



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2003 Rhif 543 (Cy.77)

2003 No. 543 (W.77)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Trefniadau
Ymsefydlu ar gyfer Athrawon
Ysgol) (Cymru) 2003**

**The Education (Induction
Arrangements for School Teachers)
(Wales) Regulations 2003**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn ei gwneud hi'n ofynnol i bersonau sy'n cymhwyso fel athrawon gwblhau'n llwyddiannus gyfnod ymsefydlu cyn iddynt gael eu cyflogi mewn "ysgol berthnasol" yng Nghymru. Trwy rinwedd adran 43(2) o Ddeddf Addysgu ac Addysg Uwch 1998, mae hyn yn cynnwys personau a gymerir ymlaen heblaw o dan gontract cyflogaeth mewn ysgol o'r fath.

These Regulations require persons qualifying as teachers to complete successfully an induction period before taking up employment at a "relevant school" in Wales. By virtue of section 43(2) of the Teaching and Higher Education Act 1998, this includes engagement otherwise than under a contract of employment at such a school.

"Ysgol berthnasol" yw ysgol sy'n cael ei chynnal gan awdurdod addysg lleol, ac ysgol arbennig nad yw'n cael ei chynnal felly.

A "relevant school" is a school maintained by a local education authority, and a special school not so maintained.

Gellir gwasanaethu cyfnod ymsefydlu mewn ysgol berthnasol (heblaw ysgol mewn ysbyty), neu ysgol annibynnol y mae'i chwricwlwm yn bodloni gofynion penodol o'r Cwricwlwm Cenedlaethol neu goleg chweched dosbarth. Ni ellir ei wasanaethu mewn uned cyfeirio disgyblion neu ysgol sy'n ddarostyngedig i "fesurau arbennig", oni bai fod y person dan sylw yn cwblhau cyfnod ymsefydlu sydd eisoes wedi cychwyn yn yr ysgol neu fod un o Arolygwyr Addysg a Hyfforddiant Ei Mawrhydi yng Nghymru yn ardystio bod yr ysgol yn addas i ddarparu'r ymsefydliad. Bydd cyfnod o gyflogaeth sy'n cyfrif tuag at ymsefydlu o dan reoliadau ymsefydlu cyfatebol yn Lloegr yn cyfrif tuag at ymsefydlu yng Nghymru.

An induction period may be served in a relevant school (other than a hospital school), or an independent school the curriculum of which meets certain requirements of the National Curriculum or a sixth form college. It may not be served in a pupil referral unit or a school which is subject to "special measures", unless the person in question is completing an induction period already started at the school or one of Her Majesty's Inspectors of Education and Training in Wales certifies that the school is fit to provide induction. A period of employment which counts towards induction under the corresponding induction regulations in England will count towards induction in Wales.

Fel arfer hyd y cyfnod ymsefydlu yw tri thymor ysgol ar gyfer athro neu athrawes llawn-amser a'r hyd cyfatebol ar gyfer athro neu athrawes sy'n gweithio'n rhan-amser.

The length of an induction period is generally three school terms for a full-time teacher and its equivalent for a teacher working part-time.

Mae eithriadau i'r gofyn i wasanaethu cyfnod ymsefydlu: mae'r prif eithriadau ar gyfer athrawon sydd wedi cymhwyso cyn y daw'r Rheoliadau i rym, athrawon sydd wedi'u heithrio o'r gofyn i fod yn athrawon cymwysedig, athrawon sydd wedi cwblhau'n llwyddiannus gyfnodau ymsefydlu mewn rhannau eraill o'r Deyrnas Unedig, ac athrawon y mae Erthygl 3 o Gyfarwyddeb y Cyngor 89/48 EEC ar system gyffredinol ar gyfer cydnabod diplomâu addysg uwch a ddyfarnwyd wedi iddynt gwblhau cyfnod o o leiaf dair blynedd o addysg a hyfforddiant proffesiynol yn gymwys iddynt.

Mae'r Rheoliadau yn darparu i Gynulliad Cenedlaethol Cymru osod safonau ar gyfer asesu athrawon sy'n gwasanaethu cyfnodau ymsefydlu yn eu herbyn er mwyn penderfynu a ydynt wedi cwblhau eu cyfnod ymsefydlu yn llwyddiannus.

Ar ddiwedd y cyfnod ymsefydlu mae pennaeth yr ysgol cyflogir yr athro neu athrawes ynddi yn gwneud argymhelliad i'r corff sy'n asesu athrawon sy'n cael eu hymsefydlu (fel arfer yr awdurdod addysg lleol). Mae'r corff hwnnw yn penderfynu p'un a yw'r athro neu'r athrawes wedi cwblhau'r ymsefydliad yn llwyddiannus, a ddylid ymestyn y cyfnod ymsefydlu neu a ydyw wedi methu â chwblhau'r ymsefydlu yn foddhaol. Gall person y mae ei gyfnod ymsefydlu yn cael ei ymestyn neu sy'n methu â chwblhau ei ymsefydliad yn foddhaol apelio i Gyngor Addysgu Cyffredinol Cymru.

There are exceptions to the requirement to serve an induction period: the main exceptions are for teachers who qualified before the Regulations come into force, teachers excepted from the requirement to be qualified teachers, teachers who have successfully completed induction periods in other parts of the United Kingdom, and teachers to whom Article 3 of Council Directive 89/48 EEC on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration applies.

The Regulations provide for the National Assembly for Wales to set the standards against which teachers serving induction periods are to be assessed for the purpose of determining whether they have completed their induction periods successfully.

At the end of the induction period the head teacher of the school at which the teacher is employed makes a recommendation to the body which assesses teachers undergoing induction (usually the local education authority). That body decides whether the teacher has successfully completed induction, should have the induction period extended or whether he or she has failed to complete the induction satisfactorily. A person whose induction period has been extended or who has failed to complete induction satisfactorily can appeal to the General Teaching Council for Wales.

2003 Rhif 543 (Cy.77)**2003 No. 543 (W.77)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau (Trefniadau Ymsefydlu
ar gyfer Athrawon Ysgol) (Cymru)
2003****The Education (Induction
Arrangements for School Teachers)
(Wales) Regulations 2003***Wedi'u gwneud* 5 Mawrth 2003*Made* 5th March 2003*Yn dod i rym* 17 Mawrth 2003*Coming into force* 17th March 2003**TREFN Y RHEOLIADAU****ARRANGEMENT OF REGULATIONS**

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Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 19 a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(a) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(b), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003 a deuant i rym ar 17 Mawrth 2003.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag athrawon ysgol yng Nghymru.

Dehongli

2.-(1) Yn y Rheoliadau hyn, onid yw'r cyd-destun yn mynnu fel arall -

ystyr "athro neu athrawes gofrestredig" ("*registered teacher*") yw person a gyflogir mewn ysgol yn unol â Rhan III o Atodlen 2 i Reoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999;

ystyr "athro neu athrawes gyflenwi" ("*supply teacher*") yw athro neu athrawes a gyflogir yn gyfan gwbl neu'n bennaf at y diben o oruchwylio neu ddysgu disgyblion nad yw eu hathro neu athrawes reolaidd ar gael i'w dysgu;

mae i "athro neu athrawes gymwys" yr un ystyr ag sydd i "*qualified teacher*" yn adran 218(2) o Ddeddf Diwygio Addysg 1988(c);

ystyr "athro neu athrawes raddedig" ("*graduate teacher*") yw person a gyflogir mewn ysgol yn unol â Rhan II o Atodlen 2 i Reoliadau Addysg (Cymwysterau Athrawon a Safonau Iechyd) (Cymru) 1999(ch);

ystyr "awdurdod" ("*authority*") yw awdurdod addysg lleol;

mae "blwyddyn ysgol" ("*school year*") yn cynnwys blwyddyn academaidd coleg chweched dosbarth;

ystyr "coleg chweched dosbarth" ("*sixth form college*") yw sefydliad addysg bellach sy'n ymwneud yn bennaf â darparu addysg lawn-amser sy'n addas at ofynion personau nad ydynt wedi cyrraedd 19 oed;

(a) 1998 p.30; gweler adran 43(1) am ystyr "prescribed" a "regulations".

(b) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosgwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(c) 1988 p.40. Y Rheoliadau sydd mewn grym ar hyn o bryd o dan y ddarpariaeth hon yw Rheoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999 (O.S. 1999/2187 (Cy. 18)), a ddiwygiwyd gan O.S. 2002/2938 (Cy.279) ac O.S. 2003/140 (Cy.12).

(ch) O.S. 1999/2817 (Cy. 18), a ddiwygiwyd gan O.S. 2002/2938 (Cy.279) ac O.S. 2003/140 (Cy.12).

In exercise of the powers conferred on the Secretary of State by sections 19 and 42(6) and (7) of the Teaching and Higher Education Act 1998(a) and now vested in the National Assembly for Wales(b), the National Assembly for Wales makes the following Regulations:

Name, commencement and application

1.-(1) These Regulations are called the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 and shall come into force on 17th March 2003.

(2) These Regulations apply in relation to school teachers in Wales.

Interpretation

2.-(1) Save where the context otherwise requires, in these Regulations -

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

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(d);

"appropriate body" ("*corff priodol*") means the appropriate body under regulation 4;

"authority" ("*awdurdod*") means a local education authority;

"core subject" ("*pwnc craidd*") means a subject referred to in section 354(1) of the 1996 Act;

"the Council" ("*y Cyngor*") means the General Teaching Council for Wales;

"employer" ("*cyflogwr*") includes an authority, governing body or other person who engage (or make arrangements for the engagement of) a person to provide his or her services as a teacher otherwise than under a contract of employment, and "employed" ("*cyflogi*"), "employment" ("*cyflogaeth*") and any expressions relating to the termination of employment are to be construed accordingly;

"England's Induction Regulations" ("*Rheoliadau Ymsefydlu Lloegr*") means regulations made from time to time under section 19 of the Teaching and Higher Education Act 1998(e) in relation to teachers in England;

(a) 1998 c.30; for the meaning of "prescribed" and "regulations" see section 43(1).

(b) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(c) 1996 c.56.

(d) 1998 c.31.

(e) The regulations in force for England at the time of making these Regulations were the Education (Induction Arrangements for School Teachers) (Consolidation) (England) Regulations 2001 (S.I. 2001/2897) as amended by S.I. 2001/3938 and S.I. 2002/2063.

mae i "corff llywodraethu" mewn perthynas â choleg chweched dosbarth yr un ystyr ag sydd i "governing body" yn adran 90(1) o Ddeddf Addysg Bellach ac Uwch 1992(a);

ystyr "corff priodol" ("*appropriate body*") yw corff priodol o dan reoliad 4;

mae "cyflogwr" ("*employer*") yn cynnwys awdurdod, corff llywodraethu neu berson arall sy'n cymryd person ymlaen (neu'n gwneud trefniadau i'w gymryd ymlaen) er mwyn darparu ei wasanaethau fel athro neu athrawes heblaw o dan gontract cyflogaeth, a dehonglir "cyflogi" ("*employed*"), "cyflogaeth" ("*employment*") ac unrhyw ymadroddion sy'n ymwneud â therfyn cyflogaeth yn unol â hynny;

mae i "cyfnod allweddol" yr un ystyr ag sydd i "key stage" yn adran 355(1) o Ddeddf 1996;

ystyr "cyfnod ymsefydlu" ("*induction period*") yw cyfnod ymsefydlu sy'n ofynnol gan y Rheoliadau hyn;

ystyr "y Cyngor" ("*the Council*") yw Cyngor Addysgu Cyffredinol Cymru;

ystyr "y Cynulliad Cenedlaethol" ("*the National Assembly*") yw Cynulliad Cenedlaethol Cymru;

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

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(c);

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod heblaw am ddydd Sadwrn, ddydd Sul neu ddiwrnod sy'n wyl y banc o fewn ystyr "bank holiday" yn Neddf Bancio a Deliadau Ariannol 1971(ch);

ystyr "diwrnod ysgol" ("*school day*") mewn perthynas ag ysgol yw unrhyw ddiwrnod pan fo sesiwn ysgol yn yr ysgol honno;

mae "pennaeth" ("*head teacher*") yn cynnwys pennaeth coleg chweched dosbarth;

ystyr "pwnc craidd" ("*core subject*") yw pwnc y cyfeirir ato yn adran 354(1) o Ddeddf 1996;

ystyr "pwnc sylfaen" ("*foundation subject*") yw pwnc y cyfeirir ato yn adran 354(1) neu (2) o Ddeddf 1996;

"foundation subject" ("*pwnc sylfaen*") means a subject referred to in section 354(1) or (2) of the 1996 Act;

"governing body" ("*corff llywodraethu*") in relation to a sixth form college has the same meaning as in section 90(1) of the Further and Higher Education Act 1992(a);

"graduate teacher" ("*athro neu athrawes raddedig*") means a person employed in a school in accordance with Part II of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(b);

"head teacher" ("*pennaeth*") includes the principal of a sixth form college;

"induction period" ("*cyfnod ymsefydlu*") means an induction period required by these Regulations;

"institution" ("*sefydliad*") means a relevant school, an independent school or a sixth form college in which an induction period may be served under these Regulations, as the context requires;

"key stage" ("*cyfnod allweddol*") has the same meaning as in section 355(1) of the 1996 Act;

"the National Assembly" ("*y Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"non-maintained special school" ("*ysgol arbennig nas cynhelir*") means a special school which is neither a community special school nor a foundation special school;

"qualified teacher" ("*athro neu athrawes gymwys*") has the same meaning as in section 218(2) of the Education Reform Act 1988(c);

"registered teacher" ("*athro neu athrawes gofrestredig*") means a person employed in a school in accordance with Part III of Schedule 2 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999;

"relevant school" ("*ysgol berthnasol*") has the meaning given to it by section 19 of the Teaching and Higher Education Act 1998;

"school day" ("*diwrnod ysgol*") in relation to a school means any day on which at that school there is a school session;

(a) 1992 p.13.

