



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 873 (Cy.81)

2006 No. 873 (W.81)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Staffio Ysgolion a
Gynhelir (Cymru) 2006

The Staffing of Maintained Schools
(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'r Rheoliadau hyn yn gwneud darpariaeth ar gyfer staffio ysgolion a gynhelir.

These Regulations make provision for the staffing of maintained schools.

Mae Rhan 1 yn ymdrin â materion cyffredinol ac yn benodol â dirprwyo awdurdod, perfformiad y pennaeth, ymddygiad a disgyblaeth staff, gallu athrawon a darparu staff ar gyfer cyfleusterau a gwasanaethau cymunedol.

Part 1 covers general matters and in particular delegation of authority, the performance of the head teacher, conduct and discipline of staff, capability of teachers and the provision of staff for community facilities and services.

Mae Rhan 2 yn ymwneud ag ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir ac mae'n ymdrin â phenodi staff, atal staff, diswyddo staff a hawl yr awdurdod addysg lleol i gynnig cyngor. Mae Rhan 2 hefyd yn darparu ar gyfer penodi staff prydau ysgolion.

Part 2 relates to community, voluntary controlled, community special and maintained nursery schools and deals with the appointment of staff, suspension of staff, dismissal of staff and the local education authority's entitlement to offer advice. Part 2 also provides for the appointment of school meals staff.

Mae Rhan 3 yn ymwneud ag ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyir ac ysgolion arbennig sefydledig ac mae'n ymdrin â phenodi staff, atal staff, diswyddo staff a hawl yr awdurdod addysg lleol ac awdurdodau esgobaethol priodol i gynnig cyngor. Mae Rhan 3 hefyd yn darparu ar gyfer penodi penaethiaid i ysgolion urddau Catholig Rhufeinig.

Part 3 relates to foundation, voluntary aided and foundation special schools and deals with the appointment of staff, suspension of staff, dismissal of staff and the entitlement of the local education authority and appropriate diocesan authorities to offer advice. Part 3 also provides for the appointment of head teachers for schools of Roman Catholic religious orders.

Mae Rhan 4 yn ymwneud â staffio ysgolion newydd y mae ganddynt gyllideb ddirprwyedig neu nad oes ganddynt gyllideb ddirprwyedig.

Part 4 relates to the staffing of new schools either with or without delegated budgets.

2006 Rhif 873 (Cy.81)**2006 No. 873 (W.81)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006****The Staffing of Maintained Schools (Wales) Regulations 2006***Wedi'u gwneud* 21 Mawrth 2006*Made* 21 March 2006*Yn dod i rym yn unol â rheoliadau 1(1)**In accordance with regulation 1 (1)*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 72 a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru a'r pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 19(3), 34(5), 35(4) a (5), 36(4) a (5) a 210(7) o Ddeddf Addysg 2002(2):

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 72 and 138(7) of the School Standards and Framework Act 1998(1) and now vested in the National Assembly for Wales and the powers conferred on the National Assembly for Wales by sections 19(3), 34(5), 35(4) and (5), 36(4) and (5) and 210(7) of the Education Act 2002(2):

RHAN 1**PART 1**

Cyffredinol

General

Enwi, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 a deuant i rym ar 1 Ebrill 2006, heblaw am reoliadau 7(3) a 7(4) sy'n dod i rym ar 1 Medi 2006.

1.-(1) The title of these Regulations is The Staffing of Maintained Schools (Wales) Regulations 2006 and they come into force on 1 April 2006, except for regulations 7(3) and 7(4) which come into force on 1 September 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran Cymru.

(2) These Regulations apply in relation to Wales.

Dirymu**Revocation**

2. Mae'r canlynol wedi'u dirymu o ran Cymru-

2. The following are revoked in relation to Wales-

- (a) Rheoliadau Addysg (Staff Prydau Bwyd Ysgolion) (Cymru) 1999(3), a
- (b) Rhan VI o Reoliadau Addysg (Ysgolion Newydd) (Cymru) 1999(4).

- (a) The Education (School Meals Staff) (Wales) Regulations 1999(3), and
- (b) Part VI of The Education (New Schools) (Wales) Regulations 1999(4).

(1) 1998 p.31. *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(1) 1998 c.31. *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) 2002 p.32. *Gweler* adran 212 i gael y diffiniad o "regulations". Yn rhinwedd y diffiniad hwnnw mae'r rheoliadau hyn sy'n cael eu gwneud gan Gynulliad Cenedlaethol Cymru yn gymwys i Gymru yn unig.

(2) 2002 c.32. *See* section 212 for the definition of "regulations". By virtue of that definition these regulations made by the National Assembly for Wales apply only to Wales.

(3) O.S. 1999/2802 (Cy.15).

(3) S.I. 1999/2802 (W.15).

(4) O.S. 1999/2243 (Cy.3).

(4) S.I. 1999/2243 (W.3).

Dehongli

3.-(1) Yn y Rheoliadau hyn-

ystyr "athro neu athrawes" ("*teacher*") yw person sy'n athro ysgol neu'n athrawes ysgol at ddibenion adran 122 o Ddeddf 2002 ac mae'n cynnwys person y bernid ei fod yn athro neu'n athrawes heblaw am y ffaith nad yw parti arall y contract yn awdurdod neu'n gorff llywodraethu ysgol sy'n dod o fewn Rhan 3 o'r Rheoliadau hyn;

ystyr "awdurdod" ("*authority*") yw'r awdurdod addysg lleol sy'n cynnal ysgol a gynhelir neu a fydd yn cynnal ysgol arfaethedig;

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

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

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

mae "diswyddo" ("*dismissal*") i gael ei ddehongli yn unol ag adrannau 95 a 136 o Ddeddf Hawliau Cyflogaeth 1996(1);

ystyr "staff cymorth" ("*support staff*") yw unrhyw aelod o staff ysgol heblaw athro neu athrawes.

(2) Mae cyfeiriadau at unrhyw swydd wag yn cynnwys darpar swydd wag ac mae cyfeiriadau at absenoldeb person yn gyfeiriadau at absenoldeb y person o'r ysgol, neu ei absenoldeb arfaethedig o'r ysgol.

(3) Mae person i gael ei drin fel pe bai'n bodloni unrhyw ofynion ynglŷn â chymwysterau staff os yw-

(a) yn bodloni unrhyw ofynion mewn perthynas â chymwysterau neu gofrestru sy'n gymwys iddo o ganlyniad i reoliadau sydd wedi'u gwneud o dan adrannau 132 i 135 o Ddeddf 2002(2), rheoliadau sydd wedi'u gwneud o dan adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998(3) a rheoliadau sydd wedi'u gwneud o dan adran 218(1)(a) o Ddeddf Diwygio Addysg 1988(4),

Interpretation

3.-(1) In these Regulations-

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

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

"authority" ("*awdurdod*") means the local education authority by which a maintained school is, or a proposed school is to be, maintained;

"dismissal" ("*diswyddo*") is to be interpreted in accordance with sections 95 and 136 of the Employment Rights Act 1996(1);

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

"support staff" ("*staff cymorth*") means any member of a school's staff other than a teacher;

"teacher" ("*athro neu athrawes*") means a person who is a school teacher for the purposes of section 122 of the 2002 Act and includes a person who would be regarded as a teacher but for the fact the other party to the contract is not an authority or a governing body of a school falling within Part 3 of these Regulations.

(2) References to a vacancy in any post include a prospective vacancy in the post and references to a person's absence are to his or her absence, or prospective absence, from the school.

(3) A person is to be treated as meeting any staff qualification requirements if he or she-

(a) fulfils any requirements with respect to qualifications or registration which apply to him or her as a result of regulations made under sections 132 to 135 of the 2002 Act(2), regulations made under section 19 of the Teaching and Higher Education Act 1998(3) and regulations made under section 218(1)(a) of the Education Reform Act 1988(4),

(1) 1996 p.18

(2) Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) (Cymru) 2004, O.S. 2004/1729 (Cy. 173) a Rheoliadau Addysg (Gwaith Penodedig a Hofrestru) (Cymru) 2004, O.S. 2004/1744 (Cy.183) a Rheoliadau Cymwysterau a Hofrestru Prifathrawon (Cymru) 2005, O.S. 2005/1227 (Cy.85).

(3) 1998 p.30; Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2003, O.S.2003/543 (Cy.77) fel y'u diwygiwyd gan O.S.2004/872 (Cy.87), O.S.2004/1745 (Cy.184) ac y'u dirymwyd gan O.S. 2005/1818 (Cy.146).

(4) 1998 p.40; diddymir adran 218(1)(a) gan adrannau 146 a 215(2) o Ddeddf 2002 a Rhan 3 o Atodlen 22 iddi, nad ydynt mewn grym hyd yma. *Gweler* rheoliadau 11 i 14 o Reoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999, O.S. 1999/2817 (Cy.18).

(1) 1996 c. 18.

(2) The Education (School Teachers' Qualifications) (Wales) Regulations 2004, S.I. 2004/1729 (W.173) and The Education (Specified Work and Registration) (Wales) Regulations 2004, S.I. 2004/1744 (W.183) and the Head Teachers' Qualifications and Registration (Wales) Regulations 2005, S.I. 2005/1227 (W.85).

(3) 1998 c. 30; the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003, S.I. 2003/543 (W.77) as amended by S.I. 2004/872 (W.87), S.I. 2004/1745 (W.184) and revoked by S.I. 2005, S.I. 2005/1818 (W.146).

(4) 1988 c.40; section 218(1)(a) is repealed by sections 146 and 215(2) of, and Part 3 of Schedule 22 to, the 2002 Act, but which are not yet in force. *See* regulations 11 to 14 of The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999, S.I. 1999/2817 (W.18).

- (b) yn bodloni unrhyw amodau o ran iechyd a chynneddf gorfforol sy'n gymwys iddo o ganlyniad i Reoliadau Addysg (Safonau Iechyd) (Cymru) 2004(1), ac
- (c) heb fod yn destun unrhyw gyfarwyddyd sydd wedi'i wneud o dan adran 142 o Ddeddf 2002 na chaiff wneud gwaith y mae'r adran honno'n gymwys iddo.

(4) Mae cyfeiriadau at staff cymorth yn cynnwys staff sydd wedi'u cymryd ymlaen i ddarparu cyfleusterau a gwasanaethau cymunedol o dan adran 27 o Ddeddf 2002.

Staffio ysgolion

4.-(1) Mewn unrhyw ysgol mae'n rhaid cyflogi, neu gymryd ymlaen heblaw o dan gcontractau cyflogaeth, staff sy'n addas ac yn ddigonol o ran eu niferoedd er mwyn sicrhau y darperir addysg sy'n briodol ar gyfer oeddrannau, galluoedd, cymwyseddu ac anghenion y disgyblion gan roi sylw i unrhyw drefniadau ar gyfer defnyddio gwasanaethau'r staff sydd wedi'u cyflogi neu wedi'u cymryd ymlaen heblaw yn yr ysgol o dan sylw.

(2) Mae rheoliad 4 o Reoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999(2) yn cael ei ddiwygio fel a ganlyn-

- (a) Ym mharagraff (1) dilëwch y geiriau "ysgol neu", y geiriau "disgyblion neu'r" a'r geiriau "ysgol neu'r".
- (b) Dilëwch baragraff (2)(a).
- (c) Ym mharagraff (3) dilëwch y geiriau "ysgolion a", y geiriau "Rhan IV o'r Rheoliadau hyn a" a'r geiriau "yn y drefn honno".

Dirprwyo awdurdod

5.-(1) Caiff y corff llywodraethu ddirprwyo'i swyddogaethau o dan reoliadau 12, 15, 26 a 27.

- (2) Gellir dirprwyo fel hyn i'r canlynol-
 - (a) y pennaeth,
 - (b) un neu ragor o lywodraethwyr, neu
 - (c) un neu ragor o lywodraethwyr a'r pennaeth.

(3) Os yw'r corff llywodraethu wedi dirprwyo fel hyn i un neu ragor o lywodraethwyr, caiff y pennaeth fod yn bresennol a chynnig cyngor yn yr holl drafodion perthnasol a rhaid i'r cyngor hwnnw gael ei ystyried gan y llywodraethwr neu'r llywodraethwyr y dirprwywyd iddo neu iddynt.

- (b) meets any conditions with respect to health and physical capacity which apply to him or her as a result of the Education (Health Standards) (Wales) Regulations 2004(1), and
- (c) is not subject to any direction made under section 142 of the 2002 Act, that he or she may not carry out work to which that section applies.

(4) References to support staff include staff engaged to provide community facilities and services under section 27 of the 2002 Act.

Staffing of schools

4.-(1) At any school there must be employed, or engaged otherwise than under contracts of employment, a staff suitable and sufficient in numbers for the purpose of securing the provision of education appropriate to the ages, abilities, aptitudes and needs of the pupils having regard to any arrangements for the utilisation of the services of staff employed or engaged otherwise than at the school in question.

(2) Regulation 4 of The Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(2) is amended as follows-

- (a) In paragraph (1) delete the words "school or" in the two places they appear and the words "pupils or".
- (b) Delete paragraph (2)(a).
- (c) In paragraph (3) delete the words "schools and", the words "Part IV of these Regulations and" and the word "respectively".

Delegation of authority

5.-(1) The governing body may delegate its functions under regulations 12, 15, 26 and 27.

- (2) Any such delegation may be to-
 - (a) the head teacher,
 - (b) one or more governors, or
 - (c) one or more governors and the head teacher.

(3) Where the governing body has made any such delegation to one or more governors, the head teacher may attend and offer advice at all relevant proceedings and such advice must be considered by the governor or governors to whom the delegation has been made.

(1) O.S. 2004/2733 (Cy.240).

(2) 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).

(1) S.I. 2004/2733 (W.240).

(2) 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).

Perfformiad y pennaeth

6.-(1) Os oes gan yr awdurdod unrhyw bryderon difrifol am berfformiad pennaeth ysgol-

- (a) mae'n rhaid i'r awdurdod wneud adroddiad ysgrifenedig am ei bryderon i gadeirydd corff llywodraethu'r ysgol, gan anfon copi ar yr un pryd at y pennaeth; a
- (b) mae'n rhaid i gadeirydd y corff llywodraethu hysbysu'r awdurdod yn ysgrifenedig am y camau y mae'n bwriadu eu cymryd yng ngoleuni'r adroddiad.

(2) Wrth benderfynu a ddylid gwneud adroddiad o dan y rheoliad hwn, mae'n rhaid i'r awdurdod roi sylw i unrhyw ganllawiau sy'n cael eu rhoi o dro i dro gan y Cynulliad Cenedlaethol.

