d)).

Section 43 - Her Majesty's Inspectorate of Education and Training in Wales

71. Section 43 amends section 19 of the Education Act 2005.
72. As it stands, section 19 provides that Her Majesty's Chief Inspector of Education and Training in Wales (the "Chief Inspector") and Her Majesty's Inspectors of Education and Training, are appointed by Her Majesty by Order in Council. The Chief Inspector is also removed by Her Majesty by Order in Council.
73. Section 19(6) of the Education Act 2005 provides that the Welsh Ministers are to advise the Secretary of State on any recommendation to be made to Her Majesty as to the exercise of these powers of appointment and removal. However, by virtue of constitutional convention, the First Minister, in his capacity as a Privy Councillor, will in future advise Her Majesty in place of the Secretary of State. The statutory requirement for the Welsh Ministers to advise the Secretary of State is therefore removed by repealing section 19(6) of the 2005 Act.

Section 44 - Local authority education functions exercisable by the persons directed

74. Section 44 amends the School Standards and Organisation (Wales) Act 2013 to clarify that, where a direction is made by Welsh Ministers for local authority education functions to be performed by another body, whilst that direction is in force those education functions can be exercised for all purposes by that body.

Section 45- Status as an Education Act

75. Section 45 provides that the Act is to be included in the list of Education Acts set out in section 578 of the Education Act 1996. This means, among other things, that any functions conferred on a local authority under this Act will be an education function (see section 36A of the Education Act 1996) and subject to the Welsh Ministers' various powers of intervention under the School Standards and Organisation (Wales) Act 2013.

Section 46 - Ancillary provision

76. The powers conferred on the Welsh Ministers by this section allow them to make such orders as they consider appropriate for the Act to achieve its purposes and have its full effect.
77. Examples of how this power might be used include:
- to make changes to other legislation in consequence of the changes made by this Act;
 - to provide additional clarity around any of the new procedures;
 - to deal with unforeseen details arising during the implementation of the new system.
78. Where this power is used to amend the text of primary legislation it must be laid before and approved by the National Assembly for Wales before it comes into force (by virtue of section 47(2)(d)).

Adran 47 – Gorchmynion a rheoliadau

79. Mae'r adran hon yn nodi bod rheoliadau a gorchmynion o dan y Ddeddf i gael eu gwneud drwy offeryn statudol, ac mae'n nodi gweithdrefn Cynulliad Cenedlaethol Cymru mewn cysylltiad â'r offerynnau hyn.
80. Mae hefyd yn darparu y gall Gweinidogion Cymru wneud darpariaethau cysylltiedig, canlyniadol, atodol, trosiannol, darfodol ac arbed mewn cysylltiad â'r offerynnau hynny. Er enghraifft, os caiff categori cofrestru newydd ei ychwanegu, gellid defnyddio'r pŵer hwn i sicrhau bod y trefniadau trosiannol priodol yn eu lle tra bo'r gweithwyr newydd yn cofrestru.
81. Caiff gorchmynion a rheoliadau wneud darpariaeth wahanol ar gyfer categorïau cofrestru gwahanol. Er enghraifft, gellir gwneud trefniadau sefydlu neu werthuso gwahanol ar gyfer athrawon a gweithwyr cymorth dysgu mewn addysg bellach.

Adran 50 – Cychwyn

82. Mae'r adran hon yn ymdrin â pha bryd y daw'r Ddeddf i rym.
83. Er ei bod yn hunanesboniadol ar y cyfan, mae'n werth nodi i is-adran (2) ddwyn i rym adran 42 (dyddiadau tymhorau a gwyliau ac amserau sesiynau ysgol) ar y diwrnod y cafodd y Ddeddf y Cydsyniad Brenhinol, ond dim ond i'r graddau y mae ei hangen er mwyn i reoliadau gael eu gwneud o dan adrannau 32A a 32B newydd o Ddeddf Addysg 2002. Mae hyn yn caniatáu i'r gweithdrefnau ar gyfer rhoi hysbysiad am ddyddiadau tymhorau etc. fod yn eu lle cyn y daw'r dyletswyddau newydd ar awdurdodau lleol a chyrrff llywodraethu i rym.

Atodlen 1

84. Cyflwynir Atodlen 1 gan adran 2(2) ac mae'n gwneud darpariaeth mewn cysylltiad â chyfansoddiad a phwerau'r Cyngor. Mae'n darparu manylion ynghylch materion megis aelodaeth y Cyngor, penodi'r prif swyddog, swyddogaethau'r Cyngor a sefydlu pwyllgorau.