(b) 1996 p.56.

(c) 1998 p.31.

(ch) 1971 p.80.

(a) 1992 c.13.

(b) S.I. 1999/2817 (W. 18) amended by S.I. 2002/2938 (W.279) and S.I. 2003/140 (W.12).

(c) 1988 c.40. The Regulations currently in force under this provision are the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2187 (W.18) amended by S.I. 2002/2938 (W.279) and S.I. 2003/140 (W.12).

ystyr "Rheoliadau Ymsefydlu Lloegr" ("*England's Induction Regulations*") yw rheoliadau a wneir o bryd i'w gilydd o dan adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998(a) mewn perthynas ag athrawon yn Lloegr;

ystyr "sefydliad" ("*institution*") yw ysgol berthnasol, ysgol annibynnol neu goleg chweched dosbarth lle gellir gwasanaethu cyfnod ymsefydlu o dan y Rheoliadau hyn, yn ôl y cyd-destun;

mae i "sesiwn ysgol" ("*school session*") yr un ystyr ag a roddir iddo yn rheoliadau 3 a 4 o Reoliadau Addysg (Y Diwrnod Ysgol a'r Flwyddyn Ysgol) (Cymru) 2000(b);

mae "tymor ysgol" ("*school term*") yn cynnwys tymor coleg chweched dosbarth;

mae i "ysgol arbennig" yr un ystyr ag sydd i "*special school*" yn adran 337(1) o Ddeddf 1996 (c);

ystyr "ysgol arbennig nas cynhelir" ("*non-maintained special school*") yw ysgol arbennig nad ydyw'n ysgol arbennig gymunedol nac ychwaith yn ysgol arbennig sefydledig;

mae i "ysgol berthnasol" yr ystyr a roddir i "*relevant school*" gan adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998.

- (2) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at -
- (a) reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad neu Atodlen sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;
 - (b) paragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad neu Atodlen y mae'r cyfeiriad yn ymddangos ynddynt; ac
 - (c) is-baragraff â rhif yn gyfeiriad at yr is-baragraff sy'n dwyn y rhif hwnnw yn y paragraff lle mae'r cyfeiriad yn ymddangos.

Torri terfynau amser

3. Ni fydd methiant ar ran unrhyw berson i gyflawni unrhyw ddyletswydd o fewn terfyn amser a nodir yn y Rheoliadau hyn yn rhyddhau'r person hwnnw o'r dyletswydd hwnnw.

"school session" ("*sesiwn ysgol*") has the same meaning as in regulations 3 and 4 of the Education (School Day and School Year) (Wales) Regulations 2000(a);

"school term" ("*tymor ysgol*") includes a term of a sixth form college;

"school year" ("*blwyddyn ysgol*") includes the academic year of a sixth form college;

"sixth form college" ("*coleg chweched dosbarth*") means a further education institution principally concerned with the provision of full-time education suitable to the requirements of persons who have not attained the age of 19 years;

"special school" ("*ysgol arbennig*") has the same meaning as in section 337(1) of the 1996 Act(b);

"supply teacher" ("*athro neu athrawes gyflenwi*") means a teacher employed wholly or mainly for the purpose of supervising or teaching pupils whose regular teacher is not available to teach them; and

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(c).

- (2) Any reference in these Regulations to -
- (a) a numbered regulation or Schedule is a reference to the regulation or Schedule bearing that number in these Regulations;
 - (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and
 - (c) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

Breach of time limits

3. Failure by any person to discharge any duty within a time limit specified in these Regulations shall not relieve that person of that duty.

(a) Y rheoliadau a oedd mewn grym ar gyfer Lloegr ar adeg gwneud y Rheoliadau hyn oedd Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cydygfnerthiad) (Lloegr) 2001 (O.S. 2001/2897) fel y'i diwygiwyd gan O.S. 2001/3938 ac O.S. 2002/2063.

(b) O.S. 2000/1323 (Cy.101) a ddiwygiwyd gan O.S. 2001/2499 (Cy.202), O.S. 2002/107 (Cy.12) ac O.S. 2002/1556 (Cy.153).

(c) Mae adran 337(1) yn cael ei diwygio gan baragraff 80 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(a) S.I. 2000/1323 (W. 101) amended by S.I. 2001/2499 (W. 202), S.I. 2002/107 (W. 12) and S.I. 2002/1556 (W. 153).

(b) Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(c) 1971 c.80.

Corff priodol

4. At ddibenion y Rheoliadau hyn -
- (a) y corff priodol mewn perthynas ag ysgol gymunedol, sefydledig neu wirfoddol, ysgol arbennig gymunedol neu sefydledig, neu ysgol feithrin a gynhelir (ym mhob achos o fewn ystyr y termau cyfatebol Saesneg yn Neddf 1998) yw'r awdurdod sy'n ei chynnal;
 - (b) y corff priodol mewn perthynas ag ysgol arbennig nas cynhelir yw'r awdurdod ar gyfer yr ardal y mae'r ysgol wedi'i lleoli ynddi;
 - (c) y corff priodol mewn perthynas ag ysgol annibynnol yw -
 - (i) awdurdod, neu
 - (ii) unrhyw bersonau neu gorff y gall y Cynulliad Cenedlaethol benderfynu, a bydd y personau hynny neu'r corff hwnnw yn cynnwys cynrychiolydd awdurdod fel aelod; a
 - (ch) y corff priodol mewn perthynas â choleg chweched dosbarth yw awdurdod.

Gofyniad i wasanaethu cyfnod ymsefydlu

5. Yn ddarostyngedig i'r eithriadau yn Atodlen 1, nid oes unrhyw berson i gael ei gyflogi ar neu ar ôl 1 Medi 2003 fel athro neu athrawes mewn ysgol berthnasol oni bai fod y person hwnnw wedi cwblhau'n foddhaol gyfnod ymsefydlu yn unol â darpariaethau canlynol y Rheoliadau hyn mewn ysgol neu goleg chweched dosbarth y mae rheoliad 6(1) yn cyfeirio atynt.

Yr ysgolion lle gellir gwasanaethu cyfnod ymsefydlu

6.-(1) Yn ddarostyngedig i baragraff (2), dim ond yn y canlynol y gellir gwasanaethu cyfnod ymsefydlu -

- (a) ysgol berthnasol yng Nghymru ac eithrio ysgol arbennig gymunedol neu sefydledig sydd wedi ei sefydlu mewn ysbyty; neu
- (b) o dan yr amgylchiadau a ragnodir ym mharagraff (3) ysgol annibynnol yng Nghymru; neu
- (c) o dan yr amgylchiadau a ragnodir ym mharagraff (4) goleg chweched dosbarth yng Nghymru; neu
- (ch) ysgol neu goleg chweched dosbarth yn Lloegr y gellir gwasanaethu cyfnod ymsefydlu ynddi neu ynddo o dan Reoliadau Ymsefydlu Lloegr.

(2) Ni ellir gwasanaethu cyfnod ymsefydlu -

- (a) mewn ysgol yng Nghymru y mae'r amgylchiadau a ddisgrifir yn adran 15(6)(a) i
- (c) o Ddeddf 1998 yn gymwys mewn perthynas â hwy, oni bai -

Appropriate body

4. For the purposes of these Regulations -

- (a) the appropriate body in relation to a community, foundation or voluntary school, a community or foundation special school, or a maintained nursery school (in each case within the meaning of the 1998 Act) is the authority maintaining it;
- (b) the appropriate body in relation to a non-maintained special school is the authority for the area in which the school is situated;
- (c) the appropriate body in relation to an independent school is -
 - (i) an authority, or
 - (ii) such persons or body as the National Assembly may determine, which persons or body must include as a member a representative of an authority; and
- (d) the appropriate body in relation to a sixth form college is an authority.

Requirement to serve an induction period

5. Subject to the exceptions in Schedule 1, no person is to be employed on or after 1st September 2003 as a teacher at a relevant school unless that person has satisfactorily completed an induction period in accordance with the following provisions of these Regulations in a school or sixth form college to which regulation 6(1) refers.

Schools in which an induction period may be served

6.-(1) Subject to paragraph (2), an induction period may only be served in -

- (a) a relevant school in Wales other than a community or foundation special school established in a hospital; or
- (b) in the circumstances prescribed in paragraph (3) an independent school in Wales; or
- (c) in the circumstances prescribed in paragraph (4) a sixth form college in Wales; or
- (d) a school or sixth form college in England in which an induction period may be served under England's Induction Regulations.

(2) An induction period may not be served in -

- (a) a school in Wales in respect of which the circumstances described in section 15(6)(a) to
- (c) of the 1998 Act apply, unless -

- (i) bod y person dan sylw wedi dechrau ei gyfnod ymsefydlu neu wedi cael ei gyflogi fel athro neu athrawes raddedig neu athro neu athrawes gofrestredig yn yr ysgol ar adeg pan nad oedd amgylchiadau o'r fath yn gymwys, neu
 - (ii) bod un o Arolygwyr Addysg a Hyfforddiant Ei Mawrhydi yng Nghymru wedi ardystio yn ysgrifenedig ei fod yn fodlon bod yr ysgol yn addas at y diben o ddarparu goruchwyliaeth a hyfforddiant ymsefydlu; na
- (b) mewn uned cyfeirio disgyblion.

(3) Dyma'r amgylchiadau pan gaiff person wasanaethu cyfnod ymsefydlu mewn ysgol annibynnol -

- (a) yn achos person sy'n cael ei gyflogi i addysgu disgyblion yng nghyfnod allweddol tri neu bedwar, bod cwricwlwm yr ysgol ar gyfer disgyblion y cyfnodau allweddol hynny yn cynnwys yr holl bynciau craidd a phynciau sylfaen eraill a nodwyd mewn perthynas â chyfnodau allweddol tri a phedwar yn adran 354(3) o Ddeddf 1996 y mae'r person hwnnw wedi'i gyflogi i'w addysgu; a
- (b) ym mhob achos, bod y cwricwlwm ar gyfer yr holl ddisgyblion cofrestredig yng nghyfnodau allweddol un a dau yn bodloni holl ofynion adran 353 o Ddeddf 1996 (y Cwricwlwm Cenedlaethol), heblaw am ofynion paragraff (c) o'r adran honno (trefniadau asesu); ac
- (c) ym mhob achos, cyn i'r cyfnod ymsefydlu ddechrau bod perchennog yr ysgol a naill ai awdurdod neu'r personau neu'r corff a benderfynir gan y Cynulliad Cenedlaethol o dan reoliad 4(c) yn cytuno bod yr awdurdod neu'r personau neu'r corff, fel y digwydd, i weithredu fel y corff priodol mewn perthynas â'r ysgol.

(4) Gall person wasanaethu cyfnod ymsefydlu mewn coleg chweched dosbarth yng Nghymru os yw corff llywodraethu'r coleg ac awdurdod wedi cytuno cyn i'r cyfnod ymsefydlu ddechrau bod yr awdurdod i weithredu fel y corff priodol mewn perthynas â'r coleg.

(5) Yn y rheoliad hwn, mae "cyfnod ymsefydlu" ("*induction period*") yn cynnwys rhan o gyfnod ymsefydlu.

- (i) the person in question began his or her induction period or was employed as a graduate teacher or a registered teacher at the school at a time when such circumstances did not apply, or

- (ii) one of Her Majesty's Inspectors of Education and Training in Wales has certified in writing that he or she is satisfied that the school is fit for the purpose of providing induction supervision and training; or

(b) a pupil referral unit.

(3) The circumstances in which a person may serve an induction period in an independent school are -

- (a) in the case of a person who is employed to teach pupils at the third or fourth key stage, the curriculum of the school for pupils at those key stages includes all the core and other foundation subjects specified in relation to the third and fourth key stages in section 354(3) of the 1996 Act which such person is employed to teach; and
- (b) in all cases, the curriculum for all registered pupils at the first and second key stages meets the requirements of section 353 of the 1996 Act (the National Curriculum), other than the requirements of paragraph (c) of that section (assessment arrangements); and
- (c) in all cases, before the start of the induction period the proprietor of the school and either an authority or the persons or body determined by the National Assembly under regulation 4(c) have agreed that the authority or the persons or body, as the case may be, are to act as the appropriate body in relation to the school.

(4) A person may serve an induction period in a sixth form college in Wales where before the start of the induction period the governing body of the college and an authority have agreed that the authority are to act as the appropriate body in relation to the college.