Ymddygiad a disgyblaeth a gallu'r staff

7.-(1) Mae rheoli ymddygiad a disgyblaeth mewn perthynas â staff yr ysgol, ac unrhyw weithdrefnau ar gyfer rhoi cyfleoedd i aelodau'r staff geisio cael iawn am unrhyw gwynion sy'n ymwneud â'u cyflogaeth, i fod o dan reolaeth y corff llywodraethu.

(2) Rhaid i'r corff llywodraethu sefydlu gweithdrefnau-

- (a) i reoli ymddygiad a disgyblaeth y staff yn yr ysgol;
- (b) i'r staff geisio cael iawn am unrhyw gŵyn sy'n ymwneud â'u gwaith yn yr ysgol; ac
- (c) i ymdrin â diffyg gallu ar ran y staff yn yr ysgol

a rhaid i'r corff llywodraethu gymryd unrhyw gamau y mae'n ymddangos iddo eu bod yn briodol i fynegi'r rhain i aelodau'r staff.

(3) Os caiff honiadau eu gwneud yn erbyn aelod o staff yr ysgol sy'n ymwneud â materion amddiffyn plant, mae'n rhaid i'r corff llywodraethu benodi ymchwiliwr annibynnol i ymchwilio i'r honiadau cyn i unrhyw achos sy'n ymwneud â'r honiadau hynny gael ei wrando.

(4) Rhaid barnu bod person sydd wedi'i benodi gan y corff llywodraethu yn ymchwiliwr annibynnol o dan baragraff (3) yn annibynnol o dan yr amgylchiadau canlynol-

- (a) os nad yw'r person yn un o lywodraethwyr yr ysgol o dan sylw;
- (b) os nad yw'r person yn rhiant i un o ddisgyblion presennol neu flaenorol yr ysgol o dan sylw;
- (c) os nad yw'r person yn un o aelodau staff presennol neu flaenorol yr ysgol o dan sylw;
- (ch) os nad yw'r person yn cael ei gyflogi ar hyn o

Performance of the head teacher

6.-(1) Where the authority has any serious concerns about the performance of the head teacher of a school-

- (a) it must make a written report of its concerns to the chair of the governing body of the school, at the same time sending a copy to the head teacher; and
- (b) the chair of the governing body must notify the authority in writing of the action he or she proposes to take in the light of the report.

(2) In determining whether to make a report under this regulation the authority must have regard to any guidance given from time to time by the National Assembly.

Conduct and discipline and capability of staff

7.-(1) The regulation of conduct and discipline in relation to the staff of the school, and any procedures for giving members of the staff opportunities for seeking redress of any grievances relating to their employment, is to be under the control of the governing body.

(2) The governing body must establish procedures-

- (a) for the regulation of the conduct and discipline of staff at the school;
- (b) by which staff may seek redress for any grievance relating to their work at the school; and
- (c) for dealing with lack of capability on the part of staff at the school

and must take such steps as appear to the governing body to be appropriate for making them known to members of the staff.

(3) Where allegations are made against a member of the school's staff that involve issues of child protection the governing body must appoint an independent investigator to investigate the allegations prior to the hearing of any proceedings relating to those allegations.

(4) A person appointed by the governing body as an independent investigator under paragraph (3) is to be regarded as independent in the following circumstances-

- (a) where the person is not a governor of the school in question;
- (b) where the person is not a parent of a current or former pupil at the school in question;
- (c) where the person is not a current or former member of staff at the school in question;
- (d) where the person is not currently employed by

bryd gan yr awdurdod addysg lleol sy'n cynnal yr ysgol o dan sylw.

(5) Os yw rhoi unrhyw benderfyniad sydd wedi'i wneud gan y corff llywodraethu wrth ddefnyddio'r gweithdrefnau ar waith yn golygu bod angen cymryd unrhyw gam-

- (a) nad yw o fewn y swyddogaethau sy'n arferadwy gan y corff llywodraethu gan neu o dan Ddeddf 2002, ond
- (b) sydd o fewn pŵer yr awdurdod,

mae'n rhaid i'r awdurdod gymryd y cam hwnnw ar gais y corff llywodraethu.

(6) Wrth benderfynu ar allu aelodau'r staff, mae'n rhaid i'r corff llywodraethu roi sylw i unrhyw ganllawiau sy'n cael eu rhoi o dro i dro gan y Cynulliad Cenedlaethol.

Diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

8.-(1) Mae Rheoliad 50(1) o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(1) yn cael ei ddisodli gan-

"(1) Yn ddarostyngedig i reoliad 51 o'r Rheoliadau hyn, rheoliad 3(2) o Reoliadau Cymeriad Crefyddol Ysgolion (Gweithdrefn Ddynodi) 1998(2), rheoliad 7 o Reoliadau Llywodraethu Ysgolion (Cylch Gwaith) (Cymru) 2000(3) a rheoliadau 12 ac 21 o Reoliadau Staffio Ysgolion (Cymru) 2005, caiff y corff llywodraethu ddirprwyo unrhyw un o'i swyddogaethau i'r canlynol-

- (a) pwyllgor;
- (b) unrhyw lywodraethwr; neu
- (c) y pennaeth (p'un a yw'n llywodraethwr neu beidio)."

(2) Yn rheoliad 51(1) o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 yn lle'r geiriau "paragraff 6 o Atodlen 16 a pharagraffau 7 a 30 o Atodlen 17 i Ddeddf 1998" rhowch y geiriau "rheoliadau 10 a 24 o Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006".

(3) Mae rheoliad 55 yn cael ei ddiwygio fel a ganlyn-

- (a) Ym mharagraff (1)(i) yn lle'r geiriau "paragraff 25 o Atodlen 16 i Ddeddf 1998" rhowch y geiriau "rheoliad 17(1) o Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006".
- (b) Yn lle paragraffau (3) a (4) rhowch-

the local education authority that maintains the school in question.

(5) Where the implementation of any determination made by the governing body in operation of the procedures requires any action which-

- (a) is not within the functions exercisable by the governing body by or under the 2002 Act, but
- (b) is within the power of the authority,

the authority must take that action at the request of the governing body.

(6) In determining the capability of members of the staff the governing body must have regard to any guidance given from time to time by the National Assembly.

Amendment of The Government of Maintained Schools (Wales) Regulations 2005

8.-(1) Regulation 50(1) of The Government of Maintained Schools (Wales) Regulations 2005(1) is replaced by-

"(1) Subject to regulation 51 of these Regulations, regulation 3(2) of the Religious Character of Schools (Designation Procedure) Regulations 1998(2), regulation 7 of the School Government (Terms of Reference) (Wales) Regulations 2000(3) and regulations 12 and 21 of the School Staffing (Wales) Regulations 2005, the governing body may delegate any of its functions to-

- (a) a committee;
- (b) any governor; or
- (c) the head teacher (whether or not he or she is a governor)."

(2) In regulation 51(1) of the Government of Maintained Schools (Wales) Regulations 2005 replace the words "paragraph 6 of Schedule 16 and paragraphs 7 and 30 of Schedule 17 to the 1998 Act" with the words "regulations 10 and 24 of The Staffing of Maintained Schools (Wales) Regulations 2006".

(3) Regulation 55 is amended as follows-

- (a) In paragraph (1)(i) delete the words "paragraph 25 of Schedule 16 to the 1998 Act" with the words "regulation 17(1) of The Staffing of Maintained Schools (Wales) Regulations 2006".
- (b) For paragraphs (3) and (4) substitute-

(1) O.S. 2005/2914 (Cy.211).

(2) O.S. 1998/2535.

(3) O.S. 2000/3027 (Cy.195).

(1) S.I. 2005/ 2914 (W.211).

(2) S.I. 1998/2535.

(3) S.I. 2000/3027 (W.195).

"(3) Rhaid i'r pwyllgor disgyblu staff gynnwys nid llai na thri llywodraethwr, ond os caiff honiadau eu gwneud yn erbyn aelod o'r staff sy'n ymwneud â materion amddiffyn plant mae'n rhaid i'r pwyllgor gynnwys nid llai na dau lywodraethwr a pherson annibynnol nad yw'n llywodraethwr.

(4) Rhaid i'r pwyllgor apelau disgyblu beidio â chynnwys llai o lywodraethwyr na'r pwyllgor disgyblu staff y mae ei benderfyniad yn destun yr apêl ac os caiff honiadau eu gwneud yn erbyn aelod o'r staff sy'n ymwneud â materion amddiffyn plant mae'n rhaid i'r pwyllgor gynnwys person annibynnol nad oedd yn rhan o benderfyniad y pwyllgor disgyblu staff.

(4A) At ddibenion paragraffau (3) a (4) rhaid barnu bod person yn annibynnol o dan yr amgylchiadau canlynol-

- (a) os nad yw'r person yn un o lywodraethwyr yr ysgol o dan sylw;
- (b) os nad yw'r person yn rhiant i un o ddisgyblion presennol neu flaenorol yr ysgol o dan sylw;
- (c) os nad yw'r person yn un o aelodau staff presennol neu flaenorol yr ysgol o dan sylw;
- (ch) os nad yw'r person yn cael ei gyflogi ar hyn o bryd gan yr awdurdod addysg lleol sy'n cynnal yr ysgol o dan sylw."

(c) Ym mharagraff (8) ar ôl y geiriau "o dan sylw" ychwanegwch ", ac eithrio'r aelod annibynnol o bob pwyllgor sydd wedi'i benodi yn unol â pharagraff (3) neu (4)".

(ch) Dilêwch baragraff (9).

(4) Ym mhob un o reoliadau 59(3) a 63(1)(b) yn lle'r geiriau "Atodlenni 16 neu 17 i Ddeddf 1998" rhowch y geiriau "Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006".

RHAN 2

Darpariaethau sy'n ymwneud ag ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir

Dehongli Rhan 2

9. Mae'r Rhan hon yn gymwys i ysgolion cymunedol, ysgolion gwirfoddol a reolir ac ysgolion arbennig cymunedol ac, ar ôl iddynt sefydlu cyrff llywodraethu, i ysgolion meithrin a gynhelir(1).

(1) Ond dim ond i ysgolion o'r fath sydd â chyllidebau dirprwyedig yn unol â'r diffiniad yn adran 39(2) o Ddeddf 2002, yn unol ag adran 35(7) o Ddeddf 2002.

"(3) The staff disciplinary committee must include not less than three governors, but where allegations are made against a member of staff that involve issues of child protection the committee must include not less than two governors and an independent person who is not a governor.

(4) The disciplinary appeal committee must include no fewer governors than the staff disciplinary committee whose decision is subject to appeal and where allegations are made against a member of staff that involve issues of child protection the committee must include an independent person who was not involved in the staff disciplinary committee's decision.

(4A) For the purposes of paragraphs (3) and (4) a person is to be regarded as independent in the following circumstances-

- (a) where the person is not a governor of the school in question;
- (b) where the person is not a parent of a current or former pupil at the school in question;
- (c) where the person is not a current or former member of staff at the school in question;
- (d) where the person is not currently employed by the local education authority that maintains the school in question."

(c) In paragraph (8) after the words "in question" add ", save for the independent member of each committee appointed in accordance with paragraph (3) or (4)".

(d) Delete paragraph (9).

(4) In each of regulations 59(3) and 63(1)(b) replace the words "Schedules 16 or 17 to the 1998 Act" with the words "The Staffing of Maintained Schools (Wales) Regulations 2006".

PART 2

Provisions relating to community, voluntary controlled, community special and maintained nursery schools

Interpretation of Part 2

9. This Part applies to community, voluntary controlled and community special schools and, once they have established governing bodies, maintained nursery schools(1).

(1) But only to such schools with delegated budgets as defined by section 39(2) of the 2002 Act, in accordance with section 35(7) of the 2002 Act.

Penodi pennaeth a dirprwy bennaeth

10.-(1) Rhaid i'r corff llywodraethu hysbysu'r awdurdod yn ysgrifenedig am swydd wag i bennaeth neu ddirprwy bennaeth yr ysgol cyn cymryd unrhyw un o'r camau sydd wedi'u crybwyll ym mharagraffau (2) i (19).

(2) Os yw'r swydd wag yn swydd i bennaeth a naill ai bod y swydd heb ei llenwi neu ei bod yn ymddangos i'r corff llywodraethu na chaiff y swydd ei llenwi, drwy benodi yn unol â pharagraffau (8) i (19) cyn y dyddiad y daw'n wag, mae'n rhaid i'r corff llywodraethu naill ai-

- (a) argymhell person i'w benodi yn bennaeth dros dro, neu
- (b) arfer ei bŵer o dan baragraff (6).

(3) Os yw'r swydd wag yn swydd i ddirprwy bennaeth a naill ai bod y swydd heb ei llenwi neu ei bod yn ymddangos i'r corff llywodraethu na chaiff y swydd ei llenwi, drwy benodi yn unol â pharagraffau (8) i (19) cyn y dyddiad y daw'n wag, fe gaiff y corff llywodraethu naill ai-

- (a) argymhell person i'w benodi yn ddirprwy bennaeth dros dro, neu
- (b) arfer ei bŵer o dan baragraff (6).

(4) Os yw'r corff llywodraethu yn argymhell person i'w benodi'n bennaeth dros dro neu'n ddirprwy bennaeth dros dro, mae'n rhaid i'r awdurdod addysg lleol benodi'r person sydd wedi'i argymhell oni bai nad yw'r person yn bodloni unrhyw ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(5) Os yw'r awdurdod yn gwrthod penodi person sydd wedi'i argymhell gan y corff llywodraethu i'w benodi'n bennaeth dros dro oherwydd nad yw'n bodloni gofynion cymwysterau staff sy'n berthnasol i'w benodiad, mae'n rhaid i'r corff llywodraethu argymhell person arall i'w benodi.

(6) Yn lle gwneud argymhelliad o dan baragraff (2)(a) neu (3)(a), er mwyn llenwi'r swydd wag fe gaiff y corff llywodraethu-

- (a) cymryd person ymlaen, neu
- (b) trefnu cymryd person ymlaen,

i roi ei wasanaethau fel pennaeth dros dro, neu (yn ôl fel y digwydd) dirprwy bennaeth dros dro, heblaw o dan contract cyflogaeth gyda'r awdurdod addysg lleol.

(7) Rhaid peidio â chymryd neb ymlaen o dan baragraff (6) oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'r pennaeth neu (yn ôl fel y digwydd) y dirprwy bennaeth yn yr ysgol.

(8) Rhaid i'r corff llywodraethu hysbysebu unrhyw swydd wag o'r fath mewn unrhyw gyhoeddiadau sy'n

Appointment of head teacher and deputy head teacher

10.-(1) The governing body must notify the authority in writing of a vacancy in the post of head teacher or deputy head teacher of the school before taking any of the steps mentioned in paragraphs (2) to (19).

