



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2005 Rhif 1818 (Cy.146)

2005 No. 1818 (W.146)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Addysg (Trefniadau
Ymsefydlu ar gyfer Athrawon
Ysgol) (Cymru) 2005**

**The Education (Induction
Arrangements for School Teachers)
(Wales) Regulations 2005**

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 dirymu ac yn disodli Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003, fel y'u diwygiwyd. I raddau helaeth, mae darpariaethau Rheoliadau 2003 yn cael eu haildeddfu, ac eithrio fel yr esbonnir isod.

These Regulations revoke and replace the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003, as amended. The provisions of the 2003 Regulations are largely re-enacted, save as explained below.

Mae'n rhaid i bersonau sydd wedi eu cymhwysu'n athrawon ar ôl 1 Ebrill 2003 gwblhau cyfnod ymsefydlu cyn cael eu cyflogi yn athrawon mewn ysgol sy'n cael ei chynnal gan AALl neu ysgol arbennig nad yw'n cael ei chynnal felly ("ysgol berthnasol").

Persons who qualified as teachers after 1 April 2003 must complete an induction period before they can be employed as teachers at a school maintained by an LEA or a special school not so maintained ("a relevant school").

Nid yw'r gofyniad hwn yn gymwys i'r personau sydd wedi'u pennu yn Atodlen 1 i'r Rheoliadau. Mae'r rhain yn cynnwys athrawon sydd wrthi'n gwasanaethu cyfnod ymsefydlu; athrawon nad yw'n ofynnol iddynt fod yn athrawon cymwysedig; athrawon sydd wedi cwblhau cyfnod ymsefydlu'n llwyddiannus neu gyfnod prawf mewn man arall yn y Deyrnas Unedig; rhai athrawon sydd wedi cymhwysu yn rhinwedd cyflogaeth fel athrawon mewn ysgolion annibynnol neu mewn colegau addysg bellach; athrawon nad yw'n ofynnol iddynt wasanaethu cyfnod ymsefydlu o dan y rheoliadau cyfatebol sy'n gymwys yn Lloegr; athrawon cymwysedig o'r Undeb Ewropeaidd, Norwy, Liechtenstein, Gwlad yr Iâ neu'r Swistir; athrawon o wledydd tramor a gymhwysodd dros y môr, y mae ganddynt o leiaf ddwy flynedd o brofiad o addysgu ac a gymhwysodd ar y cynllun hyfforddiant athrawon ar sail cyflogaeth ac yr aseswyd eu bod yn bodloni'r safonau ymsefydlu.

This requirement does not apply to persons specified in Schedule 1 to the Regulations. These include teachers serving induction; teachers who are not required to be qualified teachers; teachers who have successfully completed an induction period or probation period elsewhere in the United Kingdom; certain teachers who are qualified by virtue of employment as teachers in independent schools or in further education colleges; teachers who are not required to serve induction under corresponding regulations applying in England; qualified teachers from the European Union, Norway, Liechtenstein, Iceland or Switzerland; overseas teachers who qualified overseas, who have at least two years teaching experience and qualified on the employment based teacher training scheme and have been assessed as meeting the induction standards.

Mae eithriad newydd yn cael ei ychwanegu at Atodlen 1, a fydd yn cwmpasu rhai athrawon profiadol o'r sector addysg bellach ac ysgolion annibynnol. Athrawon yw'r rhain a gymhwysodd ar y cynllun hyfforddiant athrawon ar sail cyflogaeth ac yr aseswyd o dan y cynllun eu bod yn bodloni'r safonau ar gyfer athrawon cymwysedig heb ofyniad i ymgymryd â hyfforddiant pellach o dan y cynllun, ac yr aseswyd eu bod yn bodloni'r safonau ymsefydlu.

Mae'r darpariaethau mewn perthynas ag athrawon cyflenwi tymor byr hefyd wedi'u diwygio. Erbyn hyn, bydd person yn gallu gweithio fel athro cyflenwi neu athrawes gyflenwi tymor byr heb wasanaethu cyfnod ymsefydlu am gyfnod o bum mlynedd o'r dyddiad y cymhwysodd. Ar ôl y cyfnod hwnnw, bydd corff priodol yn gallu awdurdodi person i weithio am 12 mis arall fel athro cyflenwi neu athrawes gyflenwi tymor byr heb wasanaethu cyfnod ymsefydlu os yw amgylchiadau wedi effeithio'n sylweddol ar allu'r person i wasanaethu cyfnod ymsefydlu. Pan fydd y 12 mis ar ben, bydd corff priodol yn gallu awdurdodi rhagor o gyflogaeth fel athro cyflenwi neu athrawes gyflenwi tymor byr ond dim ond gyda chydysyniad y Cynulliad.

Caiff cyfnod ymsefydlu gael ei wasanaethu mewn ysgol berthnasol (heblaw ysgol mewn ysbyty) neu mewn ysgol annibynnol ar yr amod bod ei chwricwlwm yn bodloni rhai o ofynion penodol y Cwricwlwm Cenedlaethol.

Ni all cyfnod ymsefydlu gael ei wasanaethu mewn uned cyfeirio disgyblion nac mewn ysgol y mae angen mesurau arbennig ar ei chyfer oni bai bod y person o dan sylw wedi dechrau ar y cyfnod ymsefydlu neu mewn cyflogaeth ar raglen hyfforddi ar sail cyflogaeth cyn y dyfarniad bod ar yr ysgol angen mesurau arbennig, neu oni bai bod un o Arolygwyr Addysg a Hyfforddiant Ei Mawrhydi yng Nghymru yn ardystio bod yr ysgol yn addas i ddarparu cyfnod ymsefydlu. Mae darpariaeth newydd yn cael ei gwneud i ganiatáu i gyfnod ymsefydlu gael ei wasanaethu mewn coleg addysg bellach. Dim ond mewn coleg chweched dosbarth y gallai cyfnod ymsefydlu gael ei wasanaethu o'r blaen.

Mae darpariaethau diwygiedig yn cael eu gwneud yn rheoliadau 8 a 9 mewn perthynas â hyd y cyfnod ymsefydlu a'r cyfnodau cyflogaeth sy'n gallu cyfrif tuag at gyfnod ymsefydlu. Fel rheol gyffredinol, mae'n rhaid i gyfnod ymsefydlu bara am dri thymor ysgol, ond does dim angen iddo wneud hynny os nad yw'r flwyddyn ysgol mewn ysgol neu goleg yn cynnwys tri thymor, os yw person yn gwasanaethu cyfnod ymsefydlu ar sail ran-amser neu os nad yw'r corff priodol o'r farn ei bod yn briodol defnyddio'r rheol tri thymor. Yn yr achosion hyn, mae gan y corff priodol ddisgresiwn i bennu pa mor hir fydd y cyfnod ymsefydlu.

A new exception is added to Schedule 1, which will cover certain experienced teachers from the further education sector and independent schools. These are teachers who qualified on the employment based teacher training scheme and who were assessed under that scheme as meeting the standards for qualified teachers without having been required to undertake further training under the scheme, and who have been assessed as meeting the induction standards.

The provisions in relation to short term supply teaching have also been amended. A person will now be able to work as a short term supply teacher without serving induction for a period of five years from the date he or she qualified. After that time an appropriate body will be able to authorise a person to work for a further 12 months as a short-term supply teacher without serving induction where circumstances materially affected a person's ability to serve an induction period. Once those 12 months have expired, an appropriate body will be able to authorise further employment as a short term supply teacher but only with the Assembly's consent.

An induction period may be served in a relevant school (other than a hospital school) or an independent school provided its curriculum meets certain requirements of the National Curriculum.

An induction period may not be served in a pupil referral unit nor in a school requiring special measures unless the person in question started his or her induction period or was employed on an employment based training programme before the school was found to be in need of special measures, or one of Her Majesty's Inspectors of Education and Training in Wales certifies that the school is fit to provide induction. New provision is made allowing induction to be served in an FE college. Previously induction could only be served in a sixth form college.

Amended provision is made in regulations 8 and 9 in relation to the length of an induction period and the periods of employment that can count towards an induction period. As a general rule, an induction period must last three school terms, but need not do so where the school year at a school or college does not consist of three terms, where a person serves induction on a part time basis or where the appropriate body does not consider it appropriate for the three term rule to apply. In such cases the appropriate body has the discretion to determine the length of the induction period.

Fel rheol gyffredinol, mae'n rhaid i berson weithio am dymor llawn er mwyn i'r cyfnod cyflogaeth hwnnw gyfrif tuag at gyfnod ymsefydlu. Nid yw'r rheol tymor llawn yn gymwys os yw'r person yn cael ei gyflogi am ddau hanner tymor olynol neu os yw'r corff priodol o'r farn ei bod yn briodol cyfrif cyfnod cyflogaeth arall tuag at gyfnod ymsefydlu.

Mae darpariaeth ddiwygiedig yn cael ei gwneud hefyd yn rheoliad 10 mewn perthynas ag ymestyn cyfnod ymsefydlu cyn iddo gael ei gwblhau. Mae pŵer yn cael ei roi i'r corff priodol i ymestyn cyfnod ymsefydlu os bydd person wedi bod yn absennol o'r gwaith am 30 diwrnod ysgol neu fwy.

Mae'r gofynion manwl ynglyn â goruchwylio a hyfforddi wedi'u tynnu o'r rheoliadau.