(5) In this regulation, "induction period" ("*cyfnod ymsefydlu*") includes a part of an induction period.

Hyd cyfnod ymsefydlu

7.-(1) Hyd y cyfnod ymsefydlu ar gyfer person sy'n gweithio'n llawn-amser fel athro neu athrawes yw -

- (a) yn achos cyfnod ymsefydlu a wasanaethir yn gyfan gwbl mewn ysgol, coleg chweched dosbarth neu mewn dau neu fwy sefydliad o'r fath lle mae blwyddyn ysgol yn cynnwys tri thymor ysgol, tri thymor ysgol;
- (b) yn achos cyfnod ymsefydlu a wasanaethir yn gyfan gwbl mewn ysgol, coleg chweched dosbarth neu mewn dau neu fwy sefydliad o'r fath lle mae'r flwyddyn ysgol yn cynnwys pedwar tymor ysgol, pedwar tymor ysgol;
- (c) yn achos cyfnod ymsefydlu a wasanaethir yn gyfan gwbl mewn ysgol, coleg chweched dosbarth neu mewn dau neu fwy sefydliad o'r fath lle mae'r flwyddyn ysgol yn cynnwys pum tymor ysgol, pum tymor ysgol; ac
- (ch) ym mhob achos arall, blwyddyn.

(2) Hyd y cyfnod ymsefydlu ar gyfer person sy'n gweithio'n rhan-amser fel athro neu athrawes mewn ysgol, neu mewn dwy ysgol neu fwy, yw'r cyfnod amser y cymer i'r person hwnnw yn unol â'i contract cyflogaeth neu amodau ei gymryd ymlaen i gwblhau 380 sesiwn ysgol.

(3) Hyd y cyfnod ymsefydlu ar gyfer person sy'n gweithio'n rhan amser fel athro neu athrawes mewn coleg chweched dosbarth, mewn dau goleg chweched dosbarth neu fwy neu mewn cyfuniad o un neu fwy o ysgolion ac un neu fwy o golegau chweched dosbarth, yw'r cyfnod amser y byddai'n cymryd yn unol â'r contract cyflogaeth neu'r amodau cymryd y person hwnnw ymlaen iddo gwblhau 190 diwrnod gwaith o fewn amser tymor.

(4) Bydd person wedi cwblhau cyfnod ymsefydlu at ddibenion y Rheoliadau hyn pan fo'r person hwnnw wedi gwasanaethu -

- (a) cyfnod ymsefydlu o'r hyd a bennir ym mharagraff (1) neu (2) neu (3) (fel y digwydd) heb gynnwys cyfnodau cyflogaeth nad ydynt yn cyfrif tuag at gyfnod ymsefydlu o dan reoliad 8; a
- (b) unrhyw gyfnod estynedig o dan reoliad 9.

(5) Pan fo person sy'n gwasanaethu cyfnod ymsefydlu yn cael ei gyflogi mewn dwy ysgol neu fwy ar yr un pryd, mae hyd ei gyfnod ymsefydlu i'w benderfynu yn unol â pharagraff (2).

(6) Pan fo person sy'n gwasanaethu cyfnod ymsefydlu yn cael ei gyflogi mewn dau goleg chweched dosbarth neu fwy ar yr un pryd neu mewn cyfuniad o un neu fwy o ysgolion ac un neu fwy o golegau chweched dosbarth ar yr un pryd, mae hyd ei gyfnod ymsefydlu i'w benderfynu yn unol â pharagraff (3).

Length of an induction period

7.-(1) The length of an induction period for a person in full-time service as a teacher is -

- (a) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which a school year consists of three school terms, three school terms;
- (b) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which the school year consists of four school terms, four school terms;
- (c) in the case of an induction period served wholly in a school, a sixth form college or in two or more such institutions at which the school year consists of five school terms, five school terms; and
- (d) in all other cases, one year.

(2) The length of an induction period for a person in part-time service as a teacher in a school, or in two or more schools is the period of time it would take in accordance with his or her contract of employment, or the terms of his or her engagement, for that person to complete 380 school sessions.

(3) The length of an induction period for a person in part-time service as a teacher in a sixth form college, in two or more sixth form colleges or in a combination of one or more schools and one or more sixth form colleges is the period of time it would take in accordance with the contract of employment or the terms of engagement for that person to complete 190 working days falling in term time.

(4) A person has completed an induction period for the purposes of these Regulations when that person has served -

- (a) an induction period of the length specified in paragraph (1) or (2) or (3) (as the case may be) discounting periods of employment which do not count towards an induction period under regulation 8; and
- (b) any extended period under regulation 9.

(5) Where a person serving an induction period is employed in two or more schools simultaneously, the length of his or her induction period is to be determined in accordance with paragraph (2).

(6) Where a person serving an induction period is employed in two or more sixth form colleges simultaneously or in a combination of one or more schools and one or more sixth form colleges simultaneously, the length of his or her induction period is to be determined in accordance with paragraph (3).

Cyfnodau cyflogaeth sy'n cyfrif tuag at gyfnod ymsefydlu

8.-(1) Yn ddarostyngedig i baragraff (3) mae unrhyw gyfnod cyflogaeth o ddim llai nag un tymor ysgol o hyd ar neu ar ôl 1 Medi 2003 fel athro neu athrawes gymwys mewn ysgol yng Nghymru y mae rheoliad 6(1) yn gymwys iddi yn cyfrif tuag at gyfnod ymsefydlu.

(2) Yn ddarostyngedig i baragraff (3) mae unrhyw gyfnod cyflogaeth o ddim llai nag un tymor o hyd ar neu ar ôl 1 Medi 2003 fel athro neu athrawes gymwys mewn coleg chweched dosbarth yng Nghymru y mae rheoliad 6(1) yn gymwys iddo yn cyfrif tuag at gyfnod ymsefydlu.

(3) Nid oes unrhyw gyfnod o gyflogaeth fel athro neu athrawes gyflenwi yng Nghymru yn cyfrif tuag at gyfnod ymsefydlu oni bai fod pennaeth yr ysgol neu goleg chweched dosbarth yn cytuno i hynny cyn i gyfnod o'r fath ddechrau.

(4) Mae unrhyw gyfnod cyflogaeth ar neu ar ôl 1 Medi 2003 mewn ysgol neu goleg chweched dosbarth yn Lloegr yn cyfrif tuag at gyfnod ymsefydlu os byddai'n cyfrif tuag at gyfnod ymsefydlu o dan Reoliadau Ymsefydlu Lloegr.

(5) Heblaw fel y darperir ar gyfer hynny ym mharagraff (1), (2) neu (4) nid oes unrhyw gyfnod o gyflogaeth fel athro neu athrawes yn cyfrif tuag at gyfnod ymsefydlu.

Ymestyn cyfnod ymsefydlu cyn ei gwblhau

9.-(1) Yn ddarostyngedig i baragraff (2) pan fo person sy'n gwasanaethu cyfnod ymsefydlu yn absennol o'i waith am gyfanswm o dri deg diwrnod ysgol neu fwy rhaid ymestyn y cyfnod ymsefydlu yn ôl cyfanswm cyfnod ei absenoldeb.

(2) Nid yw paragraff (1) yn gymwys pan fo menyw yn absennol o'i gwaith oherwydd cyfnod o absenoldeb mamolaeth a nodwyd yn rheoliad 7(1) o Reoliadau Absenoldeb Mamolaeth a Rhieiniol etc 1999(a) oni bai ei bod yn dewis hynny.

(3) Pan fo pum mlynedd neu fwy wedi mynd heibio ers i berson gychwyn ar ei gyfnod ymsefydlu, ac nad yw'r person hwnnw wedi cwblhau'r cyfnod ymsefydlu, gall gyda chytundeb y corff priodol ddewis ymestyn y cyfnod ymsefydlu -

- (a) yn achos athro neu athrawes sy'n gweithio'n llawn-amser yn unol â chyfnod o ddim llai nag un tymor ond nad yw'n hwy na'r cyfnod priodol a nodwyd yn rheoliad 7(1); neu
- (b) yn achos athro neu athrawes sy'n gweithio'n rhan amser yn unol â chyfnod o ddim llai nag un tymor ond nad yw'n hwy na'r cyfnod a nodwyd yn rheoliad 7(2) neu (3).

Periods of employment counting towards an induction period

8.-(1) Subject to paragraph (3) any period of employment on or after 1 September 2003 as a qualified teacher in a school in Wales to which regulation 6(1) applies of not less than one school term in duration counts towards an induction period.

(2) Subject to paragraph (3) any period of employment on or after 1 September 2003 as a qualified teacher in a sixth form college in Wales to which regulation 6(1) applies of not less than one term in duration counts towards an induction period.

(3) No period of employment as a supply teacher in Wales counts towards an induction period unless the head teacher of the school or sixth form college so agrees before the start of such period.

(4) Any period of employment on or after 1 September 2003 at a school or sixth form college in England counts towards an induction period if it would count towards an induction period under England's Induction Regulations.

(5) Except as provided for in paragraph (1), (2) or (4) no period of employment as a teacher counts towards an induction period.

Extension of an induction period before completion

9.-(1) Subject to paragraph (2) where a person serving an induction period is absent from work for an aggregate period of thirty or more school days the induction period must be extended by the aggregate period of his or her absences.

(2) Paragraph (1) does not apply where a woman is absent from work by reason of the maternity leave period specified in regulation 7(1) of the Maternity and Parental Leave etc Regulations 1999(a) unless she so chooses.

(3) Where five or more years have passed since a person started his or her induction period, and that person has not completed the induction period, he or she may with the agreement of the appropriate body choose to extend the induction period -

- (a) in the case of a teacher in full-time service by a period of no less than a term but not exceeding the appropriate period specified in regulation 7(1); or
- (b) in the case of a teacher in part-time service by a period of no less than a term but not exceeding the period specified in regulation 7(2) or (3).

(a) O.S. 1999/3312 fel y'i diwygiwyd gan O.S. 2001/4010.

(a) S.I. 1999/3312 as amended by S.I. 2001/4010.

(4) Pan fo cyfnod ymsefydlu yn cael ei ymestyn o dan Reoliadau Ymsefydlu Lloegr ac mae'r person sydd yn gwasanaethu'r cyfnod ymsefydlu yn symud i gyflogaeth mewn sefydliad addysg yng Nghymru, mae'r cyfnod ymsefydlu i gael ei drin fel petai wedi'i ymestyn o dan y rheoliad hwn.

(5) Heblaw fel y darperir ar ei gyfer yn y rheoliad hwn ni ellir ymestyn cyfnod ymsefydlu cyn iddo gael ei gwblhau.

Gwasanaethu mwy nag un cyfnod ymsefydlu

10. Heblaw fel y darperir yn rheoliad 14 neu 17, ni all unrhyw berson wasanaethu mwy nag un cyfnod ymsefydlu.

Goruchwyliaeth a hyfforddiant yn ystod y cyfnod ymsefydlu

11.(1) Bydd pennaeth ysgol neu goleg chweched dosbarth yng Nghymru lle mae person yn gwasanaethu cyfnod ymsefydlu a'r corff priodol mewn perthynas â'r ysgol honno neu goleg chweched dosbarth yn gyfrifol am oruchwyliaeth a hyfforddiant y person hwnnw yn ystod y cyfnod ymsefydlu.

(2) Bydd dyletswyddau a neilltuir i berson sy'n gwasanaethu cyfnod ymsefydlu, goruchwyliaeth y person hwnnw a'r amodau y mae ef yn gweithio oddi tanynt yn rhai a fydd yn hwyluso'r broses o asesu ei ymddygiad a'i effeithlonrwydd fel athro neu athrawes yn deg ac yn effeithlon.

(3) Os yw person yn symud o un ysgol neu goleg chweched dosbarth i ysgol neu goleg chweched dosbarth arall yn ystod cyfnod ymsefydlu, rhaid i bennaeth yr ysgol neu'r coleg y mae'r person yn symud ohoni neu ohono,

- (a) os yw'n gwybod enw'r ysgol neu'r coleg newydd, o fewn deg diwrnod gwaith o'r person yn symud o'r ysgol neu'r coleg, anfon ati neu ato bob dogfen neu adroddiad sy'n ymwneud ag ymsefydlu'r person hwnnw; neu
- (b) os nad yw'n gwybod enw'r ysgol neu'r coleg newydd anfon i'r ysgol neu'r coleg newydd bob dogfen neu adroddiad sy'n ymwneud ag ymsefydlu'r person hwnnw o fewn deg diwrnod gwaith o gael cais gan yr ysgol honno neu'r coleg hwnnw.

Cyfrifoldeb am gyfnod ymsefydlu a wasanaethir gan athro neu athrawes mewn dau sefydliad neu fwy ar yr un pryd

12.(1) Pan fo person sy'n gwasanaethu cyfnod ymsefydlu yn cael ei gyflogi mewn dau sefydliad neu fwy ar yr un pryd, rhaid i bennaethiaid pob un o'r sefydliadau gytuno pa un ohonynt sydd i weithredu fel y pennaeth arweiniol.

(4) Where an induction period is extended under England's Induction Regulations and the person serving the induction period becomes employed at an education institution in Wales, the induction period is to be treated as having been extended under this regulation.