(2) Where the vacancy is in the post of head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs (8) to (19) before the date on which it falls vacant, the governing body must either-

- (a) recommend a person for appointment as acting head teacher, or
- (b) exercise its power under paragraph (6).

(3) Where the vacancy is in the post of deputy head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs (8) to (19) before the date on which it falls vacant, the governing body may-

- (a) recommend a person for appointment as acting deputy head teacher, or
- (b) exercise its power under paragraph (6).

(4) If the governing body recommends a person for appointment as acting head teacher or acting deputy head teacher, the local education authority must appoint the person recommended unless he or she does not meet any staff qualification requirements which are applicable in relation to his or her appointment.

(5) If the authority declines to appoint a person recommended by the governing body for appointment as acting head teacher because they do not meet staff qualification requirements which are applicable in relation to his or her appointment, the governing body must recommend another person for appointment.

(6) Instead of making a recommendation under paragraph (2)(a) or (3)(a) the governing body may for the purpose of filling the vacancy-

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as acting head teacher, or (as the case may be) acting deputy head teacher, otherwise than under a contract of employment with the local education authority.

(7) No person is to be engaged under paragraph (6) unless he or she meets all the staff qualification requirements applicable in relation to the head teacher or (as the case may be) deputy head teacher at the school.

(8) The governing body must advertise any such vacancy in such publications circulating throughout

cylchredeg ledled Cymru a Lloegr y mae'n credu eu bod yn briodol.

(9) Yn ddarostyngedig i baragraff (13) rhaid i'r corff llywodraethu benodi panel dewis sy'n cynnwys o leiaf dri ond heb fod yn fwy na saith o aelodau, er mwyn-

- (a) dewis ar gyfer cyfweiliad yr ymgeiswyr hynny am y swydd sy'n addas ym marn y panel ac, os yw'r swydd yn swydd i bennaeth, hysbysu'r awdurdod yn ysgrifenedig am enwau'r ymgeiswyr sydd wedi'u dewis fel hyn,
- (b) rhoi cyfweiliad i unrhyw rai o'r ymgeiswyr hynny a fydd yn bresennol at y diben hwnnw,
- (c) os yw'r panel yn credu ei bod yn briodol gwneud hynny, argymhell un o'r ymgeiswyr y cyfwelwyd â hwy gan y panel i'r corff llywodraethu i gael ei benodi, ac
- (ch) os caiff argymhelliad y panel ei gymeradwyo gan y corff llywodraethu, argymhell yr ymgeisydd o dan sylw i'r awdurdod addysg lleol i gael ei benodi.

(10) Rhaid i'r panel dewis ethol cadeirydd o blith aelodau'r panel.

(11) Nid yw llywodraethwr a gaiff ei dalu i weithio yn yr ysgol neu sy'n ddisgybl yn yr ysgol yn gymwys i fod yn gadeirydd y panel dewis.

(12) Caiff y corff llywodraethu symud cadeirydd unrhyw banel dewis o'r swydd ar unrhyw adeg.

(13) Caiff aelodau panel dewis gynnwys personau nad ydynt yn llywodraethwyr ac mae i ba raddau y mae gan bersonau o'r fath yr hawl i bleidleisio i'w benderfynu gan y corff llywodraethu.

(14) Rhaid i fwyafrif aelodau unrhyw banel dewis fod yn llywodraethwyr.

(15) Pan fo'r pleidleisiau'n gyfartal, mae gan y cadeirydd neu, yn ôl y digwydd, y person sy'n gweithredu fel cadeirydd at ddibenion y cyfarfod (ar yr amod bod y cyfryw berson yn llywodraethwr), ail bleidlais neu bleidlais fwrw.

(16) Rhaid i unrhyw benderfyniad gan y panel dewis gael ei gymryd drwy gyfrwng pleidlais sy'n fwyafrif absoliwt o holl aelodau'r panel (p'un a fyddant yn cymryd rhan yn bleidlais neu beidio).

(17) Os yw'r awdurdod, o fewn cyfnod o bedwar diwrnod ar ddeg sy'n dechrau ar y dyddiad y caiff ei hysbysu o dan baragraff (9)(a), yn cyflwyno sylwadau ysgrifenedig i'r panel dewis nad yw unrhyw ymgeisydd sydd wedi'i ddewis gan y panel yn berson addas ar gyfer y penodiad, rhaid i'r panel beidio ag argymhell y person hwnnw i'r corff llywodraethu i gael ei benodi oni bai bod y panel-

- (a) wedi ystyried y sylwadau hynny, a
- (b) wedi hysbysu'r awdurdod yn ysgrifenedig am ei ymateb i'r sylwadau;

England and Wales as it considers appropriate.

(9) Subject to paragraph (13) the governing body must appoint a selection panel consisting of at least three but no more than seven members, to-

- (a) select for interview such applicants for the post as it thinks fit and, where the post is that of head teacher, notify the authority in writing of the names of the applicants so selected,
- (b) interview such of those applicants as attend for the purpose,
- (c) where the panel considers it appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed by the panel, and
- (d) if the panel's recommendation is approved by the governing body, recommend the applicant in question to the local education authority for appointment.

(10) The selection panel must elect a chair from among their number.

(11) A governor who is paid to work at the school or who is a pupil at the school is not eligible to be chair of the selection panel.

(12) The governing body may remove the chair to any selection panel from office at any time.

(13) The membership of a selection panel may include persons who are not governors and the extent to which such members are entitled to vote is to be determined by the governing body.

(14) The majority of members on any selection panel must be governors.

(15) Where there is an equal decision of votes the chair, or as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), has a second or casting vote.

(16) Any decision of the selection panel must be taken by a vote representing an absolute majority of all the members of the panel (whether or not taking part in the vote).

(17) If within a period of fourteen days beginning with the date when it receives notification under paragraph (9)(a), the authority makes written representations to the selection panel that any applicant selected by the panel is not a suitable person for the appointment, the panel must not recommend that person to the governing body for appointment unless the panel has-

- (a) considered those representations, and
- (b) notified the authority in writing of its response to the representations;

ac wrth wneud argymhelliad o'r fath mae'n rhaid i'r panel roi i'r corff llywodraethu gopi o'r sylwadau hynny a chopi o ymateb y panel iddynt.

(18) Os yw'r person sydd wedi'i argymhell gan y panel dewis yn cael ei gymeradwyo gan y corff llywodraethu i gael ei benodi a bod y person yn bodloni'r holl ofynion perthnasol ynglŷn â chymwysterau staff, mae'n rhaid i'r awdurdod benodi'r person.

(19) Os-

- (a) na fydd y panel dewis yn argymhell person i'r corff llywodraethu, neu
- (b) bod y corff llywodraethu'n gwrthod cymeradwyo'r person sydd wedi'i argymhell gan y panel dewis, neu
- (c) bod yr awdurdod yn gwrthod penodi'r person y mae'r corff llywodraethu'n ei gymeradwyo,

caiff y panel dewis ddewis person arall yn unol â'r rheoliad hwn (ond nid yw hyn yn atal ymgeisydd sydd eisoes yn bodoli rhag cael ei ddewis).

(20) Wrth benderfynu a yw person yn addas i'w benodi'n bennaeth mae'n rhaid i'r awdurdod roi sylw i unrhyw ganllawiau sy'n cael eu rhoi o dro i dro gan y Cynulliad Cenedlaethol.

11.-(1) Fe gaiff y corff llywodraethu, mewn cysylltiad ag unrhyw absenoldeb ar ran y person sydd am y tro yn dal swydd pennaeth neu ddirprwy bennaeth yr ysgol, gymryd y naill neu'r llall o'r camau sydd wedi'u crybwyll yn is-baragraffau (a) a (b) o baragraff (2) neu (yn ôl fel y digwydd) (3) o reoliad 10.

(2) At ddibenion y rheoliad hwn-

- (a) mae rheoliad 10(4) yn gymwys mewn perthynas ag unrhyw argymhelliad sydd wedi'i wneud yn rhinwedd paragraff (1) fel y mae'n gymwys mewn perthynas ag unrhyw argymhelliad sydd wedi'i wneud yn rhinwedd rheoliad 10(2) neu (3); a
- (b) mae rheoliad 10(6) a (7) yn gymwys mewn cysylltiad ag unrhyw absenoldeb o'r math sydd wedi'i grybwyll ym mharagraff (1) fel y maent yn gymwys er mwyn llenwi unrhyw swydd wag o'r math sydd wedi'i grybwyll yn rheoliad 10(2) neu (3).

Penodi athrawon eraill

12.-(1) Yn ddarostyngedig i baragraff (2), mae paragraffau (3) i (7) yn gymwys mewn perthynas â llenwi unrhyw swydd wag i athro neu athrawes (boed yn swydd amser llawn ynteu rhan-amser) yn yr ysgol, heblaw swydd pennaeth neu ddirprwy bennaeth.

(2) Nid yw paragraffau (3) i (7) yn gymwys mewn perthynas ag unrhyw benodiad dros dro neu unrhyw gymryd ymlaen dros dro i lenwi unrhyw swydd wag o'r math sydd wedi'i grybwyll ym mharagraff (1)-

and when making such a recommendation the panel must supply the governing body with a copy of those representations and of the panel's response to them.

(18) Where the person recommended by the selection panel is approved by the governing body for appointment and the person meets all relevant staff qualification requirements, the authority must appoint the person.

(19) If-

- (a) the selection panel does not recommend a person to the governing body, or
- (b) the governing body declines to approve the person recommended by the selection panel, or
- (c) the authority declines to appoint the person that the governing body approves,

the selection panel may select another person in accordance with this regulation (but this does not prevent the selection of an existing applicant).

(20) In determining whether a person is suitable for appointment as head teacher the authority must have regard to any guidance given from time to time by the National Assembly.

11.-(1) The governing body may, in connection with any absence of the person for the time being holding the post of head teacher or deputy head teacher of the school, take either of the steps mentioned in subparagraphs (a) and (b) of paragraph (2) or (as the case may be) (3) of regulation 10.

(2) For the purposes of this regulation-

- (a) regulation 10(4) applies in relation to any recommendation made by virtue of paragraph (1) as it applies in relation to any recommendation made by virtue of regulation 10(2) or (3); and
- (b) regulation 10(6) and (7) apply in connection with any such absence as is mentioned in paragraph (1) as they apply for the purpose of filling any such vacancy as is mentioned in regulation 10(2) or (3).

Appointment of other teachers

12.-(1) Subject to paragraph (2), paragraphs (3) to (7) apply in relation to the filling of a vacancy in any teaching post (whether full-time or part-time) at the school, other than the post of head teacher or deputy head teacher.

(2) Paragraphs (3) to (7) do not apply in relation to any temporary appointment or engagement to fill a vacancy in any such post as is mentioned in paragraph (1)-

- (a) am gyfnod nad yw'n fwy na phedwar mis, neu
- (b) os yw'n ymddangos i'r corff llywodraethu na fydd y cyfnod y bydd y person sydd wedi'i benodi neu wedi'i gymryd ymlaen yn gweithredu yn y swydd o dan sylw yn fwy na phedwar mis.

(3) Os yw'n ymddangos i'r corff llywodraethu yn achos unrhyw swydd y byddai'n briodol i benodiad o'r math sydd wedi'i grybwyll ym mharagraff (2) gael ei wneud-

- (a) caiff y corff llywodraethu argymhell person i'w benodi i'r swydd ar unrhyw delerau o ran cyfnod y penodiad ag y bydd yn eu pennu, a
- (b) mae'n rhaid i'r awdurdod addysg lleol benodi'r person sydd wedi'i argymhell ar y telerau sydd wedi'u pennu oni bai nad yw'r person yn bodloni unrhyw ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(4) Os yw'n ymddangos i'r corff llywodraethu yn achos unrhyw swydd y byddai'n briodol cymryd person ymlaen yn y modd sydd wedi'i grybwyll ym mharagraff (2), fe gaiff y corff llywodraethu-

- (a) cymryd person ymlaen, neu
- (b) trefnu cymryd person ymlaen

i roi ei wasanaethau fel athro neu athrawes yn yr ysgol heblaw o dan gontract cyflogaeth gyda'r awdurdod addysg lleol.

(5) Rhaid i unrhyw gymryd ymlaen o dan baragraff (4) fod ar unrhyw delerau o ran cyfnod y cymryd ymlaen a bennir gan y corff llywodraethu; ond rhaid peidio â chymryd neb ymlaen o dan y paragraff hwnnw oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas ag athro neu athrawes yn y swydd y byddai'n gweithredu fel athro neu athrawes dros dro ynddi.

(6) Cyn cymryd unrhyw un o'r camau sydd wedi'u crybwyll ym mharagraffau (7) i (16), mae'n rhaid i'r corff llywodraethu-

- (a) penderfynu ar fanyleb i'r swydd drwy ymgynghori â'r pennaeth, a
- (b) anfon copi o'r fanyleb at yr awdurdod addysg lleol.

(7) Caiff yr awdurdod addysg lleol enwebu unrhyw berson i'w ystyried i'w benodi i'r swydd y mae'n ymddangos i'r awdurdod ei fod yn gymwys i'w llenwi ac sydd adeg ei enwebu naill ai-

- (a) yn gyflogai i'r awdurdod neu wedi'i benodi i ymgymryd â chyflogaeth gyda'r awdurdod yn y dyfodol, neu
- (b) wedi'i gyflogi gan gorff llywodraethu ysgol sefydledig, ysgol wirfoddol a gynorthwyr neu ysgol arbennig sefydledig a gynhelir gan yr awdurdod.

- (a) for a period not exceeding four months, or
- (b) where it appears to the governing body that the period for which the person appointed or engaged will act in the post in question will not exceed four months.

(3) Where it appears to the governing body in the case of any post that it would be appropriate for such an appointment as is mentioned in paragraph (2) to be made-

- (a) it may recommend a person for appointment to the post on such terms as to the duration of the appointment as it may specify, and
- (b) the local education authority must appoint the person recommended on the terms specified unless he or she does not meet any staff qualification requirements which are applicable in relation to his or her appointment.

(4) Where it appears to the governing body in the case of any post that it would be appropriate for such an engagement as is mentioned in paragraph (2) to be made, the governing body may-

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as a teacher at the school otherwise than under a contract of employment with the local education authority.

(5) Any engagement under paragraph (4) is to be on such terms as to the duration of the engagement as the governing body may specify; but no person is to be engaged under that paragraph unless he or she meets all the staff qualification requirements applicable in relation to a teacher in the post in which he or she would be acting as a temporary teacher.