Mae pŵer yn cael ei roi i Gynulliad Cenedlaethol Cymru i bennu'r safonau y mae athrawon sy'n gwasanaethu cyfnodau ymsefydlu i gael eu hasesu yn eu herbyn er mwyn penderfynu a ydyn nhw wedi cwblhau eu cyfnodau ymsefydlu'n llwyddiannus. Mae'r Cynulliad Cenedlaethol wedi cyhoeddi safonau o'r fath ac mae modd eu gweld yn www.dysgu.cymru.gov.uk.

Ar ddiwedd y cyfnod ymsefydlu, mae pennaeth yr ysgol neu'r coleg lle cyflogir yr athro neu'r athrawes yn gwneud argymhelliad i'r corff priodol, ac mae'r corff hwnnw'n penderfynu a yw'r person wedi cwblhau'r cyfnod ymsefydlu'n llwyddiannus, a ddylai cyfnod ymsefydlu'r person gael ei ymestyn neu a yw'r person wedi methu â chwblhau'r cyfnod ymsefydlu'n llwyddiannus. Gall person y mae ei gyfnod ymsefydlu wedi'i ymestyn neu sydd wedi methu â chwblhau'r cyfnod ymsefydlu'n llwyddiannus apelio at Gyngor Addysgu Cyffredinol Cymru. Mae Atodlen 2 yn nodi'r weithdrefn ar gyfer apelau o'r fath.

Rhaid i unrhyw berson sy'n arfer swyddogaethau o dan y Rheoliadau hyn roi sylw i ganllawiau sy'n cael eu cyhoeddi gan y Cynulliad. Mae'r canllawiau hyn i'w gweld yn www.dysgu.cymru.gov.uk. Yn benodol, mae canllawiau'n cael eu rhoi ar arfer y disgrisiwn newydd sy'n cael ei roi i gyrff priodol yn rheoliadau 8, 9, 10 a 18, ac ar gyflawni'r ddyletswydd sy'n cael ei gosod yn rheoliad 12 ar benaethiaid a'r gyrff priodol mewn perthynas â goruchwylio a hyfforddi person yn ystod y cyfnod ymsefydlu.

As a general rule, a person must work for a full term in order for that period of employment to count towards an induction period. The full term rule does not apply where a person is employed for two consecutive half terms or where the appropriate body considers that it is appropriate to count another period of employment towards an induction period.

Amended provision is also made in regulation 10 in relation to extending an induction period before its completion. The appropriate body is given the power to extend an induction period if a person has been absent from work for 30 or more school days.

The detailed requirements in relation to supervision and training have been taken out of the regulations.

The National Assembly for Wales is given the power 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. The National Assembly has issued such standards which can be found at www.learning.wales.gov.uk.

At the end of the induction period the head teacher of the school or college at which the teacher is employed makes a recommendation to the appropriate body, and that body decides whether a person has successfully completed induction, whether he or she should have their induction period extended or whether he or she has failed to complete induction successfully. A person whose induction period has been extended or who has failed to complete induction successfully can appeal to the General Teaching Council for Wales. Schedule 2 sets out the procedure for such appeals.

Any person exercising functions under these Regulations must have regard to guidance issued by the Assembly. This guidance can be found at www.learning.wales.gov.uk. In particular guidance is given on the exercise of the new discretion given to appropriate bodies in regulations 8, 9, 10 and 18, and on the performance of the duty imposed in regulation 12 on head teachers and appropriate bodies in relation to a person's supervision and training during the induction period.

2005 Rhif 1818 (Cy.146)**2005 No. 1818 (W.146)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Trefniadau
Ymsefydlu ar gyfer Athrawon
Ysgol) (Cymru) 2005****The Education (Induction
Arrangements for School Teachers)
(Wales) Regulations 2005***Wedi'u gwneud* 5 Gorffennaf 2005*Made* 5 July 2005*Yn dod i rym* 1 Medi 2005*Coming into force* 1 September 2005**TREFN Y RHEOLIADAU****ARRANGEMENT OF REGULATIONS**

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ATODLEN 1

ACHOSION LLE CEIR CYFLOGI PERSON
FEL ATHRO NEU ATHRAWES MEWN
YSGOL BERTHNASOL HEB FOD WEDI
CWBLHAU CYFNOD YMSEFYDLU YN
FODDHAOL

ATODLEN 2

Y WEITHDREFN AR GYFER APELIO YN
ERBYN PENDERFYNIAD Y CORFF
PRIODOL

1. Dehongli
2. Yr amser a'r dull ar gyfer apelio
3. Hysbysiad yr apêl
4. Dogfennau ychwanegol, diwygio'r apêl a'i thynnu yn ôl
5. Cydnabod yr apêl a rhoi gwybod amdani
6. Cais am ragor o ddeunydd
7. Ateb gan y corff priodol
8. Cynnwys yr ateb
9. Dogfennau ychwanegol, diwygio'r ateb a'i dynnu yn ôl
10. Cydnabod yr ateb a rhoi gwybod amdano
11. Pŵer i benderfynu ar yr apêl heb wrandawriad
12. Gwrandawriad apêl
13. Pennu dyddiad ar gyfer y gwrandawriad
14. Y camau sydd i'w dilyn gan yr apelydd a'r corff priodol ar ôl i'r hysbysiad am y gwrandawriad ddod i law
15. Newid lleoliad neu amser y gwrandawriad
16. Y weithdrefn yn y gwrandawriad
17. Penderfyniad y Cyngor
18. Afreoleidd-dra
19. Dogfennau

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(1), ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(2), mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau a ganlyn:

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- (1) 1998 p.30; diwygiwyd adran 19 gan Ddeddf Dysgu a Medrau 2000, adran 139 ac Atodlen 11, a Deddf Addysg 2002, Atodlen 21, paragraff 85. I gael ystyr "prescribed" a "regulations" gweler adran 43(1).
 - (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

SCHEDULE 1

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

SCHEDULE 2

PROCEDURE FOR APPEAL AGAINST A
DECISION OF THE APPROPRIATE
BODY

1. Interpretation
2. Time for and manner of making an appeal
3. The notice of appeal
4. Additional documents, amendment and withdrawal of the appeal
5. Acknowledgement and notification of the appeal
6. Request for further material
7. Reply by the appropriate body
8. Contents of the reply
9. Additional documents, amendment and withdrawal of the reply
10. Acknowledgement and notification of the reply
11. Power to decide the appeal without a hearing
12. Appeal hearing
13. Fixing a date for the hearing
14. Action by the appellant and appropriate body on receiving notice of the hearing
15. Alteration of place or time of the hearing
16. Procedure at the hearing
17. Decision of the Council
18. Irregularities
19. Documents

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(1) and now vested in the National Assembly for Wales(2), the National Assembly for Wales makes the following Regulations:

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- (1) 1998 c.30; section 19 was amended by the Learning and Skills Act 2000, section 139 and Schedule 11 and the Education Act 2002, Schedule 21, paragraph 85. For the meaning of "prescribed" and "regulations" see section 43(1).
 - (2) 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).

Enwi, cychwyn a chymhwyso

1. -(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2005 a deuant i rym ar 1 Medi 2005.

(2) Mae'r Rheoliadau hyn yn gymwys i athrawon ysgol yng Nghymru.

Dirymu a darpariaeth drosiannol

2. -(1) Mae Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003(1), Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Diwygio) (Cymru) 2004(2) a rheoliad 4 o Rheoliadau Athrawon Ysgol (Diwygiadau Canlyniadol) (Cymru) 2004(3) wedi'u dirymu.

(2) Mae person sydd ar 1 Medi 2005 yn gwasanaethu cyfnod ymsefydlu yn unol â Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003 i gael ei drin fel pe bai'n gwasanaethu cyfnod ymsefydlu yn unol â'r Rheoliadau hyn.

Dehongli

3. -(1) Ac eithrio lle mae'r cyd-destun yn mynnu fel arall, yn y Rheoliadau hyn -

ystyr "athro neu athrawes gofrestredig" ("*registered teacher*") yw person a gafodd awdurdodiad i addysgu yn unol â pharagraffau 12 i 18 o Atodlen 2 i Rheoliadau 1999 cyn 1 Medi 2004;

ystyr "athro neu athrawes gyflenwi" ("*supply teacher*") yw athro neu athrawes a gyflogir yn gyfan gwbl neu yn bennaf at ddibenion goruchwyllo neu addysgu disgyblion nad yw eu hathro neu athrawes reolaidd ar gael i'w haddysgu;

ystyr "athro neu athrawes gyflenwi tymor byr" ("*short term supply teacher*") yw athro neu athrawes gyflenwi a gyflogir am gyfnod o lai nag un tymor;

ystyr "athro neu athrawes gymwysedig" ("*qualified teacher*") yw person sy'n bodloni'r gofynion sydd wedi'u pennu mewn rheoliadau sydd wedi'u gwneud o dan adran 132 o Ddeddf 2002(4);

ystyr "athro neu athrawes raddedig" ("*graduate teacher*") yw person a gafodd awdurdodiad i

(1) O.S. 2003/543 (Cy.77).

(2) O.S. 2004/872 (Cy.87).

(3) O.S. 2004/1745 (Cy.184).

(4) Y Rheoliadau sydd mewn grym ar hyn o bryd o dan y ddarpariaeth hon yw Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004, O.S. 2004/1729 (Cy.173).

Title, commencement and application

1. -(1) The title of these Regulations is the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005 and they come into force on 1 September 2005.