(5) Except as provided for in this regulation an induction period may not be extended before its completion.

Service of more than one induction period

10. Except as provided for in regulation 14 or 17, no person may serve more than one induction period.

Supervision and training during the induction period

11.(1) The head teacher of a school or sixth form college in Wales in which a person serves an induction period and the appropriate body in relation to that school or sixth form college is responsible for that person's supervision and training during the induction period.

(2) The duties assigned to a person serving an induction period, the supervision of that person and the conditions under which he or she works must be such as to facilitate a fair and effective assessment of his or her conduct and efficiency as a teacher.

(3) If a person moves from one school or sixth form college to another school or sixth form college during an induction period, the head teacher of the school or college from which the person moves must -

- (a) if he or she knows the identity of the new school or college, within ten working days of the person moving from the school or college, send to it all documents or reports relating to that person's induction; or
- (b) if he or she does not know the identity of the new school or college, send to the new school or college all documents or reports relating to that person's induction within ten working days of receiving a request from that school or college.

Responsibility for an induction period served by a teacher in two or more institutions simultaneously

12.(1) Where a person serving an induction period is employed in two or more institutions simultaneously, the head teachers of all the institutions must agree which of them is to act as the lead head teacher.

(2) Y pennaeth arweiniol sydd i fod yn gyfan gwbl gyfrifol am weithredu swyddogaethau'r pennaeth a nodwyd yn rheoliad 14(2) i (4) a chyn gwneud hynny rhaid iddo neu iddi ystyried yr holl ddeunyddiau perthnasol sy'n ymwneud ag ymsefydlu person sydd wedi eu rhoi gan unrhyw sefydliad arall lle mae'r person yn gwasanaethu cyfnod ymsefydlu.

(3) Mae'n rhaid i bennaeth sefydliad nad yw'n bennaeth arweiniol roi i'r pennaeth arweiniol unrhyw ddeunyddiau sy'n ymwneud ag ymsefydlu person y gall yn rhesymol fod eu hangen ar y pennaeth arweiniol i weithredu'r swyddogaethau a nodwyd yn rheoliad 14(2) i (4).

(4) Y corff priodol mewn perthynas ag ysgol y pennaeth arweiniol neu goleg chweched dosbarth sydd i fod yn yn gyfan gwbl gyfrifol am weithredu swyddogaethau'r corff priodol a nodwyd yn rheoliad 9(3) a 14.

Y safonau ar gyfer penderfynu a yw person wedi cwblhau cyfnod ymsefydlu yn foddhaol

13. Gall y Cynulliad Cenedlaethol benderfynu ar y safonau ar gyfer asesu person sydd wedi cwblhau cyfnod ymsefydlu yn eu herbyn at y diben o benderfynu a yw'r person hwnnw wedi cwblhau ei gyfnod ymsefydlu yn foddhaol, a gall benderfynu ar safonau gwahanol mewn perthynas â chategoriâu gwahanol o bobl.

Cwblhau cyfnod ymsefydlu

14.-(1) Mae'r rheoliad hwn yn gymwys pan fo person wedi cwblhau cyfnod ymsefydlu, os -

- (a) ar ddiwedd y cyfnod ymsefydlu, cyflogir y person hwnnw mewn ysgol neu goleg chweched dosbarth yng Nghymru, neu
- (b) ar ddiwedd cyfnod ymsefydlu a wasanaethir mewn dau sefydliad neu fwy ar yr un pryd, mae sefydliad y pennaeth arweiniol yng Nghymru.

(2) O fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan gwblhawyd y cyfnod ymsefydlu -

- (a) rhaid i bennaeth yr ysgol neu goleg chweched dosbarth lle mae person yn cael ei gyflogi ar ddiwedd cwblhau y cyfnod ymsefydlu wneud argymhelliad ysgrifenedig i'r corff priodol a yw'r person wedi cyflawni'r safonau a grybwyllwyd yn rheoliad 13, a
- (b) os argymhelliad ydyw nad yw'r safonau wedi eu cyflawni, gall y pennaeth argymhell ymestyn y cyfnod ymsefydlu a hyd ymestyniad o'r fath, a
- (c) rhaid i'r pennaeth anfon copi ar yr un pryd o'r argymhelliad at y person dan sylw ac,

(2) The lead head teacher is to be solely responsible for carrying out the functions of the head teacher specified in regulation 14(2) to (4) and before doing so he or she must consider all relevant materials relating to a person's induction provided by any other institution where the person is serving an induction period.

(3) The head teacher of an institution who is not the lead head teacher must provide to the lead head teacher such materials relating to a person's induction that the lead head teacher may reasonably require to carry out the functions specified in regulation 14(2) to (4).

(4) The appropriate body in relation to the lead head teacher's school or sixth form college is to be solely responsible for carrying out the functions of the appropriate body specified in regulations 9(3) and 14.

Standards for determining whether a person has satisfactorily completed an induction period

13. The National Assembly may determine the standards against which a person who has completed an induction period is to be assessed for the purpose of deciding whether that person has satisfactorily completed his or her induction period, and it may determine different standards in relation to different categories of persons.

Completion of an induction period

14.-(1) This regulation applies where a person has completed an induction period if -

- (a) at the completion of the induction period, that person is employed at a school or sixth form college in Wales, or
- (b) at the completion of an induction period served in two or more institutions simultaneously, the lead head teacher's institution is in Wales.

(2) Within the period of ten working days beginning with the date on which the induction period was completed the head teacher of the school or sixth form college at which the person is employed at the completion of the induction period -

- (a) must make a written recommendation to the appropriate body as to whether the person has achieved the standards mentioned in regulation 13, and
- (b) may, if the recommendation is that the standards have not been achieved, recommend that the induction period be extended and the length of such extension, and
- (c) must at the same time send a copy of the recommendation to the person concerned and,

- (i) yn achos ysgol berthnasol neu goleg chweched dosbarth, at gorff llywodraethu'r ysgol neu'r coleg lle mae'r person yn cael ei gyflogi, neu
- (ii) yn achos ysgol annibynnol, at y perchennog.

(3) Os yw person wedi gwasanaethu cyfnod ymsefydlu mewn mwy nag un sefydliad addysg, rhaid i'r pennaeth wrth wneud argymhelliad o dan baragraff (2) gymryd i ystyriaeth unrhyw ddogfennau neu adroddiadau a gyflwynwyd o dan reoliad 11(3).

(4) Cyn gwneud argymhelliad o dan baragraff (2), rhaid i'r pennaeth ei drafod gyda'r person o dan sylw.

(5) Rhaid i'r corff priodol o fewn ugain diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd argymhelliad y pennaeth o dan baragraff (2) benderfynu -

- (a) a yw'r person sydd wedi cwblhau'r cyfnod ymsefydlu wedi cyflawni'r safonau a grybwyllwyd yn rheoliad 13 ac felly wedi cwblhau'n foddhaol ei gyfnod ymsefydlu; neu
- (b) a ddylid ymestyn ei gyfnod ymsefydlu yn unol ag unrhyw gyfnod ag y bydd yn ei benderfynu ond
 - (i) yn achos athro neu athrawes sy'n gweithio'n llawn-amser yn unol â chyfnod nad yw'n hwy na'r cyfnod priodol a nodwyd yn rheoliad 7(1); neu
 - (ii) yn achos athro neu athrawes sy'n gweithio'n rhan amser yn unol â chyfnod nad yw'n hwy na'r cyfnod a nodwyd yn rheoliad 7(2) neu (3); neu
- (c) a yw'r person wedi methu â chwblhau'n foddhaol ei gyfnod ymsefydlu.

(6) Cyn gwneud penderfyniad o dan baragraff (5) bydd y corff priodol yn cymryd i ystyriaeth unrhyw sylwadau ysgrifenedig a dderbyniwyd oddi wrth y person dan sylw o fewn cyfnod o ddeg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y person hwnnw argymhelliad y pennaeth o dan baragraff (2) (c).

(7) Rhaid i'r corff priodol o fewn y cyfnod o dri diwrnod gwaith gan ddechrau â'r dyddiad pan wnaeth y penderfyniad o dan baragraff (5) -

- (a) roi hysbysiad ysgrifenedig o'i benderfyniad -
 - (i) i'r person dan sylw,
 - (ii) yn achos ysgol berthnasol neu goleg chweched dosbarth, i gorff llywodraethu'r ysgol neu'r coleg lle mae'r person yn cael ei gyflogi,
 - (iii) yn achos ysgol annibynnol, i'r perchennog,

- (i) in the case of a relevant school or sixth form college, to the governing body of the school or college at which the person is employed, or
- (ii) in the case of an independent school, to the proprietor.

(3) Where a person has served induction in more than one educational institution, the head teacher in making a recommendation under paragraph (2) must take into account any documents or reports submitted under regulation 11(3).

(4) Before making a recommendation under paragraph (2), the head teacher must discuss it with the person concerned.

(5) The appropriate body must within the period of twenty working days beginning with the date on which it received the head teacher's recommendation under paragraph (2) decide whether the person who has completed an induction period -

- (a) has achieved the standards mentioned in regulation 13 and has accordingly satisfactorily completed his or her induction period; or
- (b) should have his or her induction period extended by such period as it determines but
 - (i) in the case of a teacher in full-time service not exceeding the appropriate period specified in regulation 7(1); or
 - (ii) in the case of a teacher in part-time service not exceeding the period specified in regulation 7(2) or (3); or
- (c) has failed satisfactorily to complete his or her induction period.

(6) Before making a decision under paragraph (5) the appropriate body must have regard to any written representations received from the person concerned within the period of ten working days beginning with the date on which that person received a copy of the head teacher's recommendation under paragraph (2) (c).

(7) The appropriate body must within the period of three working days beginning with the date on which it made a decision under paragraph (5) -

- (a) give written notice of its decision to -
 - (i) the person concerned,
 - (ii) in the case of a relevant school or sixth form college, the governing body of the school or college at which the person is employed,
 - (iii) in the case of an independent school, the proprietor,

- (iv) i bennaeth yr ysgol neu'r coleg chweched dosbarth yr oedd yn cael ei gyflogi ynddi neu ynddo ar ddiwedd y cyfnod ymsefydlu,
- (v) os nad yw'r person hwnnw yn cael ei gyflogi gan y corff priodol, i'w gyflogwr (os nad oes hawl ganddo i gael hysbysiad o dan baragraff (ii) neu (iii) uchod), a
- (vi) i'r Cyngor; a

- (b) os gwnaeth y corff priodol benderfyniad sy'n dod o fewn paragraff (5)(b) neu (c), roi hysbysiad ysgrifenedig i'r person dan sylw o -
 - (i) ei hawl i apelio i'r Cyngor yn erbyn y penderfyniad,
 - (ii) cyfeiriad y Cyngor, a
 - (iii) y cyfnod amser ar gyfer apelio.

(8) Gellir rhoi hysbysiad o dan baragraff (7) i berson drwy ffacsibili, post electronig neu ddulliau cyffelyb eraill sy'n gallu cynhyrchu dogfen sy'n cynnwys testun y cyfathrebiad, ac ystyrir bod hysbysiad a anfonir drwy ddull o'r fath wedi cael ei roi pan gaiff ei dderbyn mewn ffurf ddarllenadwy

Ymestyn cyfnod ymsefydlu yn unol â phenderfyniad corff priodol neu'r Cyngor

15.-(1) Mae Rheoliadau 6, 8 i 14, 16 a 17 ac Atodlen 2 yn gymwys mewn perthynas â pherson sy'n gwasanaethu cyfnod ymsefydlu sydd wedi'i ymestyn wedi iddo gael ei gwblhau drwy benderfyniad corff priodol o dan reoliad 14 neu'r Cyngor o dan reoliad 17 fel y mae'r rheoliadau hynny yn gymwys mewn perthynas â'r cyfnod ymsefydlu cychwynnol.

(2) Mae Rheoliadau 6, 8 i 14, 16 a 17 ac Atodlen 2 hefyd yn gymwys mewn perthynas â pherson sy'n gwasanaethu cyfnod ymsefydlu sydd wedi'i ymestyn, wedi iddo gael ei gwblhau, o dan Reoliadau Ymsefydlu Lloegr os yw'r person hwnnw wedyn yn cael ei gyflogi mewn ysgol neu goleg chweched dosbarth yng Nghymru fel y mae'r rheoliadau hynny yn gymwys mewn perthynas â chyfnod ymsefydlu cychwynnol.

Terfynu cyflogaeth yn dilyn methiant i gwblhau cyfnod ymsefydlu yn foddhaol

16.-(1) Mae'r paragraff hwn yn gymwys i berson a gyflogir fel athro neu athrawes mewn ysgol berthnasol yng Nghymru sydd wedi methu â chwblhau cyfnod ymsefydlu yn foddhaol, boed yng Nghymru neu yn Lloegr.