(6) Before taking any of the steps mentioned in paragraphs (7) to (16), the governing body must-

- (a) determine a specification for the post in consultation with the head teacher, and
- (b) send a copy of the specification to the local education authority.

(7) The local education authority may nominate for consideration for appointment to the post any person who appears to the authority to be qualified to fill it and who at the time of his or her nomination either-

- (a) is an employee of the authority's or has been appointed to take up employment with the authority at a future date, or
- (b) is employed by the governing body of a foundation, voluntary aided or foundation special school maintained by the authority.

(8) Rhaid i'r awdurdod beidio ag enwebu neb sy'n cael ei gyflogi mewn unrhyw ysgol a gynhelir gan yr awdurdod o dan baragraff (7) heb gydsyniad corff llywodraethu'r ysgol honno.

(9) Caiff y corff llywodraethu hysbysebu'r swydd wag ar unrhyw adeg ar ôl iddo anfon copi o fanyleb y swydd at yr awdurdod addysg lleol yn unol â pharagraff (6), ac mae'n rhaid iddo wneud hynny oni bai ei fod naill ai-

- (a) yn derbyn i'w benodi i'r swydd berson sydd wedi'i enwebu gan yr awdurdod addysg lleol o dan baragraffau (7) ac (8), neu
- (b) yn penderfynu argymhell i'r awdurdod i'w benodi i'r swydd berson sydd eisoes wedi'i gyflogi i weithio yn yr ysgol.

(10) Os yw'r corff llywodraethu'n hysbysebu'r swydd wag, mae'n rhaid iddo wneud hynny mewn modd sydd ym marn y corff llywodraethu yn debyg o'i dwyn i sylw personau (gan gynnwys cyflogeion yr awdurdod) sy'n gymwys i'w llenwi.

(11) Os yw'r corff llywodraethu'n hysbysebu'r swydd wag, mae'n rhaid iddo-

- (a) rhoi cyfweiliad i unrhyw ymgeiswyr am y swydd ac unrhyw rai o'r personau (os oes rhai) sydd wedi'u henwebu gan yr awdurdod addysg lleol o dan baragraffau (7) ac (8) ag y mae'n gweld yn dda, a
- (b) os yw'n credu ei bod yn briodol gwneud hynny, naill ai argymhell i'r awdurdod i'w benodi un o'r ymgeiswyr y cyfwelwyd â hwy gan y corff llywodraethu neu hysbysu'r awdurdod ei fod yn derbyn i'w benodi unrhyw berson sydd wedi'i enwebu gan yr awdurdod o dan baragraffau (7) ac (8).

(12) Os nad yw'r corff llywodraethu'n gallu cytuno ar berson i'w argymhell neu i'w dderbyn i'w benodi, mae'n rhaid iddo ailadrodd y camau sydd wedi'u crybwyll ym mharagraff (11), ond caiff wneud hynny heb ailhysbysebu'r swydd wag yn unol â pharagraff (10) yn gyntaf.

(13) Os caiff person ei argymhell neu ei dderbyn i'w benodi gan y corff llywodraethu a bod y person yn bodloni'r holl ofynion perthnasol ynglŷn â chymwysterau staff, mae'n rhaid i'r awdurdod addysg lleol benodi'r person.

(14) Os yw'r awdurdod yn gwrthod penodi person sydd wedi'i argymhell gan y corff llywodraethu oherwydd nad yw'n bodloni'r gofynion cymwysterau staff sy'n berthnasol i'w benodiad, mae'n rhaid i'r corff llywodraethu ailadrodd unrhyw un o'r camau sydd wedi'u crybwyll ym mharagraff (11) y mae'n gweld yn dda, ond caiff wneud hynny heb ailhysbysebu'r swydd wag yn unol â pharagraff (10) yn gyntaf.

(8) No person who is employed at any school maintained by the authority is to be nominated by the authority under paragraph (7) without the consent of the governing body of that school.

(9) The governing body may advertise the vacancy at any time after it has sent a copy of the specification for the post to the local education authority in accordance with paragraph (6), and must do so unless either-

- (a) it accepts for appointment to the post a person nominated by the local education authority under paragraphs (7) and (8), or
- (b) it decides to recommend to the authority for appointment to the post a person who is already employed to work at the school.

(10) Where the governing body advertises the vacancy, it must do so in a manner likely in its opinion to bring it to the notice of persons (including employees of the authority) who are qualified to fill it.

(11) Where the governing body advertises the vacancy, it must-

- (a) interview such applicants for the post and such of the persons (if any) nominated by the local education authority under paragraphs (7) and (8) as it thinks fit, and
- (b) where it considers it appropriate to do so, either recommend to the authority for appointment one of the applicants interviewed by it or notify the authority that it accepts for appointment any person nominated by the authority under paragraphs (7) and (8).

(12) If the governing body is unable to agree on a person to recommend or accept for appointment, it must repeat the steps mentioned in paragraph (11), but it may do so without first re-advertising the vacancy in accordance with paragraph (10).

(13) Where a person is recommended or accepted for appointment by the governing body and the person meets all relevant staff qualification requirements, the local education authority must appoint the person.

(14) If the authority declines to appoint a person recommended by the governing body because they do not meet the staff qualification requirements which are applicable in relation to his or her appointment, the governing body must repeat such of the steps mentioned in paragraph (11) as it thinks fit, but it may do so without first re-advertising the vacancy in accordance with paragraph (10).

(15) Mewn cysylltiad ag unrhyw absenoldeb ar ran y person sydd am y tro yn dal unrhyw swydd o'r math sydd wedi'i grybwyll ym mharagraff (1), caiff y corff llywodraethu-

- (a) cymryd person ymlaen, neu
- (b) trefnu cymryd person ymlaen

i roi ei wasanaethau fel athro neu athrawes yn yr ysgol heblaw o dan gontract cyflogaeth gyda'r awdurdod addysg lleol.

(16) Rhaid peidio â chymryd neb ymlaen o dan baragraff (15) oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas ag athro neu athrawes yn y swydd y byddai'n gweithredu fel athro neu athrawes dos dro ynddi.

Cyngor y prif swyddog addysg ar benodi athrawon

13.-(1) Er mwyn rhoi cyngor, mae gan brif swyddog addysg yr awdurdod addysg lleol, neu ei gynrychiolydd, hawl i fod yn bresennol yn y canlynol-

- (a) holl drafodion y corff llywodraethu (gan gynnwys cyfweiliadau), a holl drafodion unrhyw banel dewis a benodir o dan reoliad 10(9), sy'n ymwneud â phenodi neu gymryd ymlaen y mae unrhyw un o ddarpariaethau rheoliadau 10 ac 11 yn gymwys iddynt, a
- (b) holl drafodion y corff llywodraethu (gan gynnwys cyfweiliadau), a holl drafodion unrhyw bersonau y dirprwyir unrhyw rai o swyddogaethau'r corff llywodraethu o dan reoliad 12 iddynt, sy'n ymwneud â phenodi neu gymryd ymlaen y mae unrhyw un o ddarpariaethau rheoliad 12 yn gymwys iddynt.

(2) Mae gan y prif swyddog addysg, neu ei gynrychiolydd, hawl i gynnig unrhyw gyngor sy'n briodol yn ei farn ef mewn perthynas â'r canlynol-

- (a) penodi pennaeth neu ddirprwy bennaeth neu benodi neu gymryd ymlaen bennaeth neu ddirprwy bennaeth dros dro, neu
- (b) unrhyw fater sy'n codi mewn cysylltiad ag unrhyw benodi neu gymryd ymlaen o'r fath.

(3) Os bydd y corff llywodraethu'n gofyn iddo wneud hynny, mae gan y prif swyddog addysg, neu ei gynrychiolydd, hawl i roi unrhyw gyngor sy'n briodol yn ei farn ef mewn perthynas ag unrhyw benodi neu gymryd ymlaen y mae unrhyw un o ddarpariaethau rheoliad 12 yn gymwys iddynt.

(4) Rhaid i unrhyw gyngor sy'n cael ei roi gan y prif swyddog addysg, neu ei gynrychiolydd-

- (a) i'r corff llywodraethu,
- (b) i unrhyw banel dewis a benodir o dan reoliad 10(9), neu
- (c) i unrhyw bersonau y dirprwyir unrhyw rai o

(15) The governing body may, in connection with any absence of the person for the time being holding any such post as is mentioned in paragraph (1)-

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as a teacher at the school otherwise than under a contract of employment with the local education authority.

(16) No person is to be engaged under paragraph (15) unless he or she meets all the staff qualification requirements applicable in relation to a teacher in the post in which he or she would be acting as a temporary teacher.

Advice of chief education officer on appointments of teachers

13.-(1) The chief education officer of the local education authority, or his or her representative, is entitled to attend, for the purpose of giving advice-

- (a) all proceedings (including interviews) of the governing body, and of any selection panel appointed under regulation 10(9), relating to appointments or engagements to which any of the provisions of regulations 10 and 11 apply, and
- (b) all proceedings (including interviews) of the governing body, and of any persons to whom any functions of the governing body under regulation 12 are delegated, relating to appointments or engagements to which any of the provisions of regulation 12 apply.

(2) The chief education officer, or his or her representative, is entitled to offer such advice as he or she considers appropriate with respect to-

- (a) the appointment of a head teacher or deputy head teacher or the appointment or engagement of an acting head teacher or acting deputy head teacher, or
- (b) any matter arising in connection with any such appointment or engagement.

(3) If requested to do so by the governing body, the chief education officer, or his or her representative, is entitled to give such advice as he or she considers appropriate in relation to any appointment or engagement to which any of the provisions of regulation 12 apply.

(4) Any advice given by the chief education officer, or his or her representative, to-

- (a) the governing body,
- (b) any selection panel appointed under regulation 10(9), or
- (c) any persons to whom any functions of the

swyddogaethau'r corff llywodraethu o dan reoliad 12 iddynt,

mewn perthynas ag unrhyw fater sy'n ymwneud â phenodi neu gymryd ymlaen ac sydd i'w benderfynu ganddynt gael ei ystyried ganddynt cyn iddynt benderfynu ar y mater hwnnw, p'un a gafodd y cyngor ei roi ar eu cais neu beidio.

Cyngor y pennaeth ar benodi athrawon

14. Ac eithrio mewn perthynas â phenodi pennaeth-

- (a) mae rheoliad 13(1) yn gymwys mewn perthynas â'r pennaeth (os nad oes gan y pennaeth hawl fel arall i fod yn bresennol yn y trafodion sydd wedi'u crybwyll yno) fel y mae'n gymwys mewn perthynas â'r prif swyddog addysg, a
- (b) mae rheoliad 13(4) yn gymwys mewn perthynas â chyngor sy'n cael ei roi gan y pennaeth fel y mae'n gymwys mewn perthynas â chyngor sy'n cael ei roi gan y prif swyddog addysg.

Penodi staff cymorth

15.-(1) Yn ddarostyngedig i reoliad 18, os yw'r corff llywodraethu'n nodi swydd staff cymorth sydd i'w llenwi, caiff argymhell person i'r awdurdod i'w benodi.

(2) Rhaid i unrhyw argymhelliad o'r fath gael ei anfon at yr awdurdod gyda manyleb swydd ar gyfer y swydd a rhaid i'r fanyleb swydd gynnwys argymhellion y corff llywodraethu o ran y canlynol-

- (a) y dyletswyddau sydd i'w cyflawni,
- (b) yr oriau gwaith (os yw'r swydd yn un ran-amser),
- (c) cyfnod y penodiad,
- (ch) y radd, a
- (d) y tâl.

(3) Rhaid i'r radd fod ar y raddfa graddau sy'n gymwys mewn perthynas â chyflogaeth gyda'r awdurdod, ac yn gyfryw ag y cred y corff llywodraethu ei bod yn briodol.

(4) Cyn dewis person i'w argymhell o dan y rheoliad hwn a phenderfynu mewn perthynas â'r argymhelliad hwnnw ar unrhyw faterion sydd wedi'u crybwyll ym mharagraff (2), mae'n rhaid i'r corff llywodraethu ymgynghori â'r canlynol-

- (a) y pennaeth (pe na bai'n cael ei gynnwys yn y penderfyniad fel arall), a
- (b) prif swyddog addysg yr awdurdod, neu ei gynrychiolydd.

(5) Os oes gan yr awdurdod ddisgresiwn mewn perthynas â thâl, mae'n rhaid iddo arfer y disgresiwn hwnnw yn unol ag argymhelliad y corff llywodraethu.

governing body under regulation 12 are delegated,

with respect to any matter which relates to an appointment or engagement and falls to be determined by them must be considered by them before determining that matter, whether or not the advice was given at their request.

Advice of head teacher on appointments of teachers

14. Except in relation to the appointment of a head teacher-

- (a) regulation 13(1) applies in relation to the head teacher (if not otherwise entitled to be present at the proceedings there mentioned) as it applies in relation to the chief education officer, and
- (b) regulation 13(4) applies in relation to advice given by the head teacher as it applies in relation to advice given by the chief education officer.

Appointment of support staff

15.-(1) Subject to regulation 18, where the governing body identifies a support staff post to be filled, it may recommend a person to the authority for appointment.

(2) Any such recommendation must be sent to the authority with a job specification for the post and the job specification must include the governing body's recommendations as to-

- (a) the duties to be performed,
- (b) the hours of work (where the post is part-time),
- (c) the duration of appointment,
- (d) the grade, and
- (e) the remuneration.

(3) The grade must be on the scale of grades applicable in relation to employment with the authority, and such as the governing body considers appropriate.

(4) Before selecting a person to recommend under this regulation and determining in relation to such a recommendation any matters mentioned in paragraph (2), the governing body must consult-

- (a) the head teacher (where he or she would not otherwise be involved in the decision), and
- (b) the chief education officer of the authority, or his or her representative.

(5) Where the authority has discretion with respect to remuneration, it must exercise that discretion in accordance with the governing body's recommendation.

(6) Bernir bod gan yr awdurdod ddisgresiwn os yw unrhyw ddarpariaethau sy'n rheoleiddio'r cyfraddau tâl neu'r lwfansau sy'n daladwy i bersonau yng nghyflogaeth yr awdurdod naill ai-

- (a) yn anghymwys mewn perthynas â'r penodiad hwnnw, neu
- (b) yn caniatáu unrhyw fesur o ddisgresiwn i'r awdurdod o ran y gyfradd tâl.