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

Revocation and transitional provision

2. -(1) The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003(1), the Education (Induction Arrangements for School Teachers) (Amendment) (Wales) Regulations 2004(2) and regulation 4 of the School Teachers (Consequential Amendments) (Wales) Regulations 2004(3) are revoked.

(2) A person who on 1 September 2005 is serving an induction period in accordance with the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003 is to be treated as if he or she were serving an induction period in accordance with these Regulations.

Interpretation

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

"the 1998 Act" ("*Deddf 1998*") means the School Standards and Framework Act 1998(4);

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(5);

"the 1999 Regulations" ("*Rheoliadau 1999*") means the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(6);

"appropriate body" ("*corff priodol*") means the appropriate body under regulation 5;

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

"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

(1) S.I. 2003/543 (W.77).

(2) S.I. 2004/872 (W.87).

(3) S.I. 2004/1745 (W.184).

(4) 1998 c.31.

(5) 2002 c.32.

(6) S.I. 1999/2817 (W. 18) amended by S.I. 2002/1663 (W.158), 2002/2938 (W.279), 2003/140 (W.12), 2003/2458 (W.240) and revoked in large part by S.I. 2004/1729 (W.173), 2004/1744 (W.183) and 2004/2733 (W.240).

addysgu yn unol â pharagraffau 5 i 11 o Atodlen 2 i Reoliadau 1999 cyn 1 Medi 2004;

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

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

ystyr "coleg AB" ("*FE college*") yw sefydliad yn y sector addysg bellach yn unol â'r diffiniad yn adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992(1);

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

ystyr "corff priodol" ("*appropriate body*") yw'r corff priodol o dan reoliad 5;

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, ac mae "cyflogi" ("*employed*"), "cyflogaeth" ("*employment*") ac unrhyw ymadroddion sy'n ymwneud â therfynu cyflogaeth i'w dehongli yn unol â hynny;

mae i "cyfnod allweddol" yr un ystyr ag sydd i "*key stage*" yn adran 103(1) o Ddeddf 2002;

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

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

ystyr "cynllun hyfforddi athrawon ar sail cyflogaeth" ("*employment-based teacher training scheme*") yw cynllun a sefydlwyd gan y Cynulliad Cenedlaethol o dan reoliad 8 o Reoliadau Cymwysterau Athrawon Ysgol;

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

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998(2);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002(3);

ystyr "diwrnod gwaith" ("*working day*") yw unrhyw ddiwrnod heblaw dydd Sadwrn, dydd Sul neu ddiwrnod sy'n wyl banc o fewn ystyr "*bank holiday*" yn Neddf Bancio a Deliadau Ariannol 1971(4);

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;

"employment-based teacher training scheme" ("*cynllun hyfforddi athrawon ar sail cyflogaeth*") means a scheme established by the National Assembly under regulation 8 of the School Teachers' Qualifications Regulations;

"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(1) in relation to teachers in England;

"FE college" ("*coleg AB*") means an institution within the further education sector as defined in section 91(3) of the Further and Higher Education Act 1992(2);

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

"graduate teacher" ("*athro neu athrawes raddedig*") means a person who was granted an authorisation to teach in accordance with paragraphs 5 to 11 of Schedule 2 to the 1999 Regulations before 1 September 2004;

"head teacher" ("*pennaeth*") includes the principal of an FE college;

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

"institution" ("*sefydliad*") means a relevant school, an independent school or an FE 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 103(1) of the 2002 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 gymwysedig*") means a person who satisfies requirements specified in regulations made under

(1) 1992 p.13.

(2) 1998 p.31.

(3) 2002 p.32.

(4) 1971 p.80.

(1) 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, S.I. 2002/2063 and S.I. 2003/2148.

(2) 1992 c.13.

ystyr "diwrnod ysgol" ("*school day*") mewn perthynas ag ysgol yw unrhyw ddiwrnod pan fydd sesiwn ysgol yn yr ysgol honno, ac mewn perthynas â choleg AB unrhyw ddiwrnod pan fydd y coleg yn cyfarfod;

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

ystyr "Rheoliadau 1999" ("*the 1999 Regulations*") yw Rheoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999(1);

ystyr "Rheoliadau Cymwysterau Athrawon Ysgol" ("*the School Teachers' Qualifications Regulations*") yw Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004(2);

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(3) mewn perthynas ag athrawon yn Lloegr;

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

mae i "sesiwn ysgol" ("*school session*") yr un ystyr ag a roddir iddo yn rheoliadau 4 a 5 o Rheoliadau Addysg (Y Diwrnod Ysgol a'r Flwyddyn Ysgol) (Cymru) 2003(4);

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

mae i "ysgol arbennig" yr un ystyr ag sydd i "*special school*" yn adran 337(1) o Ddeddf 1996(5);

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

ystyr "ysgol berthnasol" ("*relevant school*") yw ysgol sy'n cael ei chynnal gan awdurdod neu ysgol arbennig nas cynhelir.

section 132 of the 2002 Act(1);

"registered teacher" ("*athro neu athrawes gofrestredig*") means a person who was granted an authorisation to teach in accordance with paragraphs 12 to 18 of Schedule 2 to the 1999 Regulations before 1 September 2004;

"relevant school" ("*ysgol berthnasol*") means a school maintained by an authority or a non-maintained special school;

"school day" ("*diwrnod ysgol*") in relation to a school means any day on which at that school there is a school session, and in relation to an FE college, means any day on which the college meets;

"school session" ("*sesiwn ysgol*") has the same meaning as in regulations 4 and 5 of the Education (School Day and School Year) (Wales) Regulations 2003(2);

"the School Teachers' Qualifications Regulations" ("*Rheoliadau Cymwysterau Athrawon Ysgol*") means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(3);

"school term" ("*tymor ysgol*") includes a term of a an FE college;

"school year" ("*blwyddyn ysgol*") includes the academic year of an FE college;

"short term supply teacher" ("*athro neu athrawes gyflenwi tymor byr*") means a supply teacher who is employed for a period of less than one term;

"special school" ("*ysgol arbennig*") has the same meaning as in section 337(1) of the Education Act 1996(4);

"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(5).

(1) O.S. 1999/2817 (Cy. 18) a ddiwygiwyd gan O.S. 2002/1663 (Cy.158), 2002/2938 (Cy.279), 2003/140 (Cy.12), 2003/2458 (Cy.240) ac a ddirymwyd i raddau helaeth gan O.S. 2004/1729 (Cy.173), 2004/1744 (Cy.183) a 2004/2733 (Cy.240).

(2) O.S. 2004/1729 (Cy.173).

(3) Y rheoliadau mewn grym ar gyfer Lloegr adeg gwneud y Rheoliadau hyn oedd Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cydgrynhoad) (Lloegr) 2001 (O.S. 2001/2897) fel y'u ddiwygiwyd gan O.S 2001/3938, O.S. 2002/2063 ac O.S. 2003/2148.

(4) O.S. 2003/3231 (Cy. 311).

(5) 1996 p.56. Mae adran 337(1) wedi'i ddiwygio gan baragraff 80 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(1) The Regulations currently in force under this provision are the Education (School Teachers' Qualifications) (Wales) Regulations 2004, S.I. 2004/1729 (W.173).

(2) S.I. 2003/3231 (W. 311).

(3) S.I. 2004/1729 (W.173).

(4) 1996 c.56. Section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(5) 1971 c.80.

(2) At ddibenion y Rheoliadau hyn, mae person wedi cwblhau cyfnod ymsefydlu pan fydd y person hwnnw wedi gwasanaethu cyfnod ymsefydlu o -

- (a) tri thymor ysgol, neu
- (b) unrhyw hyd arall y mae'r corff priodol wedi penderfynu arno yn unol â rheoliad 8(2) (gan gynnwys dim ond cyfnodau cyflogaeth sy'n cyfrif tuag at gyfnod ymsefydlu o dan reoliad 9); a

phan fydd y corff priodol yn ymestyn y cyfnod ymsefydlu yn unol â rheoliad 10, cyfnod yr estyniad hwnnw.

- (3) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at -
- (a) rheoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad neu'r 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'r 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 y mae'r cyfeiriad yn ymddangos ynddo.

Torri terfynau amser

4. Nid yw methiant gan unrhyw berson i gyflawni unrhyw ddyletswydd o fewn terfyn amser a bennir yn y Rheoliadau hyn yn rhyddhau'r person hwnnw o'r ddyletswydd honno.

Corff priodol

5. -(1) 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 caiff y Cynulliad Cenedlaethol benderfynu arnynt, a rhaid i'r personau hynny neu'r corff hwnnw gynnwys cynrychiolydd awdurdod fel aelod; ac
 - (ch) y corff priodol mewn perthynas â choleg AB yw awdurdod.

(2) For the purposes of these Regulations a person has completed an induction period when that person has served an induction period of -

- (a) three school terms, or
- (b) such other length as the appropriate body has determined in accordance with regulation 8(2) (comprising only periods of employment which count towards an induction period under regulation 9); and

where the appropriate body extends the induction period in accordance with regulation 10, the period of that extension.

(3) 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

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

Appropriate body

5. -(1) 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; and
 - (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 an FE college is an authority.

(2) Mae unrhyw gwestiwn ynglyn â phwy yw'r corff priodol er mwyn arfer unrhyw swyddogaethau a osodir ar gorff priodol neu a roddir i gorff priodol gan y Rheoliadau hyn mewn achos lle mae person yn gwasanaethu cyfnod ymsefydlu mewn mwy nag un sefydliad i gael ei benderfynu gan y Cynulliad Cenedlaethol.