(2) Rhaid i gyflogwr person y mae paragraff (1) yn gymwys iddo sicrhau bod cyflogaeth y person hwnnw fel athro neu athrawes yn cael ei derfynu os -

- (a) nad ydyw'n apelio i'r Cyngor yn erbyn penderfyniad y corff priodol; neu

- (iv) the head teacher of the school or sixth form college at which he or she was employed at the completion of the induction period,
- (v) if that person is not employed by the appropriate body, his or her employer (if not entitled to receive a notice under paragraph (ii) or (iii) above), and
- (vi) the Council; and

- (b) if the appropriate body made a decision falling within paragraph (5)(b) or (c), give the person concerned written notice of -
 - (i) his or her right to appeal to the Council against the decision,
 - (ii) the Council's address, and
 - (iii) the time period for making an appeal.

(8) Notice under paragraph (7) may be given to a person by facsimile, electronic mail or other similar means which are capable of producing a document containing the text of the communication, and a notice sent by such a method is to be regarded as given when it is received in legible form.

Extension of an induction period pursuant to a decision of the appropriate body or the Council

15.-(1) Regulations 6, 8 to 14, 16 and 17 and Schedule 2 apply in relation to a person serving an induction period extended following its completion by a decision of the appropriate body under regulation 14 or of the Council under regulation 17 as those regulations apply in relation to the initial induction period.

(2) Regulations 6, 8 to 14, 16 and 17 and Schedule 2 also apply in relation to a person serving an induction period extended, following its completion, under England's Induction Regulations if that person is subsequently employed at a school or sixth form college in Wales, as those regulations apply in relation to an initial induction period.

Termination of employment following failure to complete an induction period satisfactorily

16.-(1) This paragraph applies to a person employed as a teacher at a relevant school in Wales who has failed satisfactorily to complete an induction period, whether in Wales or England.

(2) The employer of a person to whom paragraph (1) applies must secure the termination of that person's employment as a teacher if -

- (a) he or she does not appeal to the Council against the decision of the appropriate body; or

(b) yw ei apêl i'r Cyngor, neu i'r corff apelio o dan Reoliadau Ymsefydlu Lloegr, yn cael ei wrthod.

(3) Rhaid i gyflogwr gymryd y camau sy'n angenrheidiol i sicrhau bod cyflogaeth person sy'n cael ei derfynu o dan yr amgylchiadau a grybwyllwyd ym mharagraff (2)(a) yn cael ei derfynu fel bo'r terfyniad yn cael effaith o fewn y cyfnod o ddeg diwrnod gwaith gan ddechrau gyda'r dyddiad pan -

(a) fo'r cyflogwr yn derbyn hysbysiad ysgrifenedig oddi wrth berson o'r fath nad oedd yn fwriad ganddo i apelio i'r Cyngor; neu

(b) bod y terfyn amser ar gyfer apelio a osodwyd gan baragraff 2(1) o Atodlen 2 wedi dirwyn i ben.

(4) Rhaid i'r cyflogwr gymryd y camau sy'n angenrheidiol i sicrhau bod cyflogaeth person sy'n cael ei derfynu o dan yr amgylchiadau a grybwyllwyd ym mharagraff (2)(b) yn cael ei derfynu fel bo'r terfyniad yn cael effaith o fewn y cyfnod o ddeg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y cyflogwr hysbysiad o ganlyniad y gwrandauiad apêl.

(5) Nid oes rheidrwydd ar gyflogwr person -

(a) y mae paragraff (1) yn gymwys iddo, a

(b) sy'n apelio i'r Cyngor yn erbyn penderfyniad y corff priodol neu sy'n apelio i'r corff apelio o dan Reoliadau Ymsefydlu Lloegr,

sicrhau bod cyflogaeth person o'r fath fel athro neu athrawes yn cael ei derfynu tra'n aros am ganlyniad yr apêl honno ar yr amod bod y cyflogwr yn sicrhau mai dim ond dyletswyddau cyfyngedig ag y gall y Cynulliad Cenedlaethol eu penderfynu y bydd y person hwnnw yn ymgymryd â hwy.

Apelau

17.-(1) Pan fo'r corff priodol yn penderfynu o dan reoliad 14-

(a) y dylid ymestyn cyfnod ymsefydlu person; neu

(b) bod person wedi methu â chwblhau'r cyfnod ymsefydlu yn foddhaol,

gall y person hwnnw apelio i'r Cyngor yn erbyn y penderfyniad.

(2) Mae gan Atodlen 2 effaith mewn perthynas ag apelau o dan y rheoliad hwn.

(3) Pan fo person yn apelio yn erbyn penderfyniad i ymestyn cyfnod ymsefydlu, gall y Cyngor -

(a) ganiatáu'r apêl;

(b) wrthod yr apêl; neu

(c) osod cyfnod gwahanol o estyniad yn ei le ond

(i) yn achos athro neu athrawes sy'n

(b) his or her appeal to the Council, or the appeal body under England's Induction Regulations, is dismissed.

(3) An employer must take the steps necessary to secure the termination of a person's employment in the circumstances mentioned in paragraph (2)(a) so that the termination takes effect within the period of ten working days beginning with the date on which -

(a) the employer received written notification from such person that he or she did not intend to appeal to the Council; or

(b) the time limit for appeal imposed by paragraph 2(1) of Schedule 2 expired.

(4) The employer must take the steps necessary to secure the termination of a person's employment in the circumstances mentioned in paragraph (2)(b) so that the termination takes effect within the period of ten working days beginning with the date on which the employer received notice of the outcome of the appeal hearing.

(5) The employer of a person -

(a) to whom paragraph (1) applies, and

(b) who appeals to the Council against the decision of the appropriate body or who appeals to the appeal body under England's Induction Regulations,

is not obliged to secure the termination of such person's employment as a teacher pending the outcome of the appeal provided such employer secures that the person only undertakes such limited teaching duties as the National Assembly may determine.

Appeals

17.-(1) Where the appropriate body decides under regulation 14 that a person -

(a) should have his or her induction period extended; or

(b) has failed satisfactorily to complete the induction period,

that person may appeal to the Council against the decision.

(2) Schedule 2 has effect in relation to appeals under this regulation.

(3) Where a person appeals against a decision to have an induction period extended, the Council may -

(a) allow the appeal;

(b) dismiss the appeal; or

(c) substitute a different period of extension but

(i) in the case of a teacher in full-time service

gweithio'n llawn-amser yn unol â chyfnod nad yw'n hwy na'r cyfnod priodol a nodwyd yn rheoliad 7(1); neu

- (ii) yn achos athro neu athrawes sy'n gweithio'n rhan amser yn unol â chyfnod nad yw'n hwy na'r cyfnod a nodwyd yn rheoliad 7(2) neu (3).

(4) Pan fo person yn apelio yn erbyn penderfyniad ei fod wedi methu â chwblhau cyfnod ymsefydlu yn foddhaol, gall y Cyngor -

- (a) ganiatáu'r apêl;
- (b) wrthod yr apêl; neu
- (c) ymestyn y cyfnod ymsefydlu gan y fath gyfnodag y gwêl yn ddoeth ond
 - (i) yn achos athro neu athrawes sy'n gweithio'n llawn-amser yn unol â chyfnod nad yw'n hwy na'r cyfnod priodol a nodwyd yn rheoliad 7(1); neu
 - (ii) yn achos athro neu athrawes sy'n gweithio'n rhan amser yn unol â chyfnod nad yw'n hwy na'r cyfnod a nodwyd yn rheoliad 7(2) neu (3).

Swyddogaethau eraill y corff priodol

18. Gall y corff priodol ddarparu -

- (a) cyfarwyddyd, cefnogaeth a chymorth i ysgolion a cholegau chweched dosbarth; a
- (b) hyfforddiant ar gyfer athrawon,

mewn perthynas â darparu hyfforddiant, goruchwyliaeth ac asesu ymsefydlu o dan y Rheoliadau hyn.

Taliadau

19. Gall corff priodol mewn perthynas ag ysgol annibynnol neu goleg chweched dosbarth godi tâl rhesymol (nad yw'n fwy na chost darparu'r gwasanaeth) ar gorff llywodraethu ysgol neu goleg chweched dosbarth y mae'n gorff priodol iddynt mewn perthynas ag unrhyw un o'i swyddogaethau o dan y Rheoliadau hyn.

Cyfarwyddyd gan y Cynulliad Cenedlaethol

20. Rhaid i berson neu gorff sy'n arfer swyddogaeth o dan y Rheoliadau hyn gymryd i ystyriaeth unrhyw gyfarwyddyd sy'n cael ei roi gan y Cynulliad Cenedlaethol o bryd i'w gilydd ynghylch arfer y swyddogaeth honno.

not exceeding the appropriate period specified in regulation 7(1); or

- (ii) in the case of a teacher in part-time service not exceeding the period specified in regulation 7(2) or (3).

(4) Where a person appeals against a decision that he or she has failed satisfactorily to complete an induction period, the Council may -

- (a) allow the appeal;
- (b) dismiss the appeal; or
- (c) extend the induction period for such period as it thinks fit but
 - (i) in the case of a teacher in full-time service not exceeding the appropriate period specified in regulation 7(1); or
 - (ii) in the case of a teacher in part-time service not exceeding the period specified in regulation 7(2) or (3).

Other functions of the appropriate body

18. The appropriate body may provide -

- (a) guidance, support and assistance to schools and sixth form colleges; and
- (b) training for teachers,

in connection with providing induction training, supervision and assessment under these Regulations.

Charges

19. An appropriate body in relation to an independent school or sixth form college may make a reasonable charge (not exceeding the cost of provision of the service) to the governing body of a school or sixth form college for which it is the appropriate body in connection with any of its functions under these Regulations.

Guidance given by the National Assembly

20. A person or body exercising a function under these Regulations must have regard to any guidance given by the National Assembly from time to time as to the exercise of that function.

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(a)

5 Mawrth 2003

5th March 2003

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

ACHOSION PAN ELLIR CYFLOGI PERSON
FEL ATHRO NEU ATHRAWES MEWN YSGOL
BERTHNASOL AG YNTAU HEB GWBLHAU
CYFNOD YMSEFYDLU YN FODDHAOL

CASES IN WHICH A PERSON MAY BE
EMPLOYED AS A TEACHER IN A RELEVANT
SCHOOL WITHOUT HAVING SATISFACTORILY
COMPLETED AN INDUCTION PERIOD

1. Person sydd ar 1 Ebrill 2003 yn athro neu athrawes gymwysedig.

2. Person sy'n gwasanaethu cyfnod ymsefydlu (gan gynnwys cyfnod ymsefydlu sydd wedi'i ymestyn cyn iddo gael ei gwblhau o dan reoliad 9 neu ar ôl iddo gael ei gwblhau o dan reoliad 14 neu 17).

3. Person sydd wedi methu â chwblhau cyfnod ymsefydlu yn foddhaol ac y mae cyfyngiad ar ei gyflogaeth o dan reoliad 16(5) tra'n aros am ganlyniad apêl.

4. Person sydd wedi'i gyflogi fel athro neu athrawes gyflenwi os yw'r cyfnod neu gyfnodau cyflogaeth, ym mhob achos, yn llai nag un tymor, ac os nad yw'r cyfnod ers i'r person gael ei gyflogi am y tro cyntaf fel athro neu athrawes gyflenwi (gan unrhyw gyflogwr) yn hirach nag un flwyddyn ysgol ac un tymor.

5. Person nad yw'n athro neu athrawes gymwysedig ond sy'n cael ei gyflogi fel athro neu athrawes mewn ysgol trwy rinwedd rheoliadau sydd mewn grym o bryd i'w gilydd o dan adran 218(1)(a) o Ddeddf Diwygio Addysg 1988(a).

6. Person sydd wedi cwblhau'n foddhaol gyfnod ymsefydlu o dan Reoliadau Ymsefydlu Lloegr.

7. Person sydd wedi cael, neu sy'n gymwys i gael, ei gofrestru'n llawn fel athro neu athrawes addysg gynradd ac uwchradd gyda Chyngor Addysgu Cyffredinol yr Alban.

8. Person -

(a) sydd wedi cwblhau'n llwyddiannus y cyfnod ymsefydlu ar gyfer addysg athrawon yng Ngogledd Iwerddon, neu,

(b) a gyflogwyd fel athro neu athrawes yng Ngogledd Iwerddon ar unrhyw adeg cyn i gyfnod ymsefydlu hyfforddiant athrawon gael ei gyflwyno yng Ngogledd Iwerddon.

1. A person who on 1 April 2003 is a qualified teacher.

2. A person serving an induction period (including an induction period which has been extended before its completion under regulation 9 or after its completion under regulation 14 or 17).

3. A person who has failed satisfactorily to complete an induction period whose employment is subject to restriction under regulation 16(5) pending the outcome of an appeal.

4. A person employed as a supply teacher where the period or periods of employment are in each case less than one term, and the period since the person was first employed as a supply teacher (by any employer) does not exceed one school year and one term.

5. A person who is not a qualified teacher but who is employed as a teacher at a school by virtue of regulations from time to time in force under section 218(1)(a) of the Education Reform Act 1988(a).

6. A person who has satisfactorily completed an induction period under England's Induction Regulations.

7. A person who has, or is eligible for, full registration as a teacher of primary or secondary education with the General Teaching Council for Scotland.

8. A person -

(a) who has successfully completed the induction stage of teacher education in Northern Ireland, or

(b) was employed as a teacher in Northern Ireland at any time prior to the introduction of the induction stage of teacher training in Northern Ireland.

