



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 3103 (Cy.286)

2006 No. 3103 (W.286)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Arolygu'r Gwasanaeth
Gyrfaoedd a Gwasanaethau
Cysylltiedig (Cymru) 2006**

**The Inspection of the Careers and
Related Services (Wales)
Regulations 2006**

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae adrannau 55 - 57 o Ddeddf Addysg 2005 yn darparu ar gyfer arolygiad o'r gwasanaeth gyrfaoedd a gwasanaethau cysylltiedig yng Nghymru gan y Prif Arolygydd Addysg a Hyfforddiant yng Nghymru (Estyn) Mae'r gwasanaethau hyn ar hyn o bryd yn cael eu darparu gan nifer o gwmnïau cyfyngedig â gwarantau, sy'n gweithredu ar y cyd fel Gyrfa Cymru. Mae darpariaethau Deddf 2005 yn cymryd lle'r darpariaethau a geid gynt yn Neddf Addysgu ac Addysg Uwch 1998. Mae'r gofynion parthed arolygiad yn cael eu tynhau a'u gwneud yn fwy cyfatebol i'r rheini sy'n gymwys i ysgolion. Mae adrannau 55 - 57 yn darparu fframwaith, gan adael y manylion i gael eu rhagnodi mewn rheoliadau a wneir gan Gynulliad Cenedlaethol Cymru. Mae'r Rheoliadau hyn yn rhagnodi'r manylion hynny.

Sections 55 - 57 of the Education Act 2005 make provision for the inspection of the careers and related services in Wales by the Chief Inspector for Education and Training in Wales (Estyn). These services are currently provided by a number of companies limited by guarantee, collectively operating as Careers Wales. The 2005 Act provisions replace provisions formerly contained in the Teaching and Higher Education Act 1998. The inspection requirements are tightened and brought more into step with those applying to schools. Sections 55 - 57 provide a framework, leaving the details to be prescribed in regulations made by the National Assembly for Wales. These Regulations prescribe those details.

Mae Rheoliad 2 yn diffinio termau a ddefnyddir yn y Rheoliadau.

Regulation 2 defines terms used in the Regulations.

Mae Rheoliad 3 yn delio ag arolygiadau cyntaf. Rhaid i ddarparydd gwasanaeth gyrfaoedd a gwasanaethau eraill na chafodd ei arolygu o'r blaen gael ei arolygu o fewn cyfnod o chwe mlynedd o'r dyddiad pryd y daeth gyntaf yn ddarparydd.

Regulation 3 deals with first inspections. A provider of careers or associated services which has not previously been inspected must be inspected within the period of six years from the date when it first became a provider.

Mae Rheoliad 4 yn darparu fod darparwyr presennol i gael eu harolygu bob chwe blynedd. Mae Rheoliad 5 yn ei gwneud yn ofynnol i adroddiad o arolygiad gael ei baratoi o fewn deg a thrigain o ddiwrnodau gwaith o ddyddiad cwblhau'r arolygiad.

Regulation 4 provides that existing providers are to be inspected at six year intervals. Regulation 5 requires an inspection report to be prepared within seventy working days from completion of the inspection.

Mae Rheoliad 6 yn ei gwneud yn ofynnol i gynllun gwaith (fel a ddisgrifir yn y rheoliad hwnnw) gael ei baratoi yn dilyn arolygiad.

Regulation 6 requires an action plan (as described in that regulation) to be prepared following an inspection.

Mae Rheoliad 7 yn ei gwneud yn ofynnol i'r cynllun gwaith gael ei baratoi o fewn cyfnod o hanner cant o ddiwrnodau gwaith o'r dyddiad y derbyniodd y darparydd gopi o'r adroddiad o'r arolygiad.

Mae Rheoliadau 8 a 9 yn darparu ar gyfer anfon copïau o adroddiadau a chynlluniau gwaith i bersonau dynodedig, ac ar gyfer eu cyhoeddi yn swyddfeydd y darparydd ac ar y rhyngwrwyd.