Gofyniad i wasanaethu cyfnod ymsefydlu

6. Yn ddarostyngedig i'r eithriadau yn Atodlen 1, nid oes neb i gael ei gyflogi ar neu ar ôl 1 Medi 2005 fel athro neu athrawes mewn ysgol berthnasol oni bai bod y person hwnnw wedi cwblhau'n foddhaol gyfnod ymsefydlu yn unol â darpariaethau canlynol y Rheoliadau hyn mewn ysgol neu goleg AB y mae rheoliad 7(1) yn cyfeirio atynt.

Sefydliadau lle ceir gwasanaethu cyfnod ymsefydlu

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

- (a) ysgol berthnasol yng Nghymru heblaw 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) coleg AB yng Nghymru; neu
- (ch) ysgol neu goleg AB yn Lloegr y ceir gwasanaethu cyfnod ymsefydlu ynddynt o dan Reoliadau Ymsefydlu Lloegr.

(2) Ni cheir gwasanaethu cyfnod ymsefydlu yn y canlynol -

- (a) ysgol yng Nghymru y mae'r amgylchiadau a ddisgrifir yn adran 15(6)(a) a (b) o Ddeddf 1998 yn gymwys mewn perthynas â hi, oni bai -
 - (i) bod y person o dan sylw wedi dechrau ei gyfnod ymsefydlu neu wedi'i gyflogi fel athro neu athrawes raddedig neu athro neu athrawes gofrestredig neu ar gynllun hyfforddi athrawon ar sail cyflogaeth 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 ddibenion darparu goruchwyliaeth a hyfforddiant ymsefydlu; neu
- (b) uned cyfeirio disgyblion.

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

(2) Any question as to who is the appropriate body for the purposes of exercising any functions imposed or conferred on an appropriate body by these Regulations in a case where a person serves an induction period in more than one institution is to be determined by the National Assembly.

Requirement to serve an induction period

6. Subject to the exceptions in Schedule 1, no person is to be employed on or after 1 September 2005 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 an FE college to which regulation 7(1) refers.

Institutions in which an induction period may be served

7. -(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) an FE college in Wales; or
- (d) a school or an FE 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) and (b) of the 1998 Act apply, unless -
 - (i) the person in question began his or her induction period, or was employed as a graduate teacher or a registered teacher or on an employment-based teacher training scheme, 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) 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'r holl bynciau sylfaen eraill a bennwyd mewn perthynas â chyfnodau allweddol tri a phedwar yn adran 105(2) a (3) ac adran 106(2) a (3) o Ddeddf 2002 y mae'r person hwnnw wedi'i gyflogi i'w haddysgu; a
- (b) ym mhob achos, bod y cwricwlwm ar gyfer yr holl ddisgyblion cofrestredig yng nghyfnodau allweddol un a dau yn bodloni gofynion adran 105(1) o Ddeddf 2002 (Cwricwlwm Cenedlaethol Cymru), heblaw mewn perthynas â threfniadau 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 y penderfynir arnynt gan y Cynulliad Cenedlaethol o dan reoliad 5(1)(c) wedi cytuno bod yr awdurdod neu'r personau neu'r corff, yn ôl fel y digwydd, i weithredu fel y corff priodol mewn perthynas â'r ysgol.

(4) Ni chaiff person wasanaethu cyfnod ymsefydlu mewn coleg AB yng Nghymru oni bai bod corff llywodraethu'r coleg ac awdurdod wedi cytuno, cyn i'r cyfnod ymsefydlu ddechrau, fod yr awdurdod i weithredu fel y corff priodol mewn perthynas â'r coleg.

(5) Ni chaiff person wasanaethu cyfnod ymsefydlu mewn dau neu fwy o sefydliadau ar yr un pryd oni bai bod penaethiaid yr holl sefydliadau wedi cytuno, cyn i'r cyfnod ymsefydlu ddechrau, p'un ohonynt sydd i weithredu fel y pennaeth arweiniol.

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

Hyd cyfnod ymsefydlu

8. -(1) Yn ddarostyngedig i baragraffau (2) a (3), tri thymor ysgol fydd hyd cyfnod ymsefydlu ("y rheol tri thymor").

(2) Nid yw'r rheol tri thymor yn gymwys o dan yr amgylchiadau canlynol -

- (a) os yw cyfnod ymsefydlu'n cael ei wasanaethu mewn sefydliad lle nad yw'r flwyddyn ysgol yn cynnwys tri thymor ysgol;
- (b) os yw cyfnod ymsefydlu'n cael ei wasanaethu gan berson mewn gwasanaeth rhan-amser;
- (c) os yw cyfnod ymsefydlu'n cael ei wasanaethu mewn dau neu fwy o sefydliadau ar yr un pryd;
- (ch) os nad yw'n briodol, ym marn y corff priodol, fod y rheol tri thymor yn gymwys.

(3) Hyd y cyfnod ymsefydlu pan nad yw'r rheol tri thymor yn gymwys yw unrhyw hyd a bennir gan y

- (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 105(2) and (3) and section 106(2) and (3) of the 2002 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 105(1) of the 2002 Act (the National Curriculum for Wales), other than in relation to 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 5(1)(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 not serve an induction period in an FE college in Wales unless 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) A person may not serve an induction period in two or more institutions simultaneously unless before the start of the induction period the head teachers of all the institutions have agreed which of them is to act as the lead head teacher.

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

Length of an induction period

8. -(1) Subject to paragraphs (2) and (3) the length of an induction period is to be three school terms ("the three term rule").

(2) The three term rule does not apply in the following circumstances -

- (a) where an induction period is served at an institution at which a school year does not consist of three school terms;
- (b) where an induction period is served by a person in part time service;
- (c) where an induction period is served in two or more institutions simultaneously;
- (d) where in the opinion of the appropriate body it is not appropriate that it applies.

(3) The length of an induction period where the three term rule does not apply is such length as the

corff priodol.

Cyfnodau o gyflogaeth sy'n cyfrif tuag at gyfnod ymsefydlu

9. -(1) Dim ond cyfnodau o gyflogaeth sydd wedi'u pennu ym mharagraff (2) ar neu ar ôl 1 Medi 2003 fel athro neu athrawes gymwysedig sy'n cyfrif tuag at gyfnod ymsefydlu.

(2) At ddibenion paragraff (1), y cyfnodau o gyflogaeth yw:

- (a) cyfnod o gyflogaeth mewn sefydliad yng Nghymru y mae rheoliad 7(1) yn gymwys iddo nad yw'n llai nag un tymor ysgol o ran ei hyd;
- (b) cyfnod o gyflogaeth mewn sefydliad neu sefydliadau yng Nghymru y mae rheoliad 7(1) yn gymwys iddynt o ddau hanner tymor ysgol olynol (gan anwybyddu gwyliau);
- (c) yn achos athro neu athrawes unigol cyfnod o gyflogaeth mewn sefydliad neu sefydliadau yng Nghymru y mae rheoliad 7(1) yn gymwys iddynt o unrhyw hyd arall sy'n briodol ym marn y corff priodol;
- (ch) cyfnod o gyflogaeth mewn ysgol neu goleg AB yn Lloegr os byddai'n cyfrif tuag at gyfnod ymsefydlu o dan Reoliadau Ymsefydlu Lloegr.

Ymestyn cyfnod ymsefydlu cyn ei gwblhau

10. -(1) Pan fydd person sy'n gwasanaethu cyfnod ymsefydlu yn absennol o'r gwaith am gyfanswm o ddeg ar hugain neu fwy o ddiwrnodau ysgol, caiff y corff priodol ymestyn y cyfnod ymsefydlu yn ôl cyfanswm cyfnod yr absenoldebau neu yn ôl unrhyw gyfnod llai sy'n briodol ym marn y corff priodol.

(2) Os caiff cyfnod ymsefydlu ei ymestyn o dan Reoliadau Ymsefydlu Lloegr a bod y person sy'n gwasanaethu'r cyfnod ymsefydlu yn symud i gyflogaeth mewn sefydliad yng Nghymru, mae'r cyfnod ymsefydlu i gael ei drin fel petai wedi'i ymestyn o dan y rheoliad hwn.

(3) Ac eithrio fel y darperir ar ei gyfer yn y rheoliad hwn ni cheir ymestyn cyfnod ymsefydlu cyn iddo gael ei gwblhau.

Gwasanaethu mwy nag un cyfnod ymsefydlu

11. Ac eithrio fel y darperir ar ei gyfer yn rheoliad 14 neu 17, ni chaiff neb wasanaethu mwy nag un cyfnod ymsefydlu.

appropriate body determines.

Periods of employment counting towards an induction period

9. -(1) Only periods of employment specified in paragraph (2) on or after 1 September 2003 as a qualified teacher count towards an induction period.

(2) For the purpose of paragraph (1), the periods of employment are:

- (a) a period of employment in an institution in Wales to which regulation 7(1) applies of not less than one school term in duration;
- (b) a period of employment in an institution or institutions in Wales to which regulation 7(1) applies of two half school terms which (disregarding holidays) are consecutive; or
- (c) in the case of an individual teacher a period of employment in an institution or institutions in Wales to which regulation 7(1) applies of such other length as the appropriate body considers appropriate;
- (d) a period of employment in a school or FE college in England if it would count towards an induction period under England's Induction Regulations.

Extension of an induction period before completion

10. -(1) Where a person serving an induction period is absent from work for an aggregate period of thirty or more school days the appropriate body may extend the induction period by the aggregate period of the absences or by any lesser period as it considers appropriate.