(a) Y Rheoliadau mewn grym ar adeg gwneud y Rheoliadau hyn oedd Rheoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999 (O.S. 1999/2817) (Cy.18) fel y'i diwygiwyd gan O.S. 2002/2938 (Cy.279) a O.S. 2003/140 (Cy.12).

(a) The Regulations in force at the time of making these Regulations were the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (S.I. 1999/2817) (W.18), as amended by S.I. 2002/2938 (W.29) and S.I. 2003/140 (W.12).

9. Person sydd, mewn perthynas â'r proffesiwn athrawon ysgol, yn dod o fewn Erthygl 3 o Gyfarwydddeb y Cyngor 89/48 EEC(a) ar system gyffredinol ar gyfer cydnabod diplomâu addysg uwch a ddyfarnwyd ar ôl cwblhau o leiaf dair blynedd o addysg a hyfforddiant proffesiynol, fel y cafodd ei hymestyn gan Gytundeb Ardal Economaidd Ewrop a lofnodwyd yn Oporto ar 2 Mai 1992(b) fel y cafodd ei addasu gan y Protocol a lofnodwyd ym Mrwsel ar 17 Mawrth 1993(c).

10. Person sydd wedi cwblhau'n llwyddiannus gyfnod prawf ar gyfer athrawon o dan drefniadau a gymeradwywyd ac a oruchwyliwyd gan Gyfarwyddwr Addysg Gibraltar.

11. Person sydd wedi cwblhau'n llwyddiannus Rhaglen Ymsefydlu Taleithiau Jersey ar gyfer Athrawon sydd Newydd Gymhwysu.

12. Person a gymeradwywyd gan Gyngor Addysg Taleithiau Guernsey fel person a gwblhaodd yn llwyddiannus gyfnod ymsefydlu ar gyfer athrawon.

13. Person sydd wedi cwblhau'n llwyddiannus gyfnod ymsefydlu ar gyfer athrawon o dan drefniadau a gymeradwywyd ac a oruchwyliwyd gan Adran Addysg Ynys Manaw.

14. Person sydd wedi cwblhau'n llwyddiannus Rhaglen Ymsefydlu ysgolion Addysg Plant y Lluoedd yn yr Almaen neu yng Nghyprus.

15. Person ar neu cyn 1 Ebrill 2003 -

- (a) a gyflogwyd fel athro neu athrawes mewn ysgol berthnasol yng Nghymru neu Loegr; a
- (b) naill ai -
 - (i) a gwblhaodd yn llwyddiannus gwrs hyfforddiant cychwynnol ar gyfer athrawon mewn ysgolion mewn sefydliad addysgol yn yr Alban, neu
 - (ii) a gofrestrwyd fel athro neu athrawes addysg gynradd neu uwchradd gyda Chyngor Addysgu Cyffredinol yr Alban.

9. A person who as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC(a) on a general system for the recognition of higher-education diplomas awarded on completion of professional education and training of at least three years' duration, as extended by the Agreement of the European Economic Area signed at Oporto on 2nd May 1992(b) as adjusted by the Protocol signed at Brussels on 17th March 1993(c).

10. A person who has successfully completed a probationary period for teachers under arrangements approved and supervised by the Director of Education of Gibraltar.

11. A person who has successfully completed the States of Jersey Induction Programme for Newly Qualified Teachers.

12. A person who has been approved by the States of Guernsey Education Council as having successfully completed an induction period for teachers.

13. A person who has successfully completed an induction period for teachers under arrangements approved and supervised by the Isle of Man Department of Education.

14. A person who has successfully completed the Service Children's Education Schools Induction Programme in Germany or Cyprus.

15. A person who on or before 1 April 2003 -

- (a) was employed as a teacher at a relevant school in England or Wales; and
- (b) either -
 - (i) had successfully completed a course of initial training for teachers in schools at an educational institution in Scotland, or
 - (ii) was registered as a teacher of primary or secondary education with the General Teaching Council for Scotland.

(a) O.J. Rhif L19, 24.1.89, t.16.

(b) Gorch. 2073.

(c) Gorch. 2183.

(a) O.J. No. L19, 24.1.89, p.16.

(b) Cm.2073.

(c) Cm.2183.

- 16.** Person ar neu cyn 1 Ebrill 2003 -
- (a) a gyflogwyd fel athro neu athrawes mewn ysgol berthnasol yng Nghymru neu Lloegr; a
 - (b) naill ai -
 - (i) a gwblhaodd yn llwyddiannus gwrs hyfforddiant cychwynnol ar gyfer athrawon mewn ysgolion mewn sefydliad addysgol yng Ngogledd Iwerddon, neu
 - (ii) a dderbyniodd gadarnhad ei fod yn cael ei gydnabod fel athro neu athrawes mewn ysgolion yng Ngogledd Iwerddon gan Adran Addysg Gogledd Iwerddon, a'r cadarnhad hwnnw heb gael ei dynnu'n ôl ar unrhyw adeg wedi iddo gael ei gyflwyno.

17. Person sy'n athro neu athrawes gymwys trwy rinwedd paragraff 10 o Atodlen 3 i Reoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999(a).

18. Person sy'n athro neu athrawes gymwys trwy rinwedd paragraff 11 o Atodlen 3 i Reoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999.

19. Person y gellir ei gyflogi o dan Reoliadau Ymsefydlu Lloegr fel athro neu athrawes mewn ysgol berthnasol yn Lloegr ag yntau heb gwblhau cyfnod ymsefydlu yn foddhaol.

- 16.** A person who on or before 1 April 2003 -
- (a) was employed as a teacher at a relevant school in England or Wales; and
 - (b) either -
 - (i) had successfully completed a course of initial training for teachers in schools at an educational institution in Northern Ireland, or
 - (ii) had been awarded confirmation of recognition as a teacher in schools in Northern Ireland by the Northern Ireland Department of Education, that confirmation not having been withdrawn at any time subsequent to the award.

17. A person who is a qualified teacher by virtue of paragraph 10 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999 (a).

18. A person who is a qualified teacher by virtue of paragraph 11 of Schedule 3 to the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999.

19. A person who, under England's Induction Regulations, may be employed as a teacher in a relevant school in England without having satisfactorily completed an induction period.

(a) O.S. 1999/2817 (Cy. 18) fel y'i diwygiwyd gan O.S. 2002/2938 (Cy.279) ac O.S. 2003/140 (Cy.12).

(a) SI 1999/2817 (W.18) as amended by SI 2002/2938 (W.279) and S.I. 2003/140 (W.12).

**Y WEITHDREFN AR GYFER APELIO YN
ERBYN PENDERFYNIAD Y CORFF PRIODOL**

**PROCEDURE FOR APPEAL AGAINST A
DECISION OF THE APPROPRIATE BODY**

Dehongli

1. Yn yr Atodlen hon -

ystyr "apelydd" ("*appellant*") yw person sy'n dwyn apêl yn unol â rheoliad 17 yn erbyn penderfyniad corff priodol o dan reoliad 14;

ystyr "corff priodol" ("*appropriate body*") yw'r corff priodol a wnaeth y penderfyniad sy'n destun apêl;

ystyr "penderfyniad sy'n cael ei herio" ("*disputed decision*") yw'r mater y mae'r apelydd yn apelio i'r Cyngor mewn perthynas ag ef; a

"swyddog priodol" ("*proper officer*") yw person a benodir gan y Cyngor i gyflawni dyletswyddau swyddog priodol o dan yr Atodlen hon.

Yr amser a'r dull ar gyfer gwneud apêl

2.-(1) Gwneir apêl drwy anfon hysbysiad apêl i'r swyddog priodol fel ei fod yn cael ei dderbyn o fewn 20 diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd yr apelydd hysbysiad o dan reoliad 14(7) (a) o'r penderfyniad sy'n cael ei herio.

(2) Gall y Cyngor ymestyn y terfyn amser a osodir gan is-baragraff (1), p'un a ydyw eisoes wedi dod i ben ai peidio, ond ni chaiff wneud hynny oni bai ei fod yn fodlon y byddai peidio ag ymestyn y terfyn amser yn arwain at anghyfiawnder sylweddol.

(3) Pan fo'r apelydd yn ystyried ei bod hi'n debygol y caiff hysbysiad apêl ei dderbyn y tu hwnt i'r terfyn amser a osodir gan is-baragraff (1) gellir cyflwyno gyda'r hysbysiad apêl ddatganiad o'r rhesymau y dibynnwyd arnynt i gyfiawnhau'r oedi a mae'n rhaid i'r Cyngor ystyried unrhyw ddatganiad o'r fath wrth benderfynu a ydyw am ymestyn y terfyn amser ai peidio.

Interpretation

1. In this Schedule -

"appellant" ("*apelydd*") means a person who brings an appeal pursuant to regulation 17 against a decision of the appropriate body under regulation 14;

"appropriate body" ("*corff priodol*") means the appropriate body who took the decision subject to an appeal;

"disputed decision" ("*penderfyniad sy'n cael ei herio*") means the matter in relation to which the appellant appeals to the Council; and

"proper officer" ("*swyddog priodol*") means the person appointed by the Council to perform the duties of a proper officer under this Schedule.

Time for and manner of making an appeal

2.-(1) An appeal is to be made by sending a notice of appeal to the proper officer so that it is received within the period of 20 working days beginning with the date on which the appellant received notice under regulation 14(7) (a) of the disputed decision.

(2) The Council may extend the time limit imposed by sub-paragraph (1), whether or not it has already expired, but must not do so unless it is satisfied that not to extend the time limit would result in substantial injustice.

(3) Where the appellant considers it likely that a notice of appeal will be received outside the time limit imposed by sub-paragraph (1) the notice of appeal may be accompanied by a statement of the reasons relied upon to justify the delay and the Council must consider any such statement in deciding whether or not to extend the time limit.

Yr hysbysiad apêl

3.-(1) Rhaid i'r hysbysiad apêl nodi -

- (a) enw a chyfeiriad yr apelydd;
- (b) enw a chyfeiriad yr ysgol lle cafodd yr apelydd ei gyflogi ar ddiwedd y cyfnod ymsefydlu;
- (c) enw a chyfeiriad cyflogwr yr apelydd, os o gwbl, ar ddyddiad yr apêl;
- (ch) y rhesymau am yr apêl;
- (d) enw, cyfeiriad a phroffesiwn y person (os o gwbl) sy'n cynrychioli'r apelydd, a ph'un a ddylai'r Cyngor anfon dogfennau sy'n ymwneud â'r apêl at y cynrychiolydd yn hytrach na'r apelydd; a
- (dd) a yw'r apelydd am i'r apêl gael ei phenderfynu mewn gwrandawriad llafar.

(2) Rhaid i'r apelydd lofnodi'r hysbysiad apêl.

(3) Rhaid i'r apelydd gyflwyno fel atodiad i'r hysbysiad gopi o'r -

- (a) hysbysiad a roddwyd i'r apelydd gan y corff priodol o dan reoliad 14(7) (a) sy'n ymwneud â'r penderfyniad sy'n cael ei herio;
- (b) unrhyw ddatganiad ysgrifenedig a roddwyd i'r apelydd gan y corff priodol yn rhoi rhesymau am ei benderfyniad; a
- (c) pob dogfen arall y mae'r apelydd yn dibynnu arni at ddibenion yr apêl.

Dogfennau ychwanegol, diwygio a thynnu'r apêl yn ei ôl

4.-(1) Gall yr apelydd ar unrhyw adeg cyn derbyn hysbysiad o'r dyddiad a bennwyd ar gyfer y gwrandawriad o dan baragraff 13 neu o benderfyniad gan y Cyngor o dan baragraff 11 -

- (a) anfon copïau o'r dogfennau ychwanegol hynny y bydd yn dymuno dibynnu arnynt at ddiben yr apêl at y swyddog priodol;
- (b) diwygio neu dynnu'r apêl yn ôl, neu unrhyw ran ohono; neu
- (c) diwygio neu dynnu yn ei ôl unrhyw ddeunydd a gyflwynwyd i gefnogi'r apêl.

(2) Gall yr apelydd ar unrhyw adeg gymryd unrhyw un o'r camau a grybwyllwyd yn is-baragraff (1) gyda chaniatâd y Cyngor.

The notice of appeal

3.-(1) The notice of appeal must state -

- (a) the name and address of the appellant;
- (b) the name and address of the school at which the appellant was employed at the end of the induction period;
- (c) the name and address of the appellant's employer, if any, at the date of the appeal;
- (d) the grounds of the appeal;
- (e) the name, address and profession of the person (if any) representing the appellant, and whether the Council should send documents concerning the appeal to the representative instead of to the appellant; and
- (f) whether the appellant requests that the appeal should be decided at an oral hearing.

(2) The notice of appeal must be signed by the appellant.

(3) The appellant must annex to the notice of appeal a copy of -

- (a) the notice given to the appellant by the appropriate body under regulation 14(7) (a) relating to the disputed decision;
- (b) any written statement given to the appellant by the appropriate body giving reasons for its decision; and
- (c) every other document on which the appellant relies for the purposes of the appeal.