(7) Os yw'r awdurdod, o fewn cyfnod o saith diwrnod ar ôl cael y fanyleb swydd ysgrifenedig, yn cyflwyno sylwadau ysgrifenedig i'r corff llywodraethu sy'n ymwneud â'r radd neu â'r tâl sydd i'w dalu, mae'n rhaid i'r corff llywodraethu-

- (a) ystyried y sylwadau hynny, a
- (b) os yw'n penderfynu peidio â newid y radd neu'r tâl sydd i'w dalu, hysbysu'r awdurdod yn ysgrifenedig am ei resymau.

(8) Rhaid i'r awdurdod benodi person sydd wedi'i argymhell i'r swydd gan y corff llywodraethu, cyhyd ag y bydd y person yn bodloni'r holl ofynion perthnasol ynglŷn â chymwysterau staff.

Atal staff

16.-(1) Yn ddarostyngedig i reoliad 18, mae gan y corff llywodraethu a'r pennaeth ill dau bŵer i atal unrhyw berson sydd wedi'i gyflogi neu wedi'i gymryd ymlaen heblaw o dan contract cyflogaeth i weithio yn yr ysgol os oes angen ei atal, ym marn y corff llywodraethu neu (yn ôl fel y digwydd) y pennaeth.

(2) Wrth arfer y pŵer hwnnw, mae'n rhaid i'r corff llywodraethu neu'r pennaeth hysbysu'r awdurdod a'r pennaeth neu (yn ôl fel y digwydd) y corff llywodraethu ar unwaith.

(3) Dim ond y corff llywodraethu a gaiff ddod ag ataliad o dan y rheoliad hwn i ben.

(4) Wrth ddod ag ataliad o'r fath i ben, rhaid i'r corff llywodraethu hysbysu'r awdurdod a'r pennaeth ar unwaith.

(5) Yn y rheoliad hwn, ystyr "atal" ("*suspend*") yw atal heb golli enillion.

Diswyddo staff

17.-(1) Yn ddarostyngedig i reoliad 18, os yw'r corff llywodraethu'n penderfynu y dylai unrhyw berson sydd wedi'i gyflogi neu wedi'i gymryd ymlaen gan yr awdurdod i weithio yn yr ysgol beidio â gweithio yno, mae'n rhaid iddo hysbysu'r awdurdod yn ysgrifenedig am ei benderfyniad a'r rhesymau drosto.

(6) The authority is regarded as having discretion if any provisions regulating the rates of remuneration or allowances payable to persons in the authority's employment either-

- (a) do not apply in relation to that appointment, or
- (b) leave to the authority any degree of discretion as to the rate of remuneration.

(7) If within a period of seven days after receiving the job specification the authority makes written representations to the governing body relating to the grade or remuneration to be paid, the governing body must-

- (a) consider those representations, and
- (b) where it decides not to change the grade or remuneration to be paid, notify the authority in writing of its reasons.

(8) The authority must appoint a person recommended to the post by the governing body, subject to the person meeting all relevant staff qualification requirements.

Suspension of staff

16.-(1) Subject to regulation 18, both the governing body and the head teacher have power to suspend any person employed, or engaged otherwise than under a contract of employment, to work at the school where, in the opinion of the governing body or (as the case may be) the head teacher, his or her suspension is required.

(2) The governing body or head teacher must, when exercising that power, immediately inform the authority and the head teacher or (as the case may be) the governing body.

(3) A suspension under this regulation may only be ended by the governing body.

(4) The governing body must, on ending such a suspension, immediately inform the authority and the head teacher.

(5) In this regulation "suspend" ("*atal*") means suspend without loss of emoluments.

Dismissal of staff

17.-(1) Subject to regulation 18, where the governing body determines that any person employed or engaged by the authority to work at the school should cease to work there, it must notify the authority in writing of its determination and the reasons for it.

(2) Os yw'r person o dan sylw wedi'i gyflogi neu wedi'i gymryd ymlaen i weithio dim ond yn yr ysgol (ac nad yw'n ymddiswyddo), cyn diwedd y cyfnod o bedwar diwrnod ar ddeg sy'n dechrau ar y dyddiad y mae'r hysbysiad o dan baragraff (1) yn cael ei roi, mae'n rhaid i'r awdurdod naill ai-

- (a) rhoi iddo unrhyw rybudd i derfynu ei gontract gyda'r awdurdod sy'n ofynnol o dan y contract hwnnw, neu
- (b) terfynu'r contract hwnnw heb roi rhybudd os yw'r amgylchiadau'n golygu bod gan yr awdurdod hawl i wneud hynny oherwydd ymddygiad y person.

(3) Os nad yw'r person o dan sylw wedi'i gyflogi neu wedi'i gymryd ymlaen gan yr awdurdod i weithio dim ond yn yr ysgol, mae'n rhaid i'r awdurdod ei gwneud yn ofynnol iddo beidio â gweithio yn yr ysgol ar unwaith.

(4) Os yw paragraff (3) yn gymwys, rhaid peidio â thalu'r un rhan o'r costau a dynnir gan yr awdurdod addysg lleol mewn perthynas ag enillion y person o dan sylw o gyfran yr ysgol o'r gyllideb, i'r graddau y maent yn ymwneud ag unrhyw gyfnod sy'n syrthio ar ôl i'w gyfnod hysbysu contractiol ddod i ben.

(5) Mae'r cyfeiriad ym mharagraff (4) at gyfnod rhybuddio contractiol y person yn gyfeiriad at y cyfnod rhybuddio y byddai ei angen o dan ei gontract cyflogaeth gyda'r awdurdod er mwyn terfynu'r contract hwnnw pe bai rhybudd o'r fath wedi'i roi ar y dyddiad y cafodd yr hysbysiad o dan baragraff (1) ei roi.

(6) Mae'n rhaid i'r corff llywodraethu-

- (a) gwneud trefniadau i roi cyfle i unrhyw berson y mae'n bwriadu gwneud penderfyniad mewn perthynas ag ef o dan baragraff (1) gyflwyno sylwadau am y camau y mae'r corff llywodraethu'n bwriadu eu cymryd (gan gynnwys, os yw'r person yn dymuno, sylwadau ar lafar i unrhyw berson neu bersonau a benodir at y diben gan y corff llywodraethu), a
- (b) rhoi sylw i unrhyw sylwadau sy'n cael eu cyflwyno gan y person.

(7) Rhaid hefyd i'r corff llywodraethu wneud trefniadau i roi cyfle i unrhyw berson y mae wedi gwneud penderfyniad mewn perthynas ag ef o dan baragraff (1) apelio yn erbyn y penderfyniad cyn i'r corff llywodraethu hysbysu'r awdurdod addysg lleol amdano.

(8) Nid oes dim ym mharagraffau (6) a (7) i fod yn gymwys i berson-

- (a) sydd i fod i beidio â gweithio yn yr ysgol am y rheswm bod ei gontract cyflogaeth wedi dod i ben am fod amser wedi mynd heibio; a
- (b) sydd heb gael ei gyflogi'n ddi-dor yn yr ysgol, o fewn ystyr Deddf Hawliau Cyflogaeth 1996,

(2) If the person concerned is employed or engaged to work solely at the school (and does not resign), the authority must, before the end of the period of fourteen days beginning with the date on which the notification under paragraph (1) is given, either-

- (a) give him or her such notice terminating his or her contract with the authority as is required under that contract, or
- (b) terminate that contract without notice if the circumstances are such that it is entitled to do so by reason of his or her conduct.

(3) If the person concerned is not employed or engaged by the authority to work solely at the school, the authority must require him or her to cease to work at the school with immediate effect.

(4) Where paragraph (3) applies, no part of the costs incurred by the local education authority in respect of the emoluments of the person concerned, so far as they relate to any period falling after the expiration of his or her contractual notice period, is to be met from the school's budget share.

(5) The reference in paragraph (4) to the person's contractual notice period is to the period of notice that would have been required under his or her contract of employment with the authority for termination of that contract if such notice had been given on the date on which the notification under paragraph (1) was given.

(6) The governing body must-

- (a) make arrangements for giving any person in respect of whom it proposes to make a determination under paragraph (1) an opportunity of making representations as to the action it proposes to take (including, if he or she so wishes, oral representations to such person or persons as the governing body may appoint for the purpose), and
- (b) have regard to any representations made by him or her.

(7) The governing body must also make arrangements for giving any person in respect of whom it has made a determination under paragraph (1) an opportunity of appealing against it before it notifies the local education authority of the determination.

(8) Nothing in paragraphs (6) and (7) is to apply to a person who-

- (a) is due to cease to work at the school by reason of the termination of his or her contract of employment by effluxion of time; and
- (b) has not been continuously employed at the school, within the meaning of the Employment

am gyfnod yr un mor hir o leiaf â'r cyfnod sydd am y tro wedi'i bennu yn adran 108(1) o'r Ddeddf honno(1).

(9) Mae gan brif swyddog addysg yr awdurdod addysg lleol, neu ei gynrychiolydd, a'r pennaeth (ac eithrio os y pennaeth yw'r person o dan sylw) hawl i fod yn bresennol yn holl wrandawiadau'r pwyllgor disgyblu staff a'r pwyllgor apelau disgyblu, er mwyn rhoi cyngor(2).

(10) Rhaid i'r pwyllgor disgyblu staff a'r pwyllgor apelau disgyblu ystyried unrhyw gyngor sy'n cael ei roi gan berson sydd â hawl i fod yn bresennol mewn gwrandawiadau o'r fath o dan baragraff (9) cyn gwneud penderfyniad o dan baragraff (1).

(11) Rhaid i'r awdurdod addysg lleol beidio â diswyddo person sydd wedi'i gyflogi ganddo i weithio dim ond yn yr ysgol ac eithrio yn unol â'r darpariaethau ym mharagraffau (1) a (2).

(12) Nid yw paragraff (11) yn gymwys mewn achos-

- (a) lle mae'n ofynnol diswyddo'r person o dan sylw yn rhinwedd cyfarwyddyd sydd wedi'i roi o dan adran 142 o Ddeddf 2002 neu reoliadau sydd wedi'u gwneud o dan adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998(3), neu
- (b) lle mae'r person o dan sylw yn athro neu athrawes sy'n destun gorchymyn cofrestru amodol, gorchymyn atal neu orchymyn gwahardd sydd wedi'i wneud o dan Atodlen 2 i Ddeddf Addysgu ac Addysg Uwch 1998(4).

Staff prydau ysgol

18.-(1) Yn ddarostyngedig i baragraffau (2) i (4), mae'r awdurdod yn gyfrifol am benodi, disgyblu, atal a diswyddo staff prydau ysgol sy'n gweithio neu sydd i weithio mewn ysgol a chyn arfer unrhyw swyddogaeth o'r fath mae'n rhaid i'r awdurdod ymgynghori â chorff llywodraethu'r ysgol i unrhyw raddau a wêl yr awdurdod yn dda.

Rights Act 1996, for a period at least as long as the period for the time being specified in section 108(1) of that Act(1).

(9) The chief education officer of the local education authority, or his or her representative, and the head teacher (except where he or she is the person concerned) are entitled to attend, for the purpose of giving advice, all hearings of the staff disciplinary committee and the disciplinary appeal committee(2).

(10) The staff disciplinary committee and the disciplinary appeal committee must consider any advice given by a person who is entitled to attend such hearings under paragraph (9) before making a determination under paragraph (1).

(11) The local education authority must not dismiss a person employed by it to work solely at the school except as provided by paragraphs (1) and (2).

(12) Paragraph (11) does not apply in a case where-

- (a) the dismissal of the person in question is required by virtue of a direction made under section 142 of the 2002 Act or regulations made under section 19 of the Teaching and Higher Education Act 1998(3), or
- (b) the person in question is a teacher who is subject to a conditional registration, suspension or prohibition order made under Schedule 2 to the Teaching and Higher Education Act 1998(4).

School meals staff

18.-(1) Subject to paragraphs (2) to (4), the authority is responsible for the appointment, discipline, suspension and dismissal of school meals staff who work or are to work at a school and before exercising any such function the authority must consult the school's governing body to such extent as the authority thinks fit.

(1) Fel y'i diwygiwyd gan erthygl 3 o Orchymyn Diswyddo Annheg a Datganiad o'r Rhesymau dros Ddiswyddo (Amrywio'r Cyfnod Cymhwys) 1991 (O.S. 1999/1436).

(2) Mae'r gofynion i sefydlu pwyllgor disgyblu staff a phwyllgor apeladau disgyblu i'w rheoliad 55 o Reoliadau Llywodraeth Ysgolion a Gynhelir (Cymru) 2005.

(3) 1998 p.30. Rheoliadau Addysg (Trefniadau Ymsefydlu Athrawon Ysgol) (Cymru) 2003, O.S. 2003/543 (Cy.77) fel y'u diwygiwyd gan O.S. 2004/872 (Cy.87).

(4) Fel y'i diwygiwyd gan adran 148 o Ddeddf 2002, a pharagraffau 1 a 12 o Ran 1 o Atodlen 12 iddi.

(1) As amended by article 3 of the Unfair Dismissal and Statement of Reasons for Dismissal (Variation of Qualifying Period) Order 1999 (S.I. 1999/1436).

(2) The requirements to establish a staff disciplinary committee and disciplinary appeal committee are contained in regulation 55 of The Government of Maintained Schools (Wales) Regulations 2005.

(3) 1998 c.30. The Education (Induction Arrangements for School Teachers) (Wales) Regulations 2003, S.I. 2003/543 (W.77), as amended by S.I. 2004/872 (W.87).

(4) As amended by section 148 of, and paragraphs 1 and 12 of Part 1 of Schedule 12 to, the 2002 Act.

(2) Os oes gorchymyn mewn grym o dan adran 512A(1) o Ddeddf Addysg 1996(1) sy'n gosod dyletswydd ar gorff llywodraethu ysgol i ddarparu cinio ysgol sy'n cyfateb i ddyletswydd yr awdurdod sydd wedi'i chrybwyll yn adran 512(3) a (4) o'r Ddeddf honno(2) neu adran 512ZB(1) o'r Ddeddf honno, mae paragraff (3) neu (4) yn gymwys fel y bo'n briodol.

(3) Os yw'r corff llywodraethu wedi gwneud cytundeb gyda'r awdurdod y dylai'r awdurdod ddarparu cinio yn yr ysgol a bod y corff llywodraethu'n penderfynu y dylai unrhyw aelod o staff prydu'r ysgol beidio â gweithio yn yr ysgol mae'n rhaid iddo hysbysu'r awdurdod yn ysgrifenedig am ei benderfyniad a'r rheswm drosto, ac mae'n rhaid wedyn i'r awdurdod ei gwneud yn ofynnol i'r person beidio â gweithio yn yr ysgol.

(4) Os nad oes cytundeb o'r fath wedi'i wneud, mae rheoliadau 7 a 15 i 17 yn gymwys i aelodau staff o'r fath.