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

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

Service of more than one induction period

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

Goruchwylio a hyfforddi yn ystod y cyfnod ymsefydlu

12. Bydd pennaeth sefydliad yng Nghymru lle mae person yn gwasanaethu cyfnod ymsefydlu a'r corff priodol mewn perthynas â'r sefydliad hwnnw yn gyfrifol am oruchwylio a hyfforddi'r person hwnnw yn ystod y cyfnod ymsefydlu.

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

13. Caiff y Cynulliad Cenedlaethol benderfynu ar y safonau yr asesir person sydd wedi cwblhau cyfnod ymsefydlu yn eu herbyn er mwyn penderfynu a yw'r person hwnnw wedi cwblhau ei gyfnod ymsefydlu yn foddhaol, a caiff benderfynu ar safonau gwahanol mewn perthynas â chategorïau gwahanol o bersonau.

Cwblhau cyfnod ymsefydlu

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

- (a) os yw'r person hwnnw'n cael ei gyflogi mewn sefydliad yng Nghymru pan gwblheir y cyfnod ymsefydlu, neu
- (b) os yw sefydliad y pennaeth arweiniol yng Nghymru pan gwblheir cyfnod ymsefydlu sy'n cael ei wasanaethu mewn dau neu fwy o sefydliadau ar yr un pryd.

(2) O fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad pan gwblhawyd y cyfnod ymsefydlu mae pennaeth y sefydliad lle cyflogir y person adeg cwblhau'r cyfnod ymsefydlu -

- (a) yn gorfod gwneud argymhelliad ysgrifenedig i'r corff priodol a yw'r person wedi cyflawni'r safonau a grybwyllwyd yn rheoliad 13 neu beidio, a
- (b) yn cael argymell ymestyn y cyfnod ymsefydlu a hyd ymestyniad o'r fath, os yw'n argymell nad yw'r safonau wedi'u cyflawni, ac
- (c) yn gorfod anfon ar yr un pryd gopi o'r argymhelliad at y person o dan sylw ac,
 - (i) yn achos ysgol berthnasol neu goleg AB, 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) O fewn y cyfnod o ugain diwrnod gwaith sy'n dechrau ar y dyddiad y daeth argymhelliad y pennaeth o dan baragraff (2) i law, rhaid i'r corff priodol benderfynu -

Supervision and training during the induction period

12. The head teacher of an institution in Wales in which a person serves an induction period and the appropriate body in relation to that institution is responsible for that person's supervision and training during the induction period.

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 an institution 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 institution 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) in the case of a relevant school or an FE 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) 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) a yw'r person sydd wedi cwblhau cyfnod ymsefydlu wedi cyflawni'r safonau a grybwyllwyd yn rheoliad 13 ac felly wedi cwblhau ei gyfnod ymsefydlu yn foddhaol;
- (b) a ddylai cyfnod ymsefydlu y person sydd wedi cwblhau cyfnod ymsefydlu gael ei ymestyn yn unol ag unrhyw gyfnod y bydd y corff priodol yn penderfynu arno; neu
- (c) a yw'r person sydd wedi cwblhau cyfnod ymsefydlu wedi methu â chwblhau ei gyfnod ymsefydlu yn foddhaol.

(4) Cyn gwneud penderfyniad o dan baragraff (3) rhaid i'r corff priodol roi sylw i unrhyw sylwadau ysgrifenedig sydd wedi dod i law oddi wrth y person o dan sylw o fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y person hwnnw gopi o argymhelliad y pennaeth o dan baragraff (2)(c).

(5) O fewn y cyfnod o dri diwrnod gwaith sy'n dechrau ar y dyddiad y gwnaeth y penderfyniad o dan baragraff (3), rhaid i'r corff priodol -

- (a) rhoi hysbysiad ysgrifenedig o'i benderfyniad -
 - (i) i'r person o dan sylw,
 - (ii) yn achos ysgol berthnasol neu goleg AB, i gorff llywodraethu'r ysgol neu'r coleg lle mae'r person yn cael ei gyflogi,
 - (iii) yn achos ysgol annibynnol, i'r perchennog,
 - (iv) i bennaeth y sefydliad lle'r oedd yn cael ei gyflogi 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 gan y cyflogwr 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 (3)(b) neu (c), rhoi hysbysiad ysgrifenedig i'r person o dan sylw ynglyn â'r canlynol -
 - (i) ei hawl i apelio at y Cyngor yn erbyn y penderfyniad,
 - (ii) cyfeiriad y Cyngor, a
 - (iii) y cyfnod amser ar gyfer apelio.

(6) Caiff hysbysiad o dan baragraff (5) gael ei roi i berson drwy ffacsimili, post electronig neu ddulliau cyffelyb eraill sy'n gallu cynhyrchu dogfen sy'n cynnwys testun y cyfathrebiad, a bernir bod hysbysiad sy'n cael ei anfon drwy ddull o'r fath wedi'i roi pan fydd wedi dod i law mewn ffurf ddarllenadwy.

- (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;
- (c) has failed satisfactorily to complete his or her induction period.

(4) Before making a decision under paragraph (3) 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).

(5) The appropriate body must within the period of three working days beginning with the date on which it made a decision under paragraph (3) -

- (a) give written notice of its decision to -
 - (i) the person concerned,
 - (ii) in the case of a relevant school or an FE 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) the head teacher of the institution 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 (3) (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.

(6) Notice under paragraph (5) 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.

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

15. -(1) Mae Rheoliadau 7, 9 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 gan y corff priodol o dan reoliad 14 neu drwy benderfyniad gan y Cyngor o dan reoliad 17 fel y mae'r darpariaethau hynny yn gymwys mewn perthynas â'r cyfnod ymsefydlu cychwynnol.

(2) Mae Rheoliadau 7, 9 i 14, 16 a 17 ac Atodlen 2 yn gymwys hefyd 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 sefydliad yng Nghymru, fel y mae'r darpariaethau 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 ynteu 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 therfynu -

- (a) os nad yw'n apelio at y Cyngor yn erbyn penderfyniad y corff priodol; neu
- (b) os yw ei apêl at y Cyngor, neu at y corff apelio o dan Reoliadau Ymsefydlu Lloegr, yn cael ei gwrthod.

(3) Rhaid i gyflogwr gymryd y camau sy'n angenrheidiol i sicrhau bod cyflogaeth person sy'n cael ei therfynu o dan yr amgylchiadau a grybwyllwyd ym mharagraff (2)(a) yn cael ei therfynu fel y bydd y terfyniad yn cael effaith o fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad -

- (a) y cafodd y cyflogwr hysbysiad ysgrifenedig oddi wrth berson o'r fath nad oedd ganddo fwriad i apelio at y Cyngor; neu
- (b) y daeth y terfyn amser ar gyfer apelio sy'n cael ei osod gan baragraff 2(1) o Atodlen 2 i ben.

(4) Rhaid i'r cyflogwr gymryd y camau sy'n angenrheidiol i sicrhau bod cyflogaeth person sy'n cael ei therfynu o dan yr amgylchiadau a grybwyllwyd ym mharagraff (2)(b) yn cael ei therfynu fel y bydd y terfyniad yn cael effaith o fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad pan gafodd y cyflogwr hysbysiad o ganlyniad gwrandawriad yr apêl.

- (5) Nid oes rheidrwydd ar gyflogwr person -
- (a) y mae paragraff (1) yn gymwys iddo, a

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

15. -(1) Regulations 7, 9 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 provisions apply in relation to the initial induction period.

(2) Regulations 7, 9 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 an institution in Wales, as those provisions 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) 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) sy'n apelio at y Cyngor yn erbyn penderfyniad y corff priodol neu sy'n apelio at y corff apelio o dan Reoliadau Ymsefydlu Lloegr,

sicrhau bod cyflogaeth person o'r fath fel athro neu athrawes yn cael ei therfynu tra arhosir am ganlyniad yr apêl, ar yr amod bod y cyflogwr yn sicrhau mai dim ond y dyletswyddau addysgu cyfyngedig y penderfynir arnynt gan y Cynulliad Cenedlaethol y bydd y person hwnnw yn ymgymryd â hwy.

Apelau

17. -(1) Os yw'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,

caiff y person hwnnw apelio at y Cyngor yn erbyn y penderfyniad.

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

(3) Os bydd person yn apelio yn erbyn penderfyniad i ymestyn cyfnod ymsefydlu, caiff y Cyngor -

- (a) caniatáu'r apêl;
- (b) gwrthod yr apêl; neu
- (c) gosod ymestyniad am gyfnod gwahanol yn lle'r ymestyniad.

(4) Os bydd person yn apelio yn erbyn penderfyniad ei fod wedi methu â chwblhau cyfnod ymsefydlu yn foddhaol, caiff y Cyngor -

- (a) caniatáu'r apêl;
- (b) gwrthod yr apêl; neu
- (c) ymestyn y cyfnod ymsefydlu i'r person hwnnw fel y gwêl y Cyngor yn dda.

Swyddogaethau eraill y corff priodol

18. Caiff y corff priodol ddarparu -

- (a) canllawiau, cefnogaeth a chymorth i ysgolion a cholegau AB; a
- (b) hyfforddiant i athrawon,

mewn cysylltiad â darparu hyfforddiant, goruchwyliaeth ac asesiadau ymsefydlu o dan y Rheoliadau hyn.