Additional documents, amendment and withdrawal of the appeal

4.-(1) The appellant may at any time before receiving notice of the date fixed for the hearing under paragraph 13 or of a decision of the Council under paragraph 11 -

- (a) send copies of such additional documents as he or she wishes to rely on for the purpose of the appeal to the proper officer;
- (b) amend or withdraw the appeal, or any part of it; or
- (c) amend or withdraw any material submitted in support of the appeal.

(2) The appellant may at any time take any step mentioned in sub-paragraph (1) with the leave of the Council.

(3) Pan fo apelydd yn tynnu apêl yn ôl ni chaiff ddwyn apêl newydd mewn perthynas â'r penderfyniad sy'n cael ei herio.

(4) Gellir diwygio neu dynnu apêl yn ei ôl drwy anfon hysbysiad apêl wedi'i ddiwygio neu hysbysiad yn datgan bod yr apêl yn cael ei dynnu'n ôl, fel y digwydd, at y swyddog priodol.

Cydnabod a hysbysu am yr apêl

5.-(1) Rhaid i'r swyddog priodol o fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y Cyngor yr hysbysiad apêl -

- (a) anfon cydnabyddiaeth ei fod wedi'i dderbyn i'r apelydd;
- (b) anfon copi o'r hysbysiad apêl ac unrhyw ddogfennau sy'n mynd gydag ef i'r corff priodol;
- (c) os caiff person neu gorff heblaw am y corff priodol eu henwi fel cyflogwr yr apelydd yn yr hysbysiad apêl, anfon copi o'r hysbysiad apêl at y person neu gorff hwnnw; ac
- (ch) anfon copi o'r hysbysiad apêl at bennaeth yr ysgol neu goleg chweched dosbarth lle'r oedd yr apelydd yn cael ei gyflogi ar ddiwedd y cyfnod ymsefydlu.

(2) O fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y Cyngor oddi wrth yr apelydd unrhyw ddogfennau ychwanegol, rhesymau diwygiedig am yr apêl, dogfennau wedi'u diwygio a gyflwynwyd i gefnogi'r apêl neu hysbysiad bod apêl yn cael ei dynnu'n ôl, rhaid i'r swyddog priodol anfon copi i'r corff priodol.

Cais am ddeunydd pellach

6.-(1) Pan fo'r Cyngor yn ystyried y gellid penderfynu ar yr apêl yn decach ac yn fwy effeithlon pe bai'r apelydd yn darparu deunydd pellach, gall anfon at yr apelydd hysbysiad yn gwahodd yr apelydd i gyflenwi'r deunydd erbyn diwedd y cyfnod o ddeg diwrnod gwaith gan ddechrau â dyddiad yr hysbysiad.

(2) Pan fo'r Cyngor yn anfon hysbysiad o dan is-baragraff (1) rhaid i'r swyddog priodol ar yr un pryd hysbysu'r corff priodol ei fod wedi gwneud hynny.

(3) Rhaid i'r swyddog priodol o fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y Cyngor ddeunydd pellach o dan is-baragraff (1) anfon copi ohono at y corff priodol.

(3) Where an appellant withdraws an appeal he or she may not bring a fresh appeal in relation to the disputed decision.

(4) An appeal may be amended or withdrawn by sending to the proper officer an amended notice of appeal or a notice stating that the appeal is withdrawn, as the case may be.

Acknowledgement and notification of the appeal

5.-(1) The proper officer must within the period of ten working days beginning with the date on which the Council received the notice of appeal -

- (a) send an acknowledgement of its receipt to the appellant;
- (b) send a copy of the notice of appeal and any accompanying documents to the appropriate body;
- (c) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, send a copy of the notice of appeal to that person or body; and
- (d) send a copy of the notice of appeal to the head teacher of the school or sixth form college at which the appellant was employed at the completion of the induction period.

(2) Within the period of ten working days beginning with the date on which the Council received from the appellant any additional documents, amended grounds of appeal, amended documents submitted in support of an appeal or notice of withdrawal of an appeal, the proper officer must send a copy to the appropriate body.

Request for further material

6.-(1) Where the Council considers that the appeal could be decided more fairly and efficiently if the appellant provided further material, it may send to the appellant a notice inviting the appellant to supply that material within the period of ten working days beginning with the date of the notice.

(2) Where the Council sends a notice under sub-paragraph (1) the proper officer must at the same time inform the appropriate body that it has done so.

(3) The proper officer must within the period of ten working days beginning with the date on which the Council received further material under sub-paragraph (1) send a copy of it to the appropriate body.

Ateb gan y corff priodol

7.-(1) Rhaid i'r corff priodol anfon ateb i'r swyddog priodol sydd yn bodloni gofynion paragraff 8 fel ei fod yn cael ei dderbyn o fewn 20 diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y corff priodol gopi o'r hysbysiad apêl.

(2) Gall y Cyngor ymestyn y terfyn amser a osodir gan is-baragraff (1) p'un a ydyw eisoes wedi dod i ben ai peidio.

(3) Rhaid i'r Cyngor ganiatáu'r apêl pan fo'r corff priodol yn datgan yn ei ateb, neu yn datgan yn ysgrifenedig ar unrhyw bryd, nad yw'n bwriadu cefnogi'r penderfyniad sy'n cael ei herio, a rhaid gwneud hynny o fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y Cyngor hysbysiad nad oedd y corff priodol yn bwriadu cefnogi'r penderfyniad sy'n cael ei herio.

Cynnwys yr ateb

8.-(1) Rhaid i'r ateb ddatgan -

- (a) enw a chyfeiriad y corff priodol;
- (b) p'un a yw'r corff priodol yn bwriadu cefnogi'r penderfyniad dadleuol; ac
- (c) mewn achosion pan fo'r corff priodol yn bwriadu cefnogi'r penderfyniad sy'n cael ei herio -
 - (i) ateb y corff priodol i bob un o'r rhesymau am yr apêl a roddwyd gan yr apelydd
 - (ii) p'un a ydyw'r corff priodol yn gwneud cais am wrandawriad llafar ai peidio, a
 - (iii) enw, cyfeiriad a phroffesiwn y person (os o gwbl) sy'n cynrychioli'r corff priodol, a ph'un a ddylai'r Cyngor anfon dogfennau ynghylch yr apêl at y cynrychiolydd hwnnw yn hytrach nag at y corff priodol.

(2) Rhaid i'r corff priodol atodi gyda'r ateb -

- (a) gopi o unrhyw ddogfen y mae am ddibynnu arni at ddiben gwrthwynebu'r apêl; a
- (b) pan nad yw'r apelydd wedi anfon at y swyddog priodol gopi o ddatganiad ysgrifenedig a roddwyd i'r apelydd gan y corff priodol yn rhoi rhesymau am ei benderfyniad, datganiad yn rhoi rhesymau am y penderfyniad.

Reply by the appropriate body

7.-(1) The appropriate body must send to the proper officer a reply fulfilling the requirements of paragraph 8 so that it is received within the period of 20 working days beginning with the date on which the appropriate body received a copy of the notice of appeal.

(2) The Council may extend the time limit imposed by sub-paragraph (1) whether or not it has already expired.

(3) The Council must allow the appeal where the appropriate body states in reply, or at any time states in writing, that it does not seek to uphold the disputed decision, and must do so within the period of ten working days beginning with the date on which the Council received notification that the appropriate body did not seek to uphold the disputed decision.

Contents of the reply

8.-(1) The reply must state -

- (a) the name and address of the appropriate body;
- (b) whether the appropriate body seeks to uphold the disputed decision; and
- (c) in cases where the appropriate body seeks to uphold the disputed decision -
 - (i) the appropriate body's answer to each of the grounds of appeal supplied by the appellant,
 - (ii) whether or not the appropriate body requests an oral hearing, and
 - (iii) the name, address and profession of the person (if any) representing the appropriate body, and whether the Council should send documents concerning the appeal to that representative instead of to the appropriate body.

(2) The appropriate body must annex to the reply -

- (a) a copy of any document on which it wishes to rely for the purpose of opposing the appeal; and
- (b) where the appellant has not sent to the proper officer a copy of a written statement given to the appellant by the appropriate body giving reasons for its decision, a statement giving reasons for the decision.

Dogfennau ychwanegol, diwygio a thynnu'r apêl yn ei ôl

9.-(1) Gall y corff priodol ar unrhyw adeg cyn ei fod yn derbyn hysbysiad o'r dyddiad a bennwyd ar gyfer y gwrandawriad o dan baragraff 13 neu o benderfyniad y Cyngor o dan baragraff 11 -

- (a) anfon copïau o unrhyw ddogfennau ychwanegol y mae am ddibynnu arnynt at ddibenion gwrthwynebu'r apêl at y swyddog priodol;
- (b) diwygio neu dynnu ei ateb yn ôl, neu unrhyw ran ohono;
- (c) diwygio neu dynnu yn ôl unrhyw ddeunydd a gyflwynwyd i gefnogi'r ateb.

(2) Gall y corff priodol ar unrhyw adeg gymryd unrhyw gam a grybwyllwyd yn is-baragraff (1) gyda chaniatâd y Cyngor.

(3) Gellir diwygio neu dynnu ateb yn ei ôl drwy anfon ateb wedi'i ddiwygio neu hysbysiad yn datgan bod yr ateb yn cael ei dynnu'n ôl, fel y digwydd, at y swyddog priodol.

Cydnabod a hysbysu am yr ateb

10.-(1) Rhaid i'r swyddog priodol o fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y Cyngor yr ateb -

- (a) anfon cydnabyddiaeth ei fod wedi'i dderbyn i'r corff priodol; a
- (b) anfon copi o'r ateb ac unrhyw ddogfennau sy'n mynd gydag ef at yr apelydd.

(2) O fewn deg diwrnod gwaith gan ddechrau â'r dyddiad pan dderbyniodd y Cyngor gan y corff priodol unrhyw ddogfennau ychwanegol, ateb diwygiedig, dogfennau diwygiedig a gyflwynwyd i gefnogi ateb, neu hysbysiad bod ateb yn cael ei dynnu'n ôl, rhaid i'r swyddog priodol anfon copi at yr apelydd.

Pŵer i benderfynu'r apêl heb wrandawriad

11.-(1) Pan nad yw naill ai'r apelydd na'r corff priodol ar ôl i'r cyfnod y mae'n ofynnol i'r corff priodol anfon ei ateb ddirwyn i ben, wedi gwneud cais am wrandawriad llafar, ac nad yw'r Cyngor yn ystyried bod gwrandawriad llafar yn angenrheidiol, gall y Cyngor benderfynu ar yr apêl heb wrandawriad llafar.

(2) Pan fo'r cyfnod y mae'n ofynnol i'r corff priodol anfon ei ateb o'i fewn wedi dirwyn i ben ac nad yw corff priodol wedi gwneud hynny, gall y Cyngor ganiatáu apêl heb wrandawriad llafar.

Additional documents, amendment and withdrawal of the reply

9.-(1) The appropriate body may at any time before it receives notice of the date fixed for the hearing under paragraph 13 or of a decision of the Council under paragraph 11 -

- (a) send copies of such additional documents as it wishes to rely on for the purpose of opposing the appeal to the proper officer;
- (b) amend or withdraw its reply, or any part of it;
- (c) amend or withdraw any material submitted in support of the reply.

(2) The appropriate body may at any time take any step mentioned in sub-paragraph (1) with the leave of the Council.

(3) A reply may be amended or withdrawn by sending to the proper officer an amended reply or a notice stating that the reply is withdrawn, as the case may be.

Acknowledgement and notification of the reply

10.-(1) The proper officer must within the period of ten working days beginning with the date on which the Council received the reply -

- (a) send an acknowledgement of its receipt to the appropriate body; and
- (b) send a copy of the reply and any accompanying documents to the appellant.

(2) Within the period of ten working days beginning with the date on which the Council received from the appropriate body any additional documents, amended reply, amended documents submitted in support of a reply, or notice of withdrawal of a reply, the proper officer must send a copy to the appellant.

Power to decide the appeal without a hearing

11.-(1) Where following the expiry of the period within which the appropriate body is required to send its reply neither the appellant nor the appropriate body has requested an oral hearing, and the Council does not consider an oral hearing is necessary, the Council may decide the appeal without an oral hearing.

(2) Where following the expiry of the period within which the appropriate body is required to send its reply the appropriate body has not done so, the Council may allow the appeal without an oral hearing.

(3) Os bydd y Cyngor yn penderfynu ar yr apêl heb wrandawriad llafar, rhaid iddo anfon hysbysiad o'i benderfyniad fel sy'n ofynnol o dan baragraff 17 fel bod yr apelydd a'r corff priodol yn ei dderbyn o fewn 20 diwrnod gwaith gan ddechrau â'r diwrnod sy'n dilyn y diwrnod pan ddaeth y terfyn amser ar gyfer anfon ateb i ben.