Hawliau cynghori i awdurdodau esgobaethol priodol

19.-(1) Mae'r rheoliad hwn yn gymwys i ysgol wirfoddol a gynorthwyir sy'n un o ysgolion yr Eglwys yng Nghymru, Eglwys Loegr neu'r Eglwys Gatholig Rufeinig.

(2) Caiff y corff llywodraethu gytuno â'r awdurdod esgobaethol priodol i roi'r un hawliau cynghori i'r swyddog esgobaethol priodol-

- (a) mewn perthynas â'r holl athrawon yn yr ysgol, neu
- (b) mewn perthynas ag unrhyw ddisgrifiad penodol o athrawon o'r fath,

o ran eu penodi, eu cymryd ymlaen neu eu diswyddo ag sy'n arferadwy gan y prif swyddog addysg yn unol â rheoliadau 13 a 17(9) a (10).

(3) Rhaid i gytundeb y corff llywodraethu at ddibenion paragraff (2) gael ei roi yn ysgrifenedig a dim ond drwy hysbysiad yn ysgrifenedig i'r awdurdod esgobaethol priodol y gall gael ei dynnu'n ôl.

(4) Yn rheoliadau 13 a 17(9) a (10), fel y maent yn gymwys i ysgol wirfoddol a gynorthwyir o fewn ystyr paragraff (1), mae cyfeiriadau at y prif swyddog addysg gan hynny yn cynnwys y swyddog esgobaethol priodol, i'r graddau sy'n angenrheidiol i roi eu heffaith i unrhyw hawliau cynghori sy'n arferadwy gan y swyddog esgobaethol priodol o dan y rheoliad hwn.

(5) Yn y rheoliad hwn ystyr "y swyddog esgobaethol priodol" ("*the appropriate diocesan officer*") yw unrhyw berson a enwebir gan yr awdurdod esgobaethol priodol.

(2) Where an order is in force under section 512A(1) of the Education Act 1996(1) imposing on the governing body of a school a duty to provide school lunches corresponding to a duty of the authority mentioned in section 512(3) and (4) of that Act(2) or section 512ZB(1) of that Act, paragraph (3) or (4) applies as appropriate.

(3) Where the governing body has entered into an agreement with the authority that the authority should provide lunches at the school and the governing body determines that any school meals staff member should cease to work at the school it must notify the authority in writing of its determination and the reason for it, and the authority must then require the person to cease to work at the school.

(4) Where no such agreement has been entered into, regulations 7 and 15 to 17 apply to such staff members.

Advisory rights for appropriate diocesan authorities

19.-(1) This regulation applies to a voluntary controlled school which is a Church of England, Church in Wales or Roman Catholic Church school.

(2) The governing body may agree with the appropriate diocesan authority to accord to the appropriate diocesan officer-

- (a) with respect to all teachers at the school, or
- (b) with respect to any particular description of such teachers,

the same advisory rights in relation to their appointment, engagement or dismissal as are exercisable by the chief education officer in accordance with regulations 13 and 17(9) and (10).

(3) The agreement of the governing body for the purposes of paragraph (2) must be given in writing and may only be withdrawn by notice in writing to the appropriate diocesan authority.

(4) In regulations 13 and 17(9) and (10), as they apply to a voluntary controlled school within paragraph (1), references to the chief education officer accordingly include the appropriate diocesan officer, so far as necessary for giving effect to any advisory rights exercisable by him or her under this regulation.

(5) In this regulation "the appropriate diocesan officer" ("*y swyddog esgobaethol priodol*") means such person as the appropriate diocesan authority may nominate.

(1) 1996 p.56; cafodd adran 512A ei mewnosod gan adran 116 o Ddeddf 1998.

(2) Cafodd adran 512, ynghyd ag adrannau 512ZA a 512ZB, ei rhoi yn lle adran 512 fel y'i deddfwyd yn wreiddiol, gan adran 201(1) o Ddeddf 2002.

(1) 1996 c.56; section 512A was inserted by section 116 of the 1998 Act.

(2) Section 512, together with sections 512ZA and 512ZB, was substituted for section 512 as originally enacted by section 201(1) of the 2002 Act.

RHAN 3

Darpariaethau sy'n ymwneud ag ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyr ac ysgolion arbennig sefydledig

Dehongli Rhan 3

20. Mae'r Rhan hon yn gymwys i ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyr ac ysgolion arbennig sefydledig(1).

Cyngor y prif swyddog addysg ar benodi athrawon

21.(1) Er mwyn rhoi cyngor, mae gan brif swyddog addysg yr awdurdod addysg lleol, neu ei gynrychiolydd, hawl i fod yn bresennol yn y canlynol-

- (a) holl drafodion y corff llywodraethu (gan gynnwys cyfweiliadau), a holl drafodion unrhyw banel dewis a benodir o dan reoliad 24(8), sy'n ymwneud â phenodi neu gymryd ymlaen y mae unrhyw un o ddarpariaethau rheoliadau 24 neu 26(12) i (16) yn gymwys iddynt, a
- (b) holl drafodion y corff llywodraethu (gan gynnwys cyfweiliadau), a thrafodion unrhyw bersonau y dirprwyir unrhyw rai o swyddogaethau'r corff llywodraethu o dan reoliad 26 iddynt, sy'n ymwneud â phenodi neu gymryd ymlaen y mae unrhyw un o ddarpariaethau rheoliad 26 yn gymwys iddynt.

(2) Mae gan y prif swyddog addysg, neu ei gynrychiolydd, hawl i gynnig unrhyw gyngor sy'n briodol yn ei farn ef mewn perthynas â'r canlynol-

- (a) penodi pennaeth neu ddirprwy bennaeth neu benodi neu gymryd ymlaen bennaeth neu ddirprwy bennaeth dros dro, neu
- (b) unrhyw fater sy'n codi mewn cysylltiad ag unrhyw benodi neu gymryd ymlaen o'r fath.

(3) Rhaid i unrhyw gyngor sy'n cael ei roi gan y prif swyddog addysg, neu ei gynrychiolydd-

- (a) i'r corff llywodraethu,
- (b) i unrhyw banel dewis a benodir o dan reoliad 24(8), neu
- (c) i unrhyw bersonau y dirprwyir unrhyw rai o swyddogaethau'r corff llywodraethu o dan reoliad 26 iddynt,

mewn perthynas ag unrhyw fater sy'n ymwneud â phenodi neu gymryd ymlaen ac sydd i'w benderfynu ganddynt gael ei ystyried ganddynt cyn iddynt benderfynu ar y mater hwnnw, p'un a gafodd y cyngor ei roi ar eu cais neu beidio.

(1) Ond os nad oes gan ysgol gyllideb ddirprwyedig fel y mae wedi'i diffinio gan adran 39(2) o Ddeddf 2002, mae Rhan 3 o'r Rheoliadau hyn yn effeithiol yn ddarostyngedig i ddarpariaethau Rhan 2 o Atodlen 2 i Ddeddf 2002, yn unol ag adran 36(7) o Ddeddf 2002.

PART 3

Provisions relating to foundation, voluntary aided and foundation special schools

Interpretation of Part 3

20. This Part applies to foundation, voluntary aided and foundation special schools(1).

Advice of chief education officer on appointments of teachers

21.(1) The chief education officer of the local education authority, or his or her representative, is entitled to attend, for the purpose of giving advice-

- (a) all proceedings (including interviews) of the governing body, and of any selection panel appointed under regulation 24(8), relating to appointments or engagements to which any of the provisions of regulations 24 or 26(12) to (16), and
- (b) all proceedings (including interviews) of the governing body, and of any persons to whom any functions of the governing body under regulation 26 are delegated, relating to appointments or engagements to which any of the provisions of regulation 26 apply.

(2) The chief education officer, or his or her representative, is entitled to offer such advice as he or she considers appropriate with respect to-

- (a) the appointment of a head teacher or deputy head teacher or the appointment or engagement of an acting head teacher or an acting deputy head teacher, or
- (b) any matter arising in connection with any such appointment or engagement.

(3) Any advice given by the chief education officer, or his or her representative, to-

- (a) the governing body,
- (b) any selection panel appointed under regulation 24(8), or
- (c) any persons to whom any functions of the governing body under regulation 26 are delegated,

with respect to any matter which relates to an appointment or engagement and falls to be determined by them must be considered by them before determining that matter, whether or not the advice was given at their request.

(1) But where a school does not have a delegated budget as defined by section 39(2) of the 2002 Act, Part 3 of these Regulations has effect subject to the provisions of Part 2 of Schedule 2 to the 2002 Act, in accordance with section 36(7) of the 2002 Act.

Cyngor y pennaeth ar benodi athrawon

22. Ac eithrio mewn perthynas â phenodi pennaeth-

- (a) mae rheoliad 21(1) yn gymwys mewn perthynas â'r pennaeth (os nad oes gan y pennaeth hawl fel arall i fod yn bresennol yn y trafodion sydd wedi'u crybwyll yno) fel y mae'n gymwys mewn perthynas â'r prif swyddog addysg, a
- (b) mae rheoliad 21(3) yn gymwys mewn perthynas â chyngor sy'n cael ei roi gan y pennaeth fel y mae'n gymwys mewn perthynas â chyngor sy'n cael ei roi gan y prif swyddog addysg.

Hawliau cynghori i awdurdodau esgobaethol priodol

23.-(1) Mae'r rheoliad hwn yn gymwys i ysgol wirfoddol a gynorthwyr neu ysgol sefydledig sy'n un o ysgolion yr Eglwys yng Nghymru, Eglwys Loegr neu'r Eglwys Gatholig Rufeinig.

(2) Os ysgol wirfoddol a gynorthwyr yw'r ysgol, mae gan y swyddog esgobaethol priodol yr un hawliau cynghori mewn perthynas â phenodi athrawon yn yr ysgol, eu cymryd ymlaen neu eu diswyddo ag sy'n arferadwy gan y prif swyddog addysg yn unol â rheoliadau 21 a 30(1) a (2).

(3) Os ysgol sefydledig yw'r ysgol, caiff y corff llywodraethu gytuno â'r awdurdod esgobaethol priodol i roi'r un hawliau cynghori i'r swyddog esgobaethol priodol-

- (a) mewn perthynas â'r holl athrawon yn yr ysgol, neu
- (b) mewn perthynas ag unrhyw ddisgrifiad penodol o athrawon o'r fath,

o ran eu penodi, eu cymryd ymlaen neu eu diswyddo ag sy'n arferadwy gan y prif swyddog addysg yn unol â rheoliadau 21 a 30(1) a (2).

(4) Rhaid i gytundeb y corff llywodraethu at ddibenion paragraff (3) gael ei roi yn ysgrifenedig a dim ond drwy hysbysiad mewn ysgrifen i'r awdurdod esgobaethol priodol y gall gael ei dynnu'n ôl.

(5) Yn rheoliadau 21 a 30(1) a (2), fel y maent yn gymwys i ysgol ym mharagraff (2) neu (3), mae cyfeiriadau at y prif swyddog addysg gan hynny yn cynnwys y swyddog esgobaethol priodol, i'r graddau sy'n angenrheidiol i roi eu heffaith i unrhyw hawliau cynghori sy'n arferadwy gan y swyddog esgobaethol priodol o dan y rheoliad hwn.

(6) Yn y rheoliad hwn ystyr "y swyddog esgobaethol priodol" ("*the appropriate diocesan officer*") yw unrhyw berson a enwebir gan yr awdurdod esgobaethol priodol.

Advice of head teacher on appointments of teachers

22. Except in relation to the appointment of a head teacher-

- (a) regulation 21(1) applies in relation to the head teacher (if not otherwise entitled to be present at the proceedings there mentioned) as it applies in relation to the chief education officer, and
- (b) regulation 21(3) applies in relation to advice given by the head teacher as it applies in relation to advice given by the chief education officer.

Advisory rights for appropriate diocesan authorities

23.-(1) This regulation applies to a voluntary aided or foundation school which is a Church of England, Church in Wales or Roman Catholic Church school.

(2) If the school is a voluntary aided school, the appropriate diocesan officer has the same advisory rights in relation to the appointment, engagement or dismissal of teachers at the school as are exercisable by the chief education officer in accordance with regulations 21 and 30(1) and (2).

(3) If the school is a foundation school, the governing body may agree with the appropriate diocesan authority to accord to the appropriate diocesan officer-

- (a) with respect to all teachers at the school, or
- (b) with respect to any particular description of such teachers,

the same advisory rights in relation to their appointment, engagement or dismissal as are exercisable by the chief education officer in accordance with regulations 21 and 30(1) and (2).

(4) The agreement of the governing body for the purposes of paragraph (3) must be given in writing and may only be withdrawn by notice in writing to the appropriate diocesan authority.

(5) In regulations 21 and 30(1) and (2), as they apply to a school within paragraph (2) or (3), references to the chief education officer accordingly include the appropriate diocesan officer, so far as necessary for giving effect to any advisory rights exercisable by him or her under this regulation.

(6) In this regulation "the appropriate diocesan officer" ("*y swyddog esgobaethol priodol*") means such person as the appropriate diocesan authority may nominate.

Penodi pennaeth a dirprwy bennaeth

24.-(1) Rhaid i'r corff llywodraeth hysbysu'r awdurdod yn ysgrifenedig am swydd wag i bennaeth neu ddirprwy bennaeth yr ysgol cyn cymryd unrhyw un o'r camau sydd wedi'u crybwyll ym mharagraffau (2) i (18).

(2) Os yw'r swydd wag yn swydd i bennaeth a naill ai bod y swydd heb ei llenwi neu ei bod yn ymddangos i'r corff llywodraethu na chaiff y swydd ei llenwi, drwy benodi yn unol â pharagraffau (7) i (18) cyn y dyddiad y daw'n wag, mae'n rhaid i'r corff llywodraethu naill ai-

- (a) penodi person yn bennaeth dros dro, neu
- (b) arfer ei bŵer o dan baragraff (5).

(3) Os yw'r swydd wag yn swydd i ddirprwy bennaeth a naill ai bod y swydd heb ei llenwi neu ei bod yn ymddangos i'r corff llywodraethu na chaiff y swydd ei llenwi, drwy benodi yn unol â pharagraffau (7) i (18) cyn y dyddiad y daw'n wag, fe gaiff y corff llywodraethu naill ai-

- (a) penodi person yn ddirprwy bennaeth dros dro, neu
- (b) arfer ei bŵer o dan baragraff (5).