(2) Yn ddarostyngedig i baragraff (3), os yw'n fodlon ei bod yn briodol gwneud hynny er mwyn cymryd i ystyriaeth amgylchiadau a effeithiodd yn sylweddol ar allu person i wasanaethu cyfnod ymsefydlu, mae corff priodol sy'n awdurdod yn cael awdurdodi person nad yw mwyach yn gallu cael ei gyflogi o dan baragraff 4 o Atodlen 1 i gael ei gyflogi fel athro neu athrawes gyflenwi tymor byr.

- (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.

(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 person as it thinks fit.

Other functions of the appropriate body

18. The appropriate body may provide -

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

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

(2) Subject to paragraph (3), where it is satisfied that it is appropriate to do so in order to take into account circumstances which materially affected a person's ability to serve an induction period, an appropriate body which is an authority may authorise a person who can no longer be employed under paragraph 4 of Schedule 1 to be employed as a short term supply teacher.

(3) Yn y lle cyntaf, dim ond yn ystod cyfnod o ddeuddeg mis sy'n dechrau ar y dyddiad y mae'n cael ei gyflogi fel hyn gyntaf (gan unrhyw gyflogwr) y caiff person gael ei gyflogi yn athro neu athrawes gyflenwi tymor byr yn unol â pharagraff (2), ac ar ôl y cyfnod hwnnw dim ond os bydd y Cynulliad Cenedlaethol yn cydsynio i awdurdodiad y corff priodol.

Taliadau

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

Canllawiau gan y Cynulliad Cenedlaethol

20. Rhaid i berson neu gorff sy'n arfer swyddogaeth o dan y Rheoliadau hyn roi sylw i unrhyw ganllawiau sy'n cael eu rhoi gan y Cynulliad Cenedlaethol o bryd i'w gilydd ynghylch arfer y swyddogaeth honno.

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

5 Gorffennaf 2005

Llywydd y Cynulliad Cenedlaethol

(3) In the first instance a person may only be employed as a short term supply teacher pursuant to paragraph (2) during a period of twelve months commencing on the date that he or she is first so employed (by any employer), and after that time only if the National Assembly consents to the appropriate body's authorisation.

Charges

19. An appropriate body in relation to an independent school or an FE college may make a reasonable charge (not exceeding the cost of provision of the service) to the governing body of a school or an FE 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.

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

5 July 2005

D. Elis-Thomas

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

ACHOSION LLE CEIR CYFLOGI PERSON
FEL ATHRO NEU ATHRAWES MEWN
YSGOL BERTHNASOL HEB FOD WEDI
CWBLHAU CYFNOD YMSEFYDLU YN
FODDHAOL

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 10 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 arhosir am ganlyniad apêl.
4. Person sydd wedi'i gyflogi fel athro neu athrawes gyflenwi tymor byr yn ystod cyfnod o bum mlynedd ar ôl y dyddiad y daeth yn athro neu athrawes gymwysedig.
5. Person sydd wedi'i gyflogi fel athro neu athrawes gyflenwi tymor byr yn rhinwedd rheoliad 18(2).
6. Person nad yw mwyach yn gallu cael ei gyflogi o dan baragraff 4 ond sy'n cael ei gyflogi fel athro neu athrawes gyflenwi tymor byr wrth wasanaethu cyfnod ymsefydlu mewn gwasanaeth rhan-amser.
7. Person sy'n athro neu athrawes ysgol o fewn ystyr adran 122(5) o Ddeddf 2002(1).
8. Person sydd wedi cwblhau cyfnod ymsefydlu yn foddhaol o dan Reoliadau Ymsefydlu Lloegr.
9. Person sydd wedi cael, neu sy'n gymwys i gael, ei gofrestru'n llawn fel athro neu athrawes addysg gynradd neu uwchradd gyda Chyngor Addysgu Cyffredinol yr Alban.
10. 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 yng Ngogledd Iwerddon gael ei gyflwyno.

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

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 10 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 short term supply teacher during a period of five years from the date when he or she became a qualified teacher.
5. A person employed as a short term supply teacher by virtue of regulation 18(2).
6. A person who can no longer be employed under paragraph 4 but who is employed as a short term supply teacher while serving an induction period in part-time service.
7. A person who is a school teacher within the meaning of section 122(5) of the 2002 Act(1).
8. A person who has satisfactorily completed an induction period under England's Induction Regulations.
9. 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.
10. 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.

(1) *Gweler* Gorchymyn Addysg (Cymwysterau Rhagnodedig Athrawon Ysgol, etc) 2003, O.S. 2003/1709.

(1) *See* the Education (School Teachers' Prescribed Qualifications, etc) Order 2003, S.I. 2003/1709.

11. Person sydd, mewn perthynas â phroffesiwn athrawon ysgol, yn dod o fewn Erthygl 3 o Gyfarwydddeb y Cyngor 89/48 EEC(1) 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(2) fel y cafodd ei addasu gan y Protocol a lofnodwyd ym Mrwsel ar 17 Mawrth 1993(3), ac fel y cafodd ei ddiwygio gan y Cytundeb ar Ryddid i Bobl Symud a wnaed rhwng y Gymuned Ewropeaidd a'i Haelod-wladwriaethau ar un llaw a Chyddfederasiwn y Swistir ar y llaw arall a lofnodwyd yn Lwcsembwrg ar 21 Mehefin 1999 ac a ddaeth i rym ar 1 Mehefin 2002(4).

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

13. Person sydd wedi cwblhau'n llwyddiannus Raglen Ymsefydlu Taleithiau Jersey ar gyfer Athrawon sydd Newydd Gymhwys.

14. Person sydd wedi'i gymeradwyo gan Gyngor Addysg Taleithiau Guernsey fel person sydd wedi cwblhau'n llwyddiannus gyfnod ymsefydlu ar gyfer athrawon.

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

16. Person sydd wedi cwblhau'n llwyddiannus Raglen Ymsefydlu Ysgolion Addysg Plant y Lluoedd yn yr Almaen neu yng Nghyprus.

17. Person a oedd ar neu cyn 1 Ebrill 2003 -

- (a) yn cael ei gyflogi fel athro neu athrawes mewn ysgol berthnasol yng Nghymru neu Loegr; a
- (b) naill ai -
 - (i) wedi cwblhau'n llwyddiannus gwrs hyfforddiant cychwynnol ar gyfer athrawon mewn ysgolion mewn sefydliad addysgol yn yr Alban, neu
 - (ii) wedi'i gofrestru fel athro neu athrawes addysg gynradd neu uwchradd gyda Chyngor Addysgu Cyffredinol yr Alban.

18. Person a oedd ar neu cyn 1 Ebrill 2003 -

- (a) yn cael ei gyflogi fel athro neu athrawes mewn ysgol berthnasol yng Nghymru neu Loegr; a
- (b) naill ai -
 - (i) wedi cwblhau'n llwyddiannus gwrs hyfforddiant cychwynnol ar gyfer

11. A person who as respects the profession of school teacher, falls within Article 3 of Council Directive 89/48 EEC(1) 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 2 May 1992(2) as adjusted by the Protocol signed at Brussels on 17 March 1993(3), and as amended by the Agreement between the European Community and its Member States of the one part and the Swiss Confederation of the other on the Free Movement of Persons signed at Luxemburg on 21 June 1999 and which came into force on 1 June 2002(4).

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

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

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

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

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

17. 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.

18. 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

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

(2) Cm. 2073.

(3) Cm. 2183.

(4) Cm. 4904.

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

(2) Cm.2073.

(3) Cm.2183.

(4) Cm.4904.

athrawon mewn ysgolion mewn sefydliad addysgol yng Ngogledd Iwerddon, neu

- (ii) wedi cael cadarnhad 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 ddyfarnu.

19. Person sy'n athro neu athrawes gymwysedig yn rhinwedd rheoliad 5 o Reoliadau Cymwysterau Athrawon Ysgol a pharagraff 12 o Atodlen 2 i'r Rheoliadau hynny neu yn rhinwedd rheoliad 10 o Reoliadau 1999 a pharagraff 10 o Atodlen 3 i Reoliadau 1999.

20. Person sy'n athro neu athrawes gymwysedig yn rhinwedd rheoliad 5 o Reoliadau Cymwysterau Athrawon Ysgol a pharagraff 13 o Atodlen 2 i'r Rheoliadau hynny neu yn rhinwedd rheoliad 10 o Reoliadau 1999 a pharagraff 11 o Atodlen 3 i Reoliadau 1999.

21. Person y ceir ei gyflogi o dan Reoliadau Ymsefydlu Lloegr fel athro neu athrawes mewn ysgol berthnasol yn Lloegr heb fod wedi cwblhau cyfnod ymsefydlu yn foddhaol.

22. Person sydd -

- (a) wedi cwblhau'n llwyddiannus raglen o hyfforddiant proffesiynol ar gyfer athrawon mewn unrhyw wlad y tu allan i'r Deyrnas Unedig ac a gydnabyddir felly gan yr awdurdod cymwys yn y wlad honno;
- (b) â dim llai na dwy flynedd o brofiad o addysgu amser-llawn, neu brofiad cyfatebol, yn y Deyrnas Unedig neu mewn man arall;
- (c) yn athro neu athrawes gymwysedig yn rhinwedd rheoliad 5 o Reoliadau Cymwysterau Athrawon Ysgol a pharagraff 9 neu 10 o Atodlen 2 i'r Rheoliadau hynny neu yn rhinwedd rheoliad 10 o Reoliadau 1999 a pharagraff 7 o Atodlen 3 i Reoliadau 1999; ac
- (ch) wedi'i asesu gan berson a gymeradwywyd gan y Cynulliad Cenedlaethol fel person sy'n bodloni'r safonau a grybwyllwyd yn rheoliad 13.