Regulation 7 requires the action plan to be prepared within the period of fifty working days from the date on which the provider received a copy of the inspection report.

Regulations 8 and 9 provide for copies of reports and action plans to be sent to specified persons, and for their publication at the offices of the provider and on the internet.

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Gyrfaoedd a Gwasanaethau
Cysylltiedig (Cymru) 2006****The Inspection of the Careers and
Related Services (Wales)
Regulations 2006***Wedi'u gwneud* 21 Tachwedd 2006*Made* 21 November 2006*Yn dod i rym* 1 Ebrill 2007*Coming into force* 1 April 2007

Drwy arfer y pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 55(4), 56(3), 57(7), (9) a (10) a 120(2) o Ddeddf Addysg 2005(1), mae Cynulliad Cenedlaethol Cymru drwy hyn yn gwneud y Rheoliadau a ganlyn:

In exercise of the powers conferred on the National Assembly for Wales by sections 55(4), 56(3), 57(7), (9) and (10) and 120(2) of the Education Act 2005(1), the National Assembly for Wales hereby makes the following Regulations:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Arolygu'r Gwasanaeth Gyrfaoedd a Gwasanaethau Cysylltiedig (Cymru) 2006 a deuant i rym ar 1 Ebrill 2007.

Title and commencement

1. The title of these Regulations is the Inspection of the Careers and Related Services (Wales) Regulations 2006 and they come into force on 1 April 2007.

Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "adroddiad o arolygiad" ("*inspection report*") yw'r adroddiad ar arolygiad y mae'n ofynnol i'r Prif Arolygydd ei wneud o dan adran 57(7);

ystyr "cynllun gwaith" ("*action plan*") yw'r datganiad ysgrifenedig sy'n ymateb i adroddiad o arolygiad y cyfeirir ato yn adran 57(9) a rheoliad 6.

ystyr "Deddf 1998" ("*the 1998 Act*") yw Deddf Addysgu ac Addysg Uwch 1998(2),

ystyr "Deddf 2005" ("*the 2005 Act*") yw Deddf Addysg 2005;

ystyr "gwyl y banc" ("*bank holiday*") yw diwrnod sy'n wyl y banc yng Nghymru o dan Ddeddf Bancio a Thrafodion Ariannol 1971(3);

Interpretation

2.-(1) In these Regulations -

"the 1998 Act" ("*Deddf 1998*") means the Teaching and Higher Education Act 1998(2),

"the 2005 Act" ("*Deddf 2005*") means the Education Act 2005;

"action plan" ("*cynllun gwaith*") means the written statement in response to an inspection report referred to in section 57(9) and regulation 6.

"bank holiday" ("*gwyl y banc*") means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(3);

"the Chief Inspector" ("*y Prif Arolygydd*") means Her Majesty's Chief Inspector of Education and Training in Wales(4);

(1) 2005 p.18. Daw adrannau 55-57 i rym ar 1 Ebrill 2007: O.S. 2006/1338 (Cy.130 (C.45). Ar gyfer "*prescribed*" a "*regulations*", gweler adran 55(8).

(2) 1998 p.30.

(3) 1971 p.80.

(1) 2005 c.18. Sections 55-57 come into force on 1 April 2007: S.I. 2006/1338 (W.130) (C.45). For "*prescribed*" and "*regulations*", see section 55(8).

(2) 1998 c.30.

(3) 1971 c.80.

(4) See section 73 of the Learning and Skills Act 2000, c.21.

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, nac yn wyl y banc;

ystyr "y Prif Arolygydd" ("*the Chief Inspector*") yw Prif Arolygydd Ei Mawrhydi ar Addysg a Hyfforddiant yng Nghymru(1); ac

mae i "service provider" a "*relevant provider*" yr ystyron a roddir iddynt gan adrannau 55 a 56 yn eu tro;

(2) Os yw'n ofynnol, o dan y Rheoliadau hyn, i rywbeth gael ei wneud gan gyfeirio at gyfnod o amser sy'n cael ei gyfrif o ddyddiad penodol, mae'r cyfnod hwnnw'n dechrau yn union ar ôl y dyddiad hwnnw.