Atodlen 2

85. Cyflwynir Atodlen 2 gan adran 9(3) ac mae'n nodi'r categorïau a'r diffiniadau o bersonau sy'n gymwys i gofrestru gyda'r Cyngor. Mae Atodlen 2 yn darparu pŵer i Weinidogion Cymru newid y categorïau o weithwyr cofrestredig drwy orchymyn. Gallai hyn gynnwys ychwanegu, diwygio neu ddileu categorïau, a phennu'r gwasanaethau na chaniateir i berson eu darparu oni bai bod y person hwnnw wedi ei gofrestru.

Atodlen 3

86. Cyflwynir Atodlen 3 gan adran 48. Mae Rhan 1 o Atodlen 3 yn gwneud diwygiadau canlyniadol i Ddeddf Addysg 2002 a Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013. Mae Rhan 2 o Atodlen 3 yn diddymu rhai darpariaethau o Ddeddf Addysgu ac Addysg Uwch 1998 a Deddf Addysg 2002.

Atodlen 4

87. Cyflwynir Atodlen 4 gan adran 1. Mae'n darparu mynegai o eiriau ac ymadroddion wedi eu diffinio a ddefnyddir yn y Ddeddf.

Section 47 - Orders and regulations

79. This section sets out that regulations and orders under the Act are to be made by statutory instrument, and sets out the National Assembly for Wales's procedure in respect of these instruments.
80. It also provides that the Welsh Ministers can make incidental, consequential, supplemental, transitional, transitory and saving provision in connection with those instruments. For example, if a new category of registration is added, this power could be used to ensure that appropriate transitional arrangements are in place while the new workers register.
81. Orders and regulations may make different provision for different categories of registration. For example, different induction or appraisal requirements can be made for teachers and further education learning support workers.

Section 50 - Commencement

82. This section deals with when the Act comes into force.
83. While it is largely self-explanatory, it is worth noting that subsection (2) brought into force section 42 (dates of terms and holidays and times of school sessions) on the day that the Act received Royal Assent, but only insofar as it is necessary to allow regulations to be made under the new sections 32A and 32B of the Education Act 2002. This allows the procedures for notification of term dates etc. to be in place before the new duties on local authorities and governing bodies are brought into force.

Schedule 1

84. Schedule 1 is introduced by section 2(2) and makes provision in connection with the constitution and powers of the Council. It provides detail about matters such as the Council's membership, the appointment of the chief officer, the Council's functions and the establishment of committees.

Schedule 2

85. Schedule 2 is introduced by section 9(3), and sets out the categories and definitions of persons eligible for registration with the Council. Schedule 2 provides a power for the Welsh Ministers to change the categories of registered workers by order. This could include adding, amending or removing categories, and specifying services that may not be provided by a person unless he or she is registered.

Schedule 3

86. Schedule 3 is introduced by section 48. Part 1 of Schedule 3 makes consequential amendments to the Education Act 2002 and the School Standards and Organisation (Wales) Act 2013. Part 2 of Schedule 3 repeals certain provisions of the Teaching and Higher Education Act 1998 and the Education Act 2002.

Schedule 4

87. Schedule 4 is introduced by section 1. It provides an index of defined words and expressions used in the Act.

COFNOD Y TRAFODION YNG NGHYNULLIAD CENEDLAETHOL CYMRU

88. Mae'r tabl a ganlyn yn nodi'r dyddiadau ar gyfer pob cyfnod o hynt y Ddeddf drwy Gynulliad Cenedlaethol Cymru. Gellir cael Cofnod y Trafodion a rhagor o wybodaeth am hynt y Ddeddf hon ar wefan Cynulliad Cenedlaethol Cymru ar:
<http://www.cynulliadcymru.org/bus-home/bus-legislation.html>

Cyfnod	Dyddiad
Cyflwyno	01 Gorffennaf 2013
Cyfnod 1 - Dadl	03 Rhagfyr 2013
Cyfnod 2 Pwyllgor Craffu - ystyried y gwelliannau	23 Ionawr 2014
Cyfnod 3 Cyfarfod Llawn - ystyried y gwelliannau	11 Mawrth 2014
Cyfnod 4 Cymeradwywyd gan y Cynulliad	25 Mawrth 2014
Y Cydsyniad Brenhinol	12 Mai 2014

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RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES

88. The following table sets out the dates for each stage of the Act's passage through the National Assembly for Wales. The Record of Proceedings and further information on the passage of this Act can be found on the National Assembly for Wales' website at: <http://www.assemblywales.org/bus-home/bus-legislation.html>

Stage	Date
Introduced	01 July 2013
Stage 1 - Debate	03 December 2013
Stage 2 Scrutiny Committee - consideration of amendments	23 January 2014
Stage 3 Plenary - consideration of amendments	11 March 2014
Stage 4 Approved by the Assembly	25 March 2014
Royal Assent	12 May 2014

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