(4) Rhaid peidio â phenodi neb o dan baragraff (2) neu (3) oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(5) Yn lle penodi o dan baragraff (2) neu (3), er mwyn llenwi'r swydd wag fe gaiff y corff llywodraethu-

- (a) cymryd person ymlaen, neu
- (b) trefnu cymryd person ymlaen

i roi ei wasanaethau fel pennaeth dros dro, neu (yn ôl fel y digwydd) dirprwy bennaeth dros dro, heblaw o dan contract cyflogaeth.

(6) Rhaid peidio â chymryd neb ymlaen o dan baragraff (5) oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'r pennaeth neu (yn ôl fel y digwydd) y dirprwy bennaeth yn yr ysgol.

(7) Rhaid i'r corff llywodraethu hysbysebu unrhyw swydd wag o'r fath mewn unrhyw gyhoeddiadau sy'n cylchredeg ledled Cymru a Lloegr y mae'n credu eu bod yn briodol.

(8) Yn ddarostyngedig rhaid i'r corff llywodraethu benodi panel dewis sy'n cynnwys o leiaf dri ond heb fod yn fwy na saith o aelodau, er mwyn-

- (a) dewis ar gyfer cyfweliad yr ymgeiswyr hynny am y swydd sy'n addas ym marn y panel ac, os yw'r swydd yn swydd i bennaeth, hysbysu'r awdurdod yn ysgrifenedig am enwau'r ymgeiswyr sydd wedi'u dewis fel hyn,

Appointment of head teacher and deputy head teacher

24.-(1) The governing body must notify the authority in writing of a vacancy in the post of head teacher or deputy head teacher of the school before taking any of the steps mentioned in paragraphs (2) to (18).

(2) Where the vacancy is in the post of head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs (7) to (18) before the date on which it falls vacant, the governing body must either-

- (a) appoint a person as acting head teacher, or
- (b) exercise its power under paragraph (5).

(3) Where the vacancy is in the post of deputy head teacher and either the post has not been filled, or it appears to the governing body that the post will not be filled, by an appointment made in accordance with paragraphs (7) to (18) before the date on which it falls vacant, the governing body may-

- (a) appoint a person as acting deputy head teacher, or
- (b) exercise its power under paragraph (5).

(4) A person must not be appointed under paragraph (2) or (3) unless he or she meets all the staff qualification requirements which are applicable in relation to his or her appointment.

(5) Instead of making an appointment under paragraph (2) or (3) the governing body may for the purpose of filling the vacancy-

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as acting head teacher, or (as the case may be) acting deputy head teacher, otherwise than under a contract of employment.

(6) No person is to be engaged under paragraph (5) unless he or she meets all the staff qualification requirements applicable in relation to the head teacher or (as the case may be) deputy head teacher at the school.

(7) The governing body must advertise any such vacancy in such publications circulating throughout England and Wales as it considers appropriate.

(8) Subject to paragraph (12) the governing body must appoint a selection panel consisting of at least three but no more than seven members, to-

- (a) select for interview such applicants for the post as it thinks fit and, where the post is that of head teacher, notify the authority in writing of the names of the applicants so selected,

- (b) rhoi cyfweiliad i unrhyw rai o'r ymgeiswyr hynny a fydd yn bresennol at y diben hwnnw, ac
- (c) os yw'r panel yn credu ei bod yn briodol gwneud hynny, argymhell un o'r ymgeiswyr y cyfwelwyd â hwy gan y panel i'r corff llywodraethu i gael ei benodi.

(9) Rhaid i'r panel dewis ethol cadeirydd o blith aelodau'r panel.

(10) Nid yw llywodraethwr a gaiff ei dalu i weithio yn yr ysgol neu sy'n ddisgybl yn yr ysgol yn gymwys i fod yn gadeirydd y panel dewis.

(11) Caiff y corff llywodraethu symud cadeirydd unrhyw banel dewis o'r swydd ar unrhyw adeg.

(12) Caiff aelodau panel dewis gynnwys personau nad ydynt yn llywodraethwyr ac mae i ba raddau y mae gan bersonau o'r fath yr hawl i bleidleisio i'w benderfynu gan y corff llywodraethu.

(13) Rhaid i fwyafrif aelodau unrhyw banel dewis fod yn llywodraethwyr.

(14) Pan fo'r pleidleisiau'n gyfartal, mae gan y cadeirydd neu, yn ôl y digwydd, y person sy'n gweithredu fel cadeirydd at ddibenion y cyfarfod (ar yr amod bod y cyfryw berson yn llywodraethwr), ail bleidlais neu bleidlais fwrw.

(15) Rhaid i unrhyw benderfyniad gan y panel dewis gael ei gymryd drwy gyfrwng pleidlais sy'n fwyafrif absoliwt o holl aelodau'r panel (p'un a fyddant yn cymryd rhan yn bleidlais neu beidio).

(16) Os yw'r awdurdod, o fewn cyfnod o bedwar diwrnod ar ddeg sy'n dechrau ar y dyddiad y caiff ei hysbysu o dan baragraff (8)(a), yn cyflwyno sylwadau ysgrifenedig i'r panel dewis nad yw unrhyw un o'r ymgeiswyr yn berson addas ar gyfer y penodiad, rhaid i'r panel dewis-

- (a) ystyried y sylwadau hynny, a
- (b) os yw'n penderfynu argymhell i'w benodi y person y cafodd y sylwadau eu cyflwyno amdano-
 - (i) hysbysu'r awdurdod yn ysgrifenedig am ei resymau, a
 - (ii) rhoi copi i'r corff llywodraethu o'r sylwadau hynny a chopi o ymateb y panel iddynt.

(17) Caiff y corff llywodraethu benodi'r person sydd wedi'i argymhell gan y panel dewis i'r swydd wag neu i'r swydd sydd i'w llenwi, cyhyd ag y bydd y person yn bodloni'r holl ofynion perthnasol ynglŷn â chymwysterau staff.

(18) Os-

- (a) na fydd y panel dewis yn argymhell person i'r corff llywodraethu, neu

(b) interview such of those applicants as attend for the purpose, and

(c) where the panel considers it appropriate to do so, recommend to the governing body for appointment one of the applicants interviewed by the panel.

(9) The selection panel must elect a chair from among their number.

(10) A governor who is paid to work at the school or who is a pupil at the school is not eligible to be a chair of the selection panel.

(11) The governing body may remove the chair to any selection panel from office at any time.

(12) The membership of a selection panel may include persons who are not governors and the extent to which such members are entitled to vote is to be determined by the governing body.

(13) The majority of members on any selection panel must be governors.

(14) Where there is an equal division of votes the chair or as the case may be, the person who is acting as chair for the purposes of the meeting (provided that such person is a governor), has a second or casting vote.

(15) Any decision of the selection panel must be taken by a vote representing an absolute majority of all the members of the panel (whether or not taking part in the vote).

(16) If within a period of fourteen days beginning with the date when it receives notification under paragraph (8)(a), the authority makes written representations to the selection panel that any of the applicants is not a suitable person for the appointment, the selection panel must-

- (a) consider those representations, and
- (b) where it decides to recommend for appointment the person about whom the representations have been made-
 - (i) notify the authority in writing of its reasons, and
 - (ii) supply the governing body with a copy of those representations and a copy of the panel's response to them.

(17) The governing body may appoint the person recommended by the selection panel to the vacancy or the post to be filled, subject to the person meeting all relevant staff qualification requirements.

(18) If-

- (a) the selection panel does not recommend a person to the governing body, or

- (b) bod y corff llywodraethu'n gwrthod penodi'r person sydd wedi'i argymhell gan y panel dewis,

caiff y panel dewis ddewis person arall i'w benodi yn unol â'r rheoliad hwn (ond nid yw hyn yn atal ymgeisydd sydd eisoes yn bodoli rhag cael ei ddewis).

(19) Wrth benderfynu a yw person yn addas i'w benodi'n bennaeth mae'n rhaid i'r corff llywodraethu roi sylw i unrhyw ganllawiau sy'n cael eu rhoi o dro i dro gan y Cynulliad Cenedlaethol.

(20) Ym mharagraff (2) mae'r cyfeiriad at baragraffau (7) i (18) yn cynnwys cyfeiriad at reoliad 33 neu 34; ac ym mharagraff (3) mae'r cyfeiriad at baragraffau (7) i (18) yn cynnwys cyfeiriad at reoliad 34.

25.-(1) Fe gaiff y corff llywodraethu, mewn cysylltiad ag unrhyw absenoldeb ar ran y person sydd am y tro yn dal swydd pennaeth neu ddirprwy bennaeth yr ysgol, gymryd y naill neu'r llall o'r camau sydd wedi'u crybwyll yn is-baragraffau (a) a (b) o baragraff (2) neu (yn ôl fel y digwydd) (3) o reoliad 24.

(2) At ddibenion y rheoliad hwn-

- (a) mae rheoliad 24(4) yn gymwys mewn perthynas ag unrhyw argymhelliad sydd wedi'i wneud yn rhinwedd paragraff (1) fel y mae'n gymwys mewn perthynas ag unrhyw argymhelliad sydd wedi'i wneud yn rhinwedd rheoliad 24(2) neu (3); a
- (b) mae rheoliad 24(5) a (6) yn gymwys mewn cysylltiad ag unrhyw absenoldeb o'r math sydd wedi'i grybwyll ym mharagraff (1) fel y maent yn gymwys er mwyn llenwi unrhyw swydd wag o'r math sydd wedi'i grybwyll yn rheoliad 24(2) neu (3).

Penodi athrawon eraill

26.-(1) Yn ddarostyngedig i baragraffau (2) i (6), mae paragraffau (7) i (16) yn gymwys mewn perthynas â llenwi unrhyw swydd wag i athro neu athrawes (boed yn swydd amser llawn ynteu rhan-amser) yn yr ysgol, heblaw swydd pennaeth neu ddirprwy bennaeth.

(2) Nid yw paragraffau (7) i (16) yn gymwys mewn perthynas ag unrhyw benodiad dros dro neu unrhyw gymryd ymlaen dros dro i lenwi unrhyw swydd wag o'r math sydd wedi'i grybwyll ym mharagraff (1)-

- (a) am gyfnod nad yw'n fwy na phedwar mis, neu
- (b) os yw'n ymddangos i'r corff llywodraethu na fydd y cyfnod y bydd y person sydd wedi'i benodi neu wedi'i gymryd ymlaen yn gweithredu yn y swydd o dan sylw yn fwy na phedwar mis.

(3) Os yw'n ymddangos i'r corff llywodraethu yn achos unrhyw swydd y byddai'n briodol i benodiad o'r math sydd wedi'i grybwyll ym mharagraff (2) gael ei

- (b) the governing body declines to appoint the person selected by the selection panel,

the selection panel may select another person for appointment in accordance with this regulation (but this does not prevent the selection of an existing applicant).

(19) In determining whether a person is suitable for appointment as head teacher the governing body must have regard to any guidance given from time to time by the National Assembly.

(20) In paragraph (2) the reference to paragraphs (7) to (18) includes a reference to regulation 33 or 34; and in paragraph (3) the reference to paragraphs (7) to (18) includes a reference to regulation 34.

25.-(1) The governing body may, in connection with any absence of the person for the time being holding the post of head teacher or deputy head teacher of the school, take either of the steps mentioned in sub-paragraphs (a) and (b) of paragraph (2) or (as the case may be) (3) of regulation 24.

(2) For the purposes of this regulation-

- (a) regulation 24(4) applies in relation to any recommendation made by virtue of paragraph (1) as it applies in relation to any recommendation made by virtue of regulation 24(2) or (3); and
- (b) regulation 24(5) and (6) apply in connection with any such absence as is mentioned in paragraph (1) as they apply for the purpose of filling any such vacancy as is mentioned in regulation 24(2) or (3).

Appointment of other teachers

26.-(1) Subject to paragraphs (2) to (6), paragraphs (7) to (16) apply in relation to the filling of a vacancy in any teaching post (whether full-time or part-time) at the school, other than the post of head teacher or deputy head teacher.

(2) Paragraphs (7) to (16) do not apply in relation to any temporary appointment or engagement to fill a vacancy in any such post as is mentioned in paragraph (1)-

- (a) for a period not exceeding four months, or
- (b) where it appears to the governing body that the period for which the person appointed or engaged will act in the post in question will not exceed four months.

(3) Where it appears to the governing body in the case of any post that it would be appropriate for such an appointment as is mentioned in paragraph (2) to be

wneud, cânt benodi person i'r swydd ar unrhyw delerau o ran cyfnod y penodiad.

(4) Rhaid peidio â phenodi neb o dan baragraff (3) oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(5) Os yw'n ymddangos i'r corff llywodraethu yn achos unrhyw swydd y byddai'n briodol cymryd person ymlaen yn y modd sydd wedi'i grybwyll ym mharagraff (2), fe gaiff y corff llywodraethu-

- (a) cymryd person ymlaen, neu
- (b) trefnu cymryd person ymlaen

i roi ei wasanaethau fel athro neu athrawes yn yr ysgol heblaw o dan gcontract cyflogaeth.

(6) Rhaid i unrhyw gymryd ymlaen o dan baragraff (5) fod ar unrhyw delerau o ran cyfnod y cymryd ymlaen a bennir gan y corff llywodraethu; ond rhaid peidio â chymryd neb ymlaen o dan y paragraff hwnnw oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas ag athro neu athrawes yn y swydd y byddai'n gweithredu fel athro neu athrawes dros dro ynddi.

(7) Cyn cymryd unrhyw un o'r camau sydd wedi'u crybwyll ym mharagraffau (8) i (16), mae'n rhaid i'r corff llywodraethu-

- (a) penderfynu ar fanyleb i'r swydd drwy ymgynghori â'r pennaeth, a
- (b) anfon copi o'r fanyleb at yr awdurdod addysg lleol.

(8) Caiff yr awdurdod addysg lleol enwebu unrhyw berson i'w ystyried i'w benodi i'r swydd y mae'n ymddangos i'r awdurdod ei fod yn gymwys i'w llenwi ac sydd adeg ei enwebu naill ai-

- (a) yn gyflogai i'r awdurdod neu wedi'i benodi i ymgymryd â chyflogaeth gyda'r awdurdod yn y dyfodol, neu
- (b) wedi'i gyflogi gan gorff llywodraethu ysgol sefydledig, ysgol wirfoddol a gynorthwyir neu ysgol arbennig sefydledig a gynhelir gan yr awdurdod.

(9) Rhaid i'r awdurdod beidio ag enwebu neb sy'n cael ei gyflogi mewn unrhyw ysgol a gynhelir gan yr awdurdod o dan baragraff (8) heb gydsyniad corff llywodraethu'r ysgol honno.