Gwrandawriad apêl

12. Mae paragraffau 13 i 16 yn gymwys pan fo'r apêl i gael ei benderfynu ar sail gwrandawriad llafar.

Pennu dyddiad ar gyfer y gwrandawriad

13.-(1) Rhaid i'r Cyngor -

- (a) o fewn y cyfnod o 20 diwrnod gwaith gan ddechrau â'r diwrnod yn dilyn y dyddiad pan ddaeth yr amser ar gyfer anfon ateb i ben; a
- (b) nid cyn y diwrnod yn dilyn y dyddiad pan ddaeth y cyfnod ar gyfer anfon ateb i ben,

bennu dyddiad ar gyfer y gwrandawriad.

(2) Rhaid i'r swyddog priodol ar yr un diwrnod ag y bydd y Cyngor yn pennu dyddiad ar gyfer y gwrandawriad anfon at yr apelydd a'r corff priodol hysbysiad -

- (a) yn eu hysbysu am amser a lleoliad y gwrandawriad apêl;
- (b) yn rhoi cyfarwyddyd ynghylch y weithdrefn a fydd yn gymwys i'r gwrandawriad;
- (c) yn eu hysbysu o ganlyniadau peidio â bod yn bresennol yn y gwrandawriad; ac
- (ch) yn eu hysbysu am eu hawl i gyflwyno sylwadau ysgrifenedig os na fyddant yn bresennol yn y gwrandawriad.

(3) Ni all y dyddiad a bennir ar gyfer y gwrandawriad fod yn llai na 15 diwrnod gwaith ar ôl dyddiad yr hysbysiad.

Y camau i'w dilyn gan yr apelydd a'r corff priodol ar ôl derbyn hysbysiad am y gwrandawriad

14.-(1) O fewn deg diwrnod gwaith cyn y dyddiad a bennwyd ar gyfer y gwrandawriad -

- (a) rhaid i'r apelydd a'r corff priodol hysbysu'r swyddog priodol p'un a ydynt yn bwriadu ymddangos neu gael eu cynrychioli yn y gwrandawriad;
- (b) rhaid i'r apelydd a'r corff priodol hysbysu'r swyddog priodol pa dystion, os o gwbl, y maent yn bwriadu eu galw yn y gwrandawriad;
- (c) gall yr apelydd a'r corff priodol, os nad ydynt yn bwriadu ymddangos neu gael eu cynrychioli yn y gwrandawriad anfon at y

(3) If the Council decides the appeal without an oral hearing, it must send notice of its decision as required by paragraph 17 so that it is received by the appellant and the appropriate body within the period of 20 working days beginning with the day following the day on which the time limit for sending a reply expired.

Appeal hearing

12. Paragraphs 13 to 16 apply where the appeal is to be decided on the basis of an oral hearing.

Fixing a date for the hearing

13.-(1) The Council must -

- (a) within the period of 20 working days beginning with the day following the date on which the for time sending a reply expired; and
- (b) not before the day following the date on which the time for sending a reply expired,

fix a date for the hearing.

(2) The proper officer must on the same day as the Council fixes a date for the hearing send to the appellant and the appropriate body a notice -

- (a) informing them of the time and place of the hearing of the appeal;
- (b) giving guidance regarding the procedure which will apply to the hearing;
- (c) advising them of the consequences of not attending the hearing; and
- (d) informing them of the right to submit written representations if they do not attend the hearing.

(3) The date fixed for the hearing must not be less than 15 working days after the date of the notice.

Action by the appellant and appropriate body on receiving notice of the hearing

14.-(1) Not less than ten working days before the date fixed for the hearing the appellant and the appropriate body -

- (a) must inform the proper officer whether or not they intend to appear or be represented at the hearing;
- (b) must inform the proper officer which, if any, witnesses they intend to call at the hearing;
- (c) may, if they do not intend to appear or be represented at the hearing send to the proper officer any written representations in support

swyddog priodol unrhyw sylwadau ysgrifenedig i gefnogi'r deunydd a anfonwyd eisoes at y swyddog priodol.

(2) Rhaid i'r swyddog priodol o fewn y cyfnod o dri diwrnod gwaith gan ddechrau â'r dyddiad pan dderbynnir sylwadau anfon at y naill ochr a'r llall gopi o unrhyw sylwadau a dderbyniwyd gan y swyddog priodol oddi wrth yr ochr arall o dan y paragraff hwn.

Newid lleoliad neu amser y gwrandawriad

15.-(1) Gall y Cyngor newid lleoliad neu amser y gwrandawriad o dan unrhyw amgylchiadau y bydd yn eu hystyried yn briodol, ar yr amod nad yw'r dyddiad newydd ar gyfer y gwrandawriad yn gynharach na'r dyddiad gwreiddiol.

(2) Pan fo'r Cyngor yn newid lleoliad neu amser y gwrandawriad rhaid i'r swyddog priodol anfon hysbysiad i'r apelydd a'r corff priodol yn eu hysbysu o'r newid. Rhaid iddo wneud hynny yn ddi-oad a beth bynnag o fewn tri diwrnod gwaith gan ddechrau â'r dyddiad pan wnaed y newid.

Y weithdrefn yn y gwrandawriad

16.-(1) Yn ddarostyngedig i ddarpariaethau canlynol y paragraff hwn rhaid i'r Cyngor benderfynu ar y weithdrefn yn ystod gwrandawriad yr apêl.

(2) Rhaid i'r wrandawriad yr apêl gael ei gynnal yn gyhoeddus oni bai fod y Cyngor yn penderfynu ei bod yn deg ac yn rhesymol i'r gwrandawriad neu unrhyw ran ohono gael ei gynnal yn breifat.

(3) Gall yr apelydd a'r corff priodol ymddangos yn y gwrandawriad a gallant gael eu cynrychioli neu eu cynorthwyo gan unrhyw berson.

(4) Os yw'r apelydd neu'r corff priodol yn methu â mynychu'r gwrandawriad, gall y Cyngor wrando, ac ar yr amod ei fod wedi ystyried unrhyw sylwadau a wnaed gan yr ochr dan sylw o dan baragraff 14, gall benderfynu, ar yr apêl yn absenoldeb yr ochr honno.

(5) Yn ddarostyngedig i is-baragraff (6) gall yr apelydd a'r corff priodol roi tystiolaeth, alw tystion, ofyn cwestiynau i unrhyw dystion ac annerch y Cyngor ar y dystiolaeth ac yn gyffredinol ar destun yr apêl.

(6) Gall y Cyngor ar unrhyw adeg yn y gwrandawriad gyfyngu ar hawliau'r naill ochr a'r llall o dan is-baragraff (5) ar yr amod ei fod wedi'i fodloni na fyddai gwneud hynny yn atal yr apêl rhag cael ei benderfynu'n deg.

(7) Gall y Cyngor ohirio'r gwrandawriad, ond ni chaiff wneud hynny oni bai ei fod wedi'i fodloni bod angen gwneud hynny fel bod modd penderfynu ar yr apêl yn deg.

of the material already sent to the proper officer.

(2) The proper officer must within the period of three working days beginning with the date on which representations are received send to each party a copy of any representations received by the proper officer from the other party under this paragraph.

Alteration of place or time of the hearing

15.-(1) The Council may alter the place or time of the hearing in such circumstances as it considers appropriate, provided that the altered date of the hearing is not earlier than the original date.

(2) Where the Council alters the place or time of the hearing the proper officer must without delay and in any event within the period of three working days beginning with the date on which the alteration was made send a notice to the appellant and the appropriate body informing them of the alteration.

Procedure at the hearing

16.-(1) Subject to the following provisions of this paragraph the Council must determine the procedure at the hearing of the appeal.

(2) The hearing of the appeal must be in public unless the Council determines that it is fair and reasonable for the hearing or any part of it to be in private.

(3) The appellant and the appropriate body may appear at the hearing and may be represented or assisted by any person.

(4) If the appellant or the appropriate body fails to attend the hearing, the Council may hear, and provided it has considered any representations made by the party concerned under paragraph 14, determine, the appeal in that party's absence.

(5) Subject to sub-paragraph (6) the appellant and the appropriate body may give evidence, call witnesses, question any witnesses and address the Council both on the evidence and generally on the subject matter of the appeal.

(6) The Council may at any point in the hearing limit the rights of either party under sub-paragraph (5) provided it is satisfied that to do so will not prevent the appeal from being decided fairly.

(7) The Council may adjourn the hearing, but must not do so unless it is satisfied that it is necessary to do so in order for the appeal to be decided fairly.

(8) Rhaid cyhoeddi amser a lleoliad gwrandawriad sy'n cael ei ohirio naill ai cyn y gohiriad neu rhoid i'r Cyngor anfon yn ddi-oed, a beth bynnag o fewn tri diwrnod gwaith gan ddechrau â dyddiad y gohiriad, hysbysiad i'r apelydd a'r corff priodol yn eu hysbysu o amser a lleoliad y gwrandawriad gohiriedig.

Penderfyniad y Cyngor

17.-(1) Gellir gwneud a chyhoeddi penderfyniad y Cyngor ar ddiwedd y gwrandawriad, ond beth bynnag fo'r achos, p'un a fu gwrandawriad ai peidio, rhaid ei gofnodi yn union pan gaiff ei wneud mewn dogfen y mae'n rhaid iddo hefyd gynnwys datganiad o'r rhesymau am y penderfyniad ac y mae'n rhaid ei lofnodi a'i ddyddio gan berson a awdurdodir gan y Cyngor.

(2) Rhaid i'r Cyngor o fewn pum diwrnod gwaith gan ddechrau â'r dyddiad pan wnaed y penderfyniad -

- (a) anfon copi o'r ddogfen y cyfeirir ati yn is-baragraff (1) at yr apelydd, y corff priodol a phennaeth yr ysgol neu goleg chweched dosbarth lle'r oedd yr apelydd yn cael ei gyflogi pan gafodd y cyfnod ymsefydlu ei gwblhau; a
- (b) os caiff person neu gorff heblaw'r corff priodol eu henwi fel cyflogwr yr apelydd yn yr hysbysiad apêl, hysbysu'r corff neu'r person hwnnw o'i benderfyniad.

Afreoleidd-dra

18.-(1) Ni fydd unrhyw afreoleidd-dra sy'n deillio o fethiant i gydymffurfio ag unrhyw un o ddarpariaethau'r Atodlen hon cyn i'r Cyngor gyrraedd ei benderfyniad ynddo'i hun yn dirymu'r achos.

(2) Pan ddaw unrhyw afreoleidd-dra o'r fath i sylw'r Cyngor, gall, a rhaid iddo os yw'n ystyried fod y naill ochr neu'r llall wedi'u rhagfarnu gan yr afreoleidd-dra, roi unrhyw gyfarwyddiadau sydd yn ei farn ef yn gyfiawn, cyn dod i'w benderfyniad, i unioni neu anwybyddu'r afreoleidd-dra.

Dogfennau

19.-(1) Gall unrhywbeth y mae'n ofynnol ei anfon at berson at ddibenion apêl o dan yr Atodlen hon -

- (a) gael ei drosglwyddo i'r person hwnnw yn bersonol; neu
- (b) gael ei anfon i'r person hwnnw yn ei gyfeiriad priodol drwy'r post; neu

(8) The time and place for an adjourned hearing must either be announced before the adjournment or the Council must without delay and in any event within the period of three working days beginning with the date of the adjournment send notice to the appellant and the appropriate body informing them of the time and place of the adjourned hearing.

Decision of the Council

17.-(1) The decision of the Council may be made and announced at the end of the hearing, but in any event, whether there has been a hearing or not, must be recorded immediately it is made in a document which must also contain a statement of the reasons for the decision and must be signed and dated by a person authorised by the Council.

(2) The Council must within the period of five working days beginning with the date on which it made its decision -

- (a) send a copy of the document referred to in subparagraph (1) to the appellant, the appropriate body and the head teacher of the school or sixth form college at which the appellant was employed at the completion of the induction period; and
- (b) if a person or body other than the appropriate body is named as the appellant's employer in the notice of appeal, notify that body or person of its decision.

Irregularities

18.-(1) Any irregularity resulting from failure to comply with any provision of this Schedule before the Council has reached its decision shall not of itself render the proceedings void.

(2) Where any such irregularity comes to the attention of the Council it may, and must if it considers either party may have been prejudiced by the irregularity, give such directions as it thinks just, before reaching its decision, to cure or waive the irregularity.

Documents

19.-(1) Anything required to be sent to a person for the purposes of an appeal under this Schedule may be -

- (a) delivered to that person personally; or
- (b) sent to that person at his or her appropriate address by post; or

(c) gael ei anfon ato drwy ffacsimili neu bost electronig neu ddulliau tebyg eraill sy'n gallu cynhyrchu dogfen sy'n cynnwys testun y cyfathrebiad, ac os felly ystyrir bod y ddogfen wedi'i hanfon pan gaiff ei derbyn ar ffurf ddarllenadwy.

(2) Cyfeiriad priodol person yw'r cyfeiriad a nodir yn yr hysbysiad apêl neu'r ateb, neu unrhyw gyfeiriad arall a gaiff ei hysbysu wedi hynny i'r swyddog priodol.

(c) sent to him or her by facsimile or electronic mail or other similar means which are capable of producing a document containing the text of the communication, in which case the document is to be regarded as sent when it is received in a legible form.

(2) A person's appropriate address is the address stated in the notice of appeal or reply, or such other address as may be subsequently notified to the proper officer.