(3) Mae cyfeiriadau yn y Rheoliadau hyn at adrannau (heb fwy) yn gyfeiriadau at adrannau o Ddeddf 2005.

Arolygiadau cyntaf

3.-(1) Mae'r Rheoliad hwn yn gymwys yn achos darparrydd gwasanaeth neu ddarparrydd perthnasol na chafodd ei archwilio o'r blaen naill ai o dan adran 35 neu 35A o Ddeddf 1998(2) nac o dan adran 55 neu 56.

(2) Os yw'r rheoliad hwn yn gymwys, mae'r darparrydd gwasanaeth neu'r darparrydd perthnasol i gael ei arolygu o dan adran 55 neu 56 (yn ôl y digwydd), o fewn cyfnod o chwe blynedd o'r dyddiad pryd y daeth y darparrydd gwasanaeth neu'r darparrydd perthnasol gyntaf yn ddarparrydd o'r fath.

Bylchau rhwng arolygiadau olynol

4.-(1) Yn ddarostyngedig i reoliad 3, rhaid i'r Prif Arolygydd wneud arolygiad, o dan adran 55, ar bob darparrydd gwasanaeth, ac o dan adran 56 ar bob darparryddperthnasol, ar ôl pob bwlch o chwe blynedd.

(2) At ddibenion paragraff (1), mae bylchau yn cychwyn o'r dyddiad pryd y cwblhawyd yr arolygiad diwethaf ar y darparrydd gwasanaeth (o dan adran 35 o Ddeddf 1998 neu adran 55) neu ar y darparrydd perthnasol (o dan adran 35A o Ddeddf 1998 neu adran 56).

Y cyfnod ar gyfer paratoi adroddiad o arolygiad

5.Y cyfnod y mae adroddiad o arolygiad i gael ei baratoi o'i fewn yw deg a thrigain o ddiwrnodau gwaith o'r dyddiad pryd y cwblhawyd yr arolygiad arno.

"inspection report" ("*adroddiad o arolygiad*") means the report on the inspection which the Chief Inspector is required to make under section 57(7);

"service provider" and "relevant provider" have the meanings given by sections 55 and 56, respectively; and

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, a Sunday, or a bank holiday.

(2) Where, under these Regulations, something is required to be done by reference to a period of time calculated from a particular date, the period begins immediately after that date.

(3) References in these Regulations to sections (without more) are references to sections of the 2005 Act.

First inspections

3.-(1) This regulation applies in the case of a service provider or relevant provider who has not previously been inspected either under section 35 or 35A of the 1998 Act(1) or under section 55 or 56.

(2) Where this regulation applies, the service provider or relevant provider is to be inspected under section 55 or 56 (as the case may be), within the period of six years from the date on which the service provider or relevant provider first became such a provider.

Intervals for subsequent inspections

4.-(1) Subject to regulation 3, the Chief Inspector must inspect, under section 55, each service provider, and under section 56 each relevant provider, at intervals of six years.

(2) For the purpose of paragraph (1), intervals run from the date on which the last inspection of the service provider (under section 35 of the 1998 Act or section 55) or relevant provider (under section 35A of the 1998 Act or section 56) was completed.

Period for preparing inspection report

5. The period within which an inspection report is to be prepared is seventy working days from the date on which the inspection was completed.

(1) *Gweler* adran 73 o Ddeddf Dysgu a Medrau 2000, p.21.

(2) 1998 p.30. Diwygiwyd adran 35 gan baragraff 77 o Atodlen 9 i Ddeddf Dysgu a Medrau 2000, a mewnosodwyd adran 35A gan adran 81 o'r Ddeddf honno. Diddymir y ddwy adran gan Ddeddf 2005, Atodlen 19, Rhan 1, sy'n effeithiol o 1 Ebrill 2007: O.S. 2006/1338 (Cy.130) (C.45).