(10) Caiff y corff llywodraethu hysbysebu'r swydd wag ar unrhyw adeg ar ôl iddo anfon copi o fanyleb y swydd at yr awdurdod addysg lleol yn unol â pharagraff (7), ac mae'n rhaid iddo wneud hynny oni bai ei fod yn penodi i'r swydd naill ai-

- (a) person sydd wedi'i enwebu gan yr awdurdod addysg lleol o dan baragraffau (8) a (9), neu

made, they may appoint a person to the post on such terms as to the duration of the appointment as they think fit.

(4) A person must not be appointed under paragraph (3) unless he or she meets all the staff qualification requirements which are applicable in relation to his or her appointment.

(5) Where it appears to the governing body in the case of any post that it would be appropriate for such an engagement as is mentioned in paragraph (2) to be made, the governing body may-

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as a teacher at the school otherwise than under a contract of employment.

(6) Any engagement under paragraph (5) is to be on such terms as to the duration of the engagement as the governing body may specify; but no person is to be engaged under that paragraph unless he or she meets all the staff qualification requirements applicable in relation to a teacher in the post in which he or she would be acting as a temporary teacher.

(7) Before taking any of the steps mentioned in paragraphs (8) to (16), the governing body must-

- (a) determine a specification for the post in consultation with the head teacher, and
- (b) send a copy of the specification to the local education authority.

(8) The local education authority may nominate for consideration for appointment to the post any person who appears to it to be qualified to fill it and who at the time of his or her nomination either-

- (a) is an employee of the authority's or has been appointed to take up employment with the authority at a future date, or
- (b) is employed by the governing body of a foundation, voluntary aided or foundation special school maintained by the authority.

(9) No person who is employed at any school maintained by the authority is to be nominated by the authority under paragraph (8) without the consent of the governing body of that school.

(10) The governing body may advertise the vacancy at any time after it has sent a copy of the specification for the post to the local education authority in accordance with paragraph (7), and must do so unless it appoints to the post either-

- (a) a person nominated by the local education authority under paragraphs (8) and (9), or

(b) person sydd eisoes wedi'i gyflogi i weithio yn yr ysgol.

(11) Os yw'r corff llywodraethu'n hysbysebu'r swydd wag, mae'n rhaid iddo wneud hynny mewn modd sydd ym marn y corff llywodraethu yn debyg o'i dwyn i sylw personau (gan gynnwys cyflogeion yr awdurdod) sy'n gymwys i'w llenwi.

(12) Os yw'r corff llywodraethu'n hysbysebu'r swydd wag, mae'n rhaid iddo-

(a) rhoi cyfweiliad i unrhyw ymgeiswyr am y swydd ac unrhyw rai o'r personau (os oes rhai) sydd wedi'u henwebu gan yr awdurdod addysg lleol o dan baragraffau (8) a (9) ag y mae'n gweld yn dda, a

(b) os yw'n credu ei bod yn briodol gwneud hynny, penodi i'r swydd naill ai un o'r ymgeiswyr y cyfwelwyd â hwy gan y corff llywodraethu neu berson sydd wedi'i enwebu gan yr awdurdod.

(13) Os nad yw'r corff llywodraethu'n gallu cytuno ar berson i'w benodi i'r swydd, caiff ailadrodd y camau sydd wedi'u crybwyll ym mharagraff (12)(a) a (b), gan ailhysbysebu'r swydd wag yn unol â pharagraff (11) yn gyntaf neu beidio.

(14) Rhaid peidio â phenodi neb o dan y paragraff hwn oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(15) Mewn cysylltiad ag unrhyw absenoldeb ar ran y person sydd am y tro yn dal unrhyw swydd o'r math sydd wedi'i grybwyll ym mharagraff (1), caiff y corff llywodraethu-

- (a) cymryd person ymlaen, neu
- (b) trefnu cymryd person ymlaen

i roi ei wasanaethau fel athro neu athrawes yn yr ysgol heblaw o dan gontract cyflogaeth.

(16) Rhaid peidio â chymryd neb ymlaen o dan baragraff (15) oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas ag athro neu athrawes yn y swydd y byddai'n gweithredu fel athro neu athrawes dos dro ynddi.

Penodi staff cymorth

27.-(1) Ac eithrio mewn achos lle mae'r corff llywodraethu a'r awdurdod yn cytuno y dylai penodiad aelod o'r staff cymorth yn yr ysgol gael ei wneud gan yr awdurdod-

- (a) mae'n rhaid i unrhyw benodiad o'r fath gael ei wneud gan y corff llywodraethu; a
- (b) mae'n rhaid i'r person a benodir gael ei gyflogi gan y corff llywodraethu o dan gontract cyflogaeth, neu ei gymryd ymlaen gan y corff llywodraethu heblaw o dan gontract cyflogaeth, ar unrhyw delerau y mae'r corff llywodraethu'n eu gweld yn dda.

(b) a person who is already employed to work at the school.

(11) Where the governing body advertises the vacancy, it must do so in a manner likely in its opinion to bring it to the notice of persons (including employees of the authority) who are qualified to fill it.

(12) Where the governing body advertises the vacancy, it must-

(a) interview such applicants for the post and such of the persons (if any) nominated by the local education authority under paragraphs (8) and (9) as it thinks fit, and

(b) where it considers it appropriate to do so, appoint to the post either one of the applicants interviewed by it or a person so nominated by the authority.

(13) If the governing body are unable to agree on a person to appoint to the post, it may repeat the steps mentioned in paragraph (12)(a) and (b), with or without first re-advertising the vacancy in accordance with paragraph (11).

(14) A person must not be appointed under this paragraph unless he or she meets all the staff qualification requirements which are applicable in relation to his or her appointment.

(15) The governing body may, in connection with any absence of the person for the time being holding any such post as is mentioned in paragraph (1)-

- (a) engage, or
- (b) make arrangements for the engagement of,

a person to provide his or her services as a teacher at the school otherwise than under a contract of employment.

(16) No person is to be engaged under paragraph (15) unless he or she meets all the staff qualification requirements applicable in relation to a teacher in the post in which he or she would be acting as a temporary teacher.

Appointment of support staff

27.-(1) Except in a case where the governing body and the authority agree that the appointment of a member of the support staff at the school should be made by the authority-

- (a) any such appointment must be made by the governing body; and
- (b) the person appointed must be employed by the governing body under a contract of employment, or engaged by the governing body otherwise than under a contract of employment, on such terms as it thinks fit.

(2) Cyn penodi o dan y paragraff hwn mae'n rhaid i'r corff llywodraethu ymgynghori â'r pennaeth (pe na bai'n cael ei gynnwys yn y penderfyniad i benodi fel arall).

(3) Rhaid peidio â phenodi neb yn aelod o'r staff cymorth yn yr ysgol, nac-

- (a) gan y corff llywodraethu, na
- (b) gan yr awdurdod,

oni bai ei fod yn bodloni'r holl ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

Atal staff

28.-(1) Mae gan y corff llywodraethu a'r pennaeth ill dau bŵer i atal unrhyw berson sydd wedi'i gyflogi neu wedi'i gymryd ymlaen heblaw o dan gontract cyflogaeth i weithio yn yr ysgol os oes angen ei atal o'r ysgol, ym marn y corff llywodraethu neu (yn ôl fel y digwydd) y pennaeth.

(2) Wrth arfer y pŵer hwnnw, mae'n rhaid i'r corff llywodraethu neu'r pennaeth hysbysu'r pennaeth neu (yn ôl fel y digwydd) y corff llywodraethu ar unwaith.

(3) Dim ond y corff llywodraethu a gaiff ddod ag ataliad o dan y rheoliad yma i ben.

(4) Wrth ddod ag ataliad o'r fath i ben, rhaid i'r corff llywodraethu hysbysu'r pennaeth ar unwaith.

(5) Yn y rheoliad hwn, ystyr "atal" ("*suspend*") yw atal heb golli enillion.

Diswyddo staff

29.-(1) Cyn penderfynu y dylai contract cyflogaeth person sydd wedi'i gyflogi i weithio yn yr ysgol gyda'r corff llywodraethu gael ei derfynu neu beidio â chael ei adnewyddu, mae'n rhaid i'r corff llywodraethu-

- (a) gwneud trefniadau i roi cyfle i'r person hwnnw gyflwyno sylwadau am y camau y mae'r corff llywodraethu'n bwriadu eu cymryd (gan gynnwys, os yw'r person yn dymuno, sylwadau ar lafar i unrhyw berson neu bersonau a benodir at y diben gan y corff llywodraethu), a
- (b) rhoi sylw i unrhyw sylwadau sy'n cael eu cyflwyno gan y person.

(2) Rhaid hefyd i'r corff llywodraethu wneud trefniadau i roi cyfle i unrhyw berson y mae wedi gwneud penderfyniad o'r fath mewn perthynas ag ef apelio yn erbyn y penderfyniad cyn i'r corff llywodraethu ei roi ar waith.

(3) Os yw wedi penderfynu y dylai contract cyflogaeth person gael ei derfynu, yna, yn ddarostyngedig i unrhyw apêl o'r fath, mae'n rhaid i'r

(2) Before making an appointment under this paragraph the governing body must consult the head teacher (where he or she would not otherwise be involved in the decision to make the appointment).

(3) No person is to be appointed as a member of the support staff at the school, whether-

- (a) by the governing body, or
- (b) by the authority,

unless he or she meets all the staff qualification requirements which are applicable in relation to his or her appointment.

Suspension of staff

28.-(1) Both the governing body and the head teacher have power to suspend any person employed or engaged otherwise than under a contract of employment to work at the school where, in the opinion of the governing body or (as the case may be) the head teacher, his or her suspension from the school is required.

(2) The governing body or head teacher must in exercising that power, immediately inform the head teacher or (as the case may be) the governing body.

(3) A suspension under this regulation may only be ended by the governing body.

(4) The governing body must, on ending such a suspension, immediately inform the head teacher.

(5) In this regulation "suspend" ("*atal*") means suspend without loss of emoluments.

Dismissal of staff

29.-(1) Before making a decision that a person employed to work at the school should have his or her contract of employment with the governing body terminated or should not have that contract renewed, the governing body must-

- (a) make arrangements for giving that person an opportunity of making representations as to the action it proposes to take (including, if he or she so wishes, oral representations to such person or persons as the governing body may appoint for the purpose), and
- (b) have regard to any representations made by him or her.

(2) The governing body must also make arrangements for giving any person in respect of whom it has made such a decision an opportunity of appealing against the decision before it gives effect to it.

(3) Where its decision is that a person should have his or her contract of employment terminated, then, subject to any such appeal, the governing body must

corff llywodraethu roi ei benderfyniad ar waith drwy wneud y canlynol-

- (a) rhoi i'r person o dan sylw unrhyw rybudd i derfynu ei gontract cyflogaeth sy'n ofynnol o dan y contract hwnnw; neu
- (b) terfynu'r contract hwnnw heb roi rybudd os yw'r amgylchiadau'n golygu bod ganddynt hawl i wneud hynny oherwydd ymddygiad y person.

(4) Nid oes dim yn y rheoliad hwn i gael ei ddarllen fel pe bai'n cyfeirio at berson-

- (a) sydd i fod i beidio â gweithio yn yr ysgol am y rheswm bod ei gontract cyflogaeth wedi dod i ben am fod amser wedi mynd heibio; a
- (b) sydd heb gael ei gyflogi'n ddi-dor yn yr ysgol, o fewn ystyr Deddf Hawliau Cyflogaeth 1996, am gyfnod yr un mor hir o leiaf â'r cyfnod sydd am y tro wedi'i bennu yn adran 108(1) o'r Ddeddf honno.

30.-(1) Mae gan y pennaeth (ac eithrio os y pennaeth yw'r person o dan sylw) a phrif swyddog addysg yr awdurdod addysg lleol hawl i fod yn bresennol yn holl wrandawiadau'r pwyllgor disgyblu staff a'r pwyllgor apelaau disgyblu, er mwyn rhoi cyngor(1).

(2) Rhaid i'r corff llywodraethu ystyried unrhyw gyngor sy'n cael ei roi gan berson sydd â hawl i fod yn bresennol mewn trafodion o'r fath o dan y rheoliad hwn cyn gwneud unrhyw benderfyniad o'r fath.

31. Nid yw'n ofynnol i'r corff llywodraethu gydymffurfio â rheoliad 29 mewn perthynas â gwneud penderfyniad o'r math sydd wedi'i grybwyll yn rheoliad 29(1) mewn achos-

- (a) lle mae'n ofynnol terfynu neu beidio ag adnewyddu contract cyflogaeth y person o dan sylw yn rhinwedd cyfarwyddyd sydd wedi'i roi o dan adran 142 o Ddeddf 2002 neu reoliadau sydd wedi'u gwneud o dan adran 19 o Ddeddf Addysgu ac Addysg Uwch 1998, neu
- (b) lle mae'r person o dan sylw yn athro neu athrawes sy'n destun gorchymyn cofrestru amodol, gorchymyn atal neu orchymyn gwahardd sydd wedi'i wneud o dan Atodlen 2 i Ddeddf Addysgu ac Addysg Uwch 1998.

Staff a gyflogir gan yr awdurdod

32.-(1) Nid oes dim yn rheoliad 29 yn gymwys mewn perthynas â pherson sydd wedi'i gyflogi gan yr awdurdod i weithio yn yr ysgol.

give effect to its decision by-

- (a) giving the person in question such notice terminating his or her contract of employment as is required under that contract; or
- (b) terminating that contract without notice if the circumstances are such that they are entitled to do so by reason of his or her conduct.

(4) Nothing in this regulation is to be read as referring to a person who-

- (a) is due to cease to work at the school by reason of the termination of his or her contract of employment by effluxion of time; and
- (b) has not been continuously employed at the school, within the meaning of the Employment Rights Act 1996, for a period at least as long as the period for the time being specified in section 108(1) of that Act.

30.-(1) The head teacher (except where he or she is the person concerned) and the chief education officer of the local education authority are entitled to attend, for the purpose of giving advice, all hearings of the staff disciplinary committee and the disciplinary appeal committee(1).

(2) The governing body must consider any advice given by a person who is entitled to attend such proceedings under this regulation before making any such decision.

31. The governing body is not required to comply with regulation 29 in relation to the making of such a decision as is mentioned in regulation 29(1) in a case where-

- (a) the termination or non-renewal of the contract of employment of the person in question is required by virtue of a direction made under section 142 of the 2002 Act or regulations made under section 19 of the Teaching and Higher Education Act 1998, or
- (b) the person in question is a teacher who is subject to a conditional registration, suspension or prohibition order made under Schedule 2 to the Teaching and Higher Education Act 1998.

Staff employed by the authority

32.-(1) Nothing in regulation 29 applies in relation