23. Person sydd -

- (a) yn athro neu athrawes gymwysedig yn rhinwedd rheoliad 5 o Reoliadau Cymwysterau Athrawon Ysgol a pharagraff 10 o Atodlen 2 i'r Rheoliadau hynny, ac a ddaeth yn athro neu athrawes gymwysedig o'r fath drwy fodloni gofynion cynllun hyfforddi athrawon ar sail cyflogaeth heblaw drwy gwblhau'n llwyddiannus gyfnod o hyfforddiant ar y cynllun; a
- (b) wedi'i asesu gan berson a gymeradwywyd gan y Cynulliad Cenedlaethol fel person sy'n bodloni'r safonau a grybwyllwyd yn rheoliad 13.

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.

19. A person who is a qualified teacher by virtue of regulation 5 of, and paragraph 12 of Schedule 2 to, the School Teachers' Qualifications Regulations or by virtue of regulation 10 of, and paragraph 10 of Schedule 3 to, the 1999 Regulations.

20. A person who is a qualified teacher by virtue of regulation 5 of, and paragraph 13 of Schedule 2 to, the School Teachers' Qualifications Regulations or by virtue of regulation 10 of, and paragraph 11 of Schedule 3 to, the 1999 Regulations.

21. 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.

22. A person who -

- (a) has successfully completed a programme of professional training for teachers in any country outside the United Kingdom and which is recognised as such by the competent authority in that country;
- (b) has no less than two years' full-time teaching experience, or its equivalent in the United Kingdom or elsewhere;
- (c) is a qualified teacher by virtue of regulation 5 of, and paragraph 9 or 10 of Schedule 2 to, the School Teachers' Qualifications Regulations or by virtue of regulation 10 of, and paragraph 7 of Schedule 3 to, the 1999 Regulations; and
- (d) has been assessed by a person approved by the National Assembly as meeting the standards mentioned in regulation 13.

23. A person who -

- (a) is a qualified teacher by virtue of regulation 5 of, and paragraph 10 of Schedule 2 to, the School Teachers' Qualifications Regulations and who became such a qualified teacher by satisfying the requirements of an employment based teacher training scheme otherwise than by successfully completing a period of training on the scheme; and
- (b) has been assessed by a person approved by the National Assembly as meeting the standards mentioned in regulation 13.

Y WEITHDREFN AR GYFER APELIO YN
ERBYN PENDERFYNIAD GAN 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 gan y 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 at y Cyngor mewn perthynas ag ef; ac

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

Yr amser a'r dull ar gyfer apelio

2. -(1) Mae apêl i'w gwneud drwy anfon hysbysiad apêl at y swyddog priodol fel ei fod yn dod i law o fewn y cyfnod o 20 diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd yr apelydd hysbysiad o dan reoliad 14(5)(a) o'r penderfyniad sy'n cael ei herio.

(2) Caiff y Cyngor ymestyn y terfyn amser a osodir gan is-baragraff (1), p'un a yw eisoes wedi dod i ben neu beidio, ond rhaid iddo beidio â gwneud hynny oni bai ei fod yn fodlon y byddai peidio ag ymestyn y terfyn amser yn arwain at anghyfiawnder sylweddol.

(3) Os yw'r apelydd o'r farn ei bod yn debygol y daw hysbysiad apêl i law y tu allan i'r terfyn amser a osodir gan is-baragraff (1) ceir cyflwyno gyda hysbysiad yr apêl ddatganiad o'r rhesymau y dibynnir arnynt i gyfiawnhau'r oedi a rhaid i'r Cyngor ystyried unrhyw ddatganiad o'r fath wrth benderfynu a ddylid ymestyn y terfyn amser neu beidio.

Hysbysiad yr apêl

3. -(1) Rhaid i hysbysiad yr apêl ddatgan -

- (a) enw a chyfeiriad yr apelydd;
- (b) enw a chyfeiriad yr ysgol lle'r oedd yr apelydd yn cael ei gyflogi ar ddiwedd y cyfnod ymsefydlu;

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(5) (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.

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) enw a chyfeiriad cyflogwr yr apelydd, os oes un, ar ddyddiad yr apêl;
- (ch) seiliau'r apêl;
- (d) enw, cyfeiriad a phroffesiwn y person (os oes un) 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 nag at yr apelydd; ac
- (dd) a yw'r apelydd yn gofyn i'r apêl gael ei phenderfynu mewn gwrandawriad llafar.

(2) Rhaid i hysbysiad yr apêl gael ei lofnodi gan yr apelydd.

(3) Rhaid i'r apelydd gynnwys copi o'r canlynol fel atodiadau i'r hysbysiad -

- (a) yr hysbysiad a roddwyd i'r apelydd gan y corff priodol o dan reoliad 14(5)(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 dros benderfyniad y corff priodol; ac
- (c) pob dogfen arall y mae'r apelydd yn dibynnu arni at ddibenion yr apêl.

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

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

- (a) anfon copïau o unrhyw ddogfennau ychwanegol y mae'n dymuno dibynnu arnynt at ddibenion yr apêl at y swyddog priodol;
- (b) diwygio neu dynnu'r apêl yn ôl, neu unrhyw ran ohoni; neu
- (c) diwygio unrhyw ddeunydd a gyflwynwyd i ategu'r apêl neu ei dynnu yn ôl.

(2) Ar unrhyw adeg caiff yr apelydd gymryd unrhyw gam a grybwyllwyd yn is-baragraff (1) gyda chaniatâd y Cyngor.

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

(4) Caiff apêl gael ei diwygio neu ei thynnu yn ôl drwy anfon hysbysiad apêl diwygiedig neu hysbysiad yn datgan bod yr apêl yn cael ei thynnu yn ôl, yn ôl fel y digwydd, at y swyddog priodol.

Cydnabod yr apêl a rhoi gwybod amdano

5. -(1) O fewn deg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y Cyngor hysbysiad yr apêl, rhaid i'r swyddog priodol -

- (a) anfon cydnabyddiaeth at yr apelydd bod

- (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(5)(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) 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

hysbysiad yr apêl wedi dod i law;

- (b) anfon copi o hysbysiad yr apêl ac unrhyw ddogfennau sy'n cyd-fynd ag ef at y corff priodol;
- (c) os oes person neu gorff heblaw'r corff priodol wedi'i enwi fel cyflogwr yr apelydd yn hysbysiad yr apêl, anfon copi o hysbysiad yr apêl at y person neu'r corff hwnnw; ac
- (ch) anfon copi o hysbysiad yr apêl at bennaeth yr ysgol neu'r coleg AB lle'r oedd yr apelydd yn cael ei gyflogi pan gwblhawyd y cyfnod ymsefydlu.

(2) O fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y Cyngor oddi wrth yr apelydd unrhyw ddogfennau ychwanegol, seiliau diwygiedig dros apelio, dogfennau diwygiedig a gyflwynwyd i ategu'r apêl neu hysbysiad bod apêl yn cael ei thynnu'n ôl, rhaid i'r swyddog priodol anfon copi at y corff priodol.

Cais am ragor o ddeunydd

6. -(1) Os yw'r Cyngor o'r farn y gellid penderfynu ar yr apêl yn decach ac yn fwy effeithlon pe bai'r apelydd yn darparu rhagor o ddeunydd, caiff anfon hysbysiad at yr apelydd sy'n gwahodd yr apelydd i gyflenwi'r deunydd o fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar ddyddiad yr hysbysiad.

(2) Os yw'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) O fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y Cyngor ragor o ddeunydd o dan is-baragraff (1) rhaid i'r swyddog priodol anfon copi ohono at y corff priodol.

Ateb gan y corff priodol

7. -(1) Rhaid i'r corff priodol anfon ateb at y swyddog priodol sy'n bodloni gofynion paragraff 8 fel ei fod yn dod i law o fewn y cyfnod o 20 diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y corff priodol gopi o hysbysiad yr apêl.

(2) Caiff y Cyngor ymestyn y terfyn amser a osodir gan is-baragraff (1) p'un a yw eisoes wedi dod i ben neu beidio.

(3) Rhaid i'r Cyngor ganiatáu'r apêl os yw'r corff priodol yn datgan yn ei ateb, neu yn datgan yn ysgrifenedig ar unrhyw adeg, nad yw'n bwriadu cadarnhau'r penderfyniad sy'n cael ei herio, a rhaid i'r Cyngor wneud hynny o fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y Cyngor hysbysiad nad oedd y corff priodol yn bwriadu cadarnhau'r penderfyniad sy'n cael ei herio.

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 an FE 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.

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.

Cynnwys yr ateb

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

- (a) enw a chyfeiriad y corff priodol;
- (b) a yw'r corff priodol yn bwriadu cadarnhau'r penderfyniad sy'n cael ei herio neu beidio; ac
- (c) mewn achosion lle mae'r corff priodol yn bwriadu cadarnhau'r penderfyniad sy'n cael ei herio -
 - (i) ateb y corff priodol i bob un o'r seiliau dros yr apêl a roddwyd gan yr apelydd,
 - (ii) a yw'r corff priodol yn gwneud cais am wrandawriad llafar neu beidio, a
 - (iii) enw, cyfeiriad a phroffesiwn y person (os oes un) sy'n cynrychioli'r corff priodol, a ph'un a ddylai'r Cyngor anfon dogfennau sy'n ymwneud â'r apêl at y cynrychiolydd hwnnw yn hytrach nag at y corff priodol.