(1) 1998 c.30. Section 35 was amended by paragraph 77 of Schedule 9 to the Learning and Skills Act 2000, and section 35A was inserted by section 81 of that Act. Both sections are repealed by the 2005 Act, Schedule 19, Part 1, with effect from 1 April 2007: S.I. 2006/1338 (W.130) (C.45).

Dyletswydd i baratoi cynllun gwaith

6. Rhaid i berson sy'n cael arolygiad dan adran 55 neu 56 baratoi adroddiad ysgrifenedig sy'n ymateb i'r adroddiad o arolygiad gan osod allan y camau fydd yn cael eu cymryd i fynd i'r afael ag unrhyw faterion y cyfeirir atynt yn yr adroddiad o arolygiad neu i weithredu unrhyw argymhellion a geir yn yr adroddiad, a'r graddfeydd amser ar gyfer cymryd y camau hynny neu ar gyfer gweithredu'r argymhellion hynny (y cyfeirir atynt yn y Rheoliadau hyn fel "cynllun gwaith").

Y cyfnod ar gyfer paratoi cynllun gwaith

7. Y cyfnod y mae'n rhaid i berson sy'n cael archwiliad dan adran 55 neu 56 baratoi cynllun gwaith o'i fewn yw hanner cant o ddiwrnodau gwaith o'r dyddiad y cafodd y person hwnnw gopi o'r adroddiad o arolygiad o dan adran 57(7)(b).

Darparu copïau o adroddiadau o arolygiadau a chynlluniau gwaith a'u cyhoeddi

8.-(1) Rhaid i'r Prif Arolygydd anfon copi o adroddiad o arolygiad at y personau a ddynodir ym mharagraff (3) (yn ychwanegol at y rheini a ddynodir yn adran 57(7)(b)(i), (ii) a (iv) o Ddeddf 2005).

(2) Rhaid i'r person sydd wedi paratoi cynllun gwaith anfon copi ohono at y personau a ddynodir ym mharagraff (3).

(3) Y personau hynny yw-

- (a) y Prif Arolygydd; a
- (b) unrhyw berson sy'n gofyn am gopi.

9. Rhaid i gopi o'r adroddiad o arolygiad a'r cynllun gwaith fod ar gael i'w archwilio yn swyddfa gofrestredig neu ym mhrif swyddfa'r darparrydd gwasanaeth neu'r darparrydd perthnasol a gafodd ei archwilio, a rhaid ei gyhoeddi ar unrhyw wefan ar y rhyngwyd sydd gan y darparrydd hwnnw.

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

21 Tachwedd 2006

Llywydd y Cynulliad Cenedlaethol

Duty to prepare action plan

6. A person inspected under section 55 or 56 must prepare a written report in response to the report of the inspection setting out the steps which will be taken to address any issues referred to in the inspection report or to implement any recommendations contained in the report, and the time scales for taking those steps or implementing those recommendations (referred to in these Regulations as an "action plan").

Period for preparing action plan

7. The period within which a person inspected under section 55 or 56 must prepare an action plan is fifty working days from the date on which the person received a copy of the inspection report under section 57(7)(b).

Provision of copies and publication of inspection reports and action plans

8.-(1) The Chief Inspector must send a copy of an inspection report to the persons specified in paragraph (3) (in addition to those specified in section 57(7)(b)(i), (ii) and (iv) of the 2005 Act).

(2) The person who prepared the action plan must send a copy of it to the persons specified in paragraph (3).

(3) Those persons are -

- (a) the Chief Inspector; and
- (b) any person who requests a copy.

9. A copy of the inspection report and action plan must be made available for inspection at the registered or principal office of the service provider or relevant provider inspected, and published on any internet website of that provider.

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

21 November 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

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