(2) Rhaid i'r corff priodol gynnwys y canlynol fel atodiadau i'r ateb -

- (a) copi o unrhyw ddogfen y mae'n dymuno dibynnu arni at ddibenion gwrthwynebu'r apêl; a
- (b) os 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 dros benderfyniad y corff priodol, ddatganiad sy'n rhoi rhesymau dros y penderfyniad.

Dogfennau ychwanegol, diwygio'r ateb a'i dynnu yn ôl

9. -(1) Ar unrhyw adeg cyn iddo gael hysbysiad o'r dyddiad a bennwyd ar gyfer y gwrandawriad o dan baragraff 13 neu hysbysiad o benderfyniad y Cyngor o dan baragraff 11, caiff y corff priodol -

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

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

(3) Caiff ateb gael ei ddiwygio neu ei dynnu yn ôl drwy anfon ateb diwygiedig neu hysbysiad yn datgan bod yr ateb yn cael ei dynnu yn ôl, yn ôl fel y digwydd, at y swyddog priodol.

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.

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.

Cydnabod yr ateb a rhoi gwybod amdano

10. -(1) O fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y Cyngor yr ateb, rhaid i'r swyddog priodol -

- (a) anfon cydnabyddiaeth at y corff priodol bod yr ateb wedi dod i law; a
- (b) anfon copi o'r ateb ac unrhyw ddogfennau sy'n cyd-fynd ag ef at yr apelydd.

(2) O fewn y cyfnod o ddeg diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y Cyngor oddi wrth y corff priodol unrhyw ddogfennau ychwanegol, ateb diwygiedig, dogfennau diwygiedig a gyflwynwyd i ategu ateb, neu hysbysiad bod ateb yn cael ei dynnu'n ôl, rhaid i'r swyddog priodol anfon copi at yr apelydd.

Pŵer i benderfynu ar yr apêl heb wrandawriad

11. -(1) Os nad yw'r apelydd na'r corff priodol wedi gwneud cais am wrandawriad llafar ar ôl i'r cyfnod pryd y mae'n ofynnol i'r corff priodol anfon ei ateb ddod i ben, ac nad yw'r Cyngor o'r farn bod angen gwrandawriad llafar, caiff y Cyngor benderfynu ar yr apêl heb wrandawriad llafar.

(2) Os yw'r cyfnod pryd y mae'n ofynnol i'r corff priodol anfon ei ateb wedi dod i ben ac nad yw'r corff priodol wedi gwneud hynny, caiff y Cyngor ganiatáu'r apêl heb wrandawriad llafar.

(3) Os yw'r Cyngor yn penderfynu ar yr apêl heb wrandawriad llafar, rhaid iddo anfon hysbysiad o'i benderfyniad yn unol â'r gofynion ym mharagraff 17 fel bod yr hysbysiad yn dod i law'r apelydd a'r corff priodol o fewn y cyfnod o 20 diwrnod gwaith sy'n dechrau ar y diwrnod sy'n dilyn y diwrnod y daeth y terfyn amser ar gyfer anfon ateb i ben.

Gwrandawriad apêl

12. Mae paragraffau 13 i 16 yn gymwys os yw'r apêl i gael ei phenderfynu ar sail gwrandawriad llafar.

Pennu dyddiad ar gyfer y gwrandawriad

13. -(1) Rhaid i'r Cyngor bennu dyddiad ar gyfer y cyfarfod -

- (a) o fewn y cyfnod o 20 diwrnod gwaith sy'n dechrau ar y diwrnod yn dilyn y dyddiad y daeth yr amser ar gyfer anfon ateb i ben; a
- (b) nid cyn y diwrnod yn dilyn y dyddiad y daeth y cyfnod ar gyfer anfon ateb i ben.

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

- (a) yn eu hysbysu am amser a lleoliad gwrandawriad yr apêl;

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) 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 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) yn rhoi canllawiau ynghylch y weithdrefn a fydd yn gymwys i'r gwrandawriad;
- (c) yn eu hysbysu am 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) Rhaid i'r dyddiad a bennir ar gyfer y gwrandawriad beidio â bod yn llai na 15 diwrnod gwaith ar ôl dyddiad yr hysbysiad.

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

14. -(1) Heb fod yn llai na deg diwrnod gwaith cyn y dyddiad a bennwyd ar gyfer y gwrandawriad mae'r apelydd a'r corff priodol -

- (a) yn gorfod hysbysu'r swyddog priodol a ydynt yn bwriadu ymddangos neu gael eu cynrychioli yn y gwrandawriad neu beidio;
- (b) yn gorfod hysbysu'r swyddog priodol pa dystion, os oes rhai, y maent yn bwriadu eu galw yn y gwrandawriad;
- (c) os nad ydynt yn bwriadu ymddangos neu gael eu cynrychioli yn y gwrandawriad, yn cael anfon at y swyddog priodol unrhyw sylwadau ysgrifenedig i ategu'r deunydd sydd eisoes wedi'i anfon at y swyddog priodol.

(2) O fewn y cyfnod o dri diwrnod gwaith sy'n dechrau ar y dyddiad y daw sylwadau i law, rhaid i'r swyddog priodol anfon at y naill barti a'r llall gopi o unrhyw sylwadau a ddaeth i law'r swyddog priodol oddi wrth y parti arall o dan y paragraff hwn.

Newid lleoliad neu amser y gwrandawriad

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

(2) Os yw'r Cyngor yn newid lleoliad neu amser y gwrandawriad, rhaid i'r swyddog priodol anfon hysbysiad at yr apelydd a'r corff priodol yn eu hysbysu o'r newid a hynny yn ddi-oed a beth bynnag o fewn tri diwrnod gwaith sy'n dechrau ar y dyddiad y cafodd y newid ei wneud.

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 bod y Cyngor yn penderfynu ei bod yn deg ac yn rhesymol i'r gwrandawriad neu unrhyw ran

- (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 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

ohono gael ei gynnal yn breifat.

(3) Caiff 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 bod yn bresennol yn y gwrandawriad, caiff y Cyngor wrando'r apêl yn absenoldeb y parti hwnnw a phenderfynu arni, ar yr amod bod y Cyngor wedi ystyried unrhyw sylwadau a wnaed gan y parti o dan sylw o dan baragraff 14.

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

(6) Ar unrhyw adeg yn ystod y gwrandawriad, caiff y Cyngor gyfyngu ar hawliau'r naill barti neu'r llall o dan is-baragraff (5) ar yr amod bod y Cyngor wedi'i fodloni na fydd gwneud hynny yn atal yr apêl rhag cael ei phenderfynu'n deg.

(7) Caiff y Cyngor ohirio'r gwrandawriad, ond rhaid iddo beidio â gwneud hynny oni bai ei fod wedi'i fodloni bod angen gwneud hynny er mwyn i'r apêl gael ei phenderfynu'n deg.

(8) Rhaid i amser a lleoliad gwrandawriad sydd wedi'i ohirio naill ai cael eu cyhoeddi cyn y gohiriad neu rhaid i'r Cyngor anfon hysbysiad at yr apelydd a'r corff priodol yn eu hysbysu am amser a lleoliad y gwrandawriad gohiriedig yn ddi-oed, a beth bynnag o fewn tri diwrnod gwaith sy'n dechrau ar ddyddiad y gohiriad.

Penderfyniad y Cyngor

17. -(1) Caiff penderfyniad y Cyngor gael ei wneud a'i gyhoeddi ar ddiwedd y gwrandawriad, ond beth bynnag fo'r achos, p'un a fu gwrandawriad neu beidio, rhaid i'r penderfyniad gael ei gofnodi yn union wedi iddo gael ei wneud a hynny mewn dogfen y mae'n rhaid iddi gynnwys hefyd ddatganiad o'r rhesymau dros y penderfyniad ac y mae'n rhaid ei llofnodi a'i dyddio gan berson a awdurdodir gan y Cyngor.

(2) O fewn y cyfnod o bum diwrnod gwaith sy'n dechrau ar y dyddiad y gwnaed y penderfyniad, rhaid i'r Cyngor -

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

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) 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 sub-paragraph (1) to the appellant, the appropriate body and the head teacher of the school or an FE 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.

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) Os daw unrhyw afreoleidd-dra o'r fath i sylw'r Cyngor, fe gaiff y Cyngor roi unrhyw gyfarwyddiadau sydd ym marn y Cyngor yn gyfiawn, cyn dod i'w benderfyniad, i unioni neu anwybyddu'r afreoleidd-dra, a rhaid iddo wneud hynny os yw o'r farn bod y naill barti neu'r llall wedi'u rhagfarnu gan yr afreoleidd-dra.

Dogfennau

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

- (a) cael ei drosglwyddo i'r person hwnnw yn bersonol; neu
- (b) cael ei anfon at y person hwnnw yn ei gyfeiriad priodol drwy'r post; neu
- (c) cael ei anfon ato drwy ffacsimili neu bost electronig neu ddulliau cyffelyb eraill sy'n gallu cynhyrchu dogfen sy'n cynnwys testun y cyfathrebiad, ac os felly bernir bod y ddogfen wedi'i hanfon pan fydd wedi dod i law mewn ffurf ddarllenadwy.

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

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) 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.

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£4.50

W113/07/05

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ISBN 0-11-091169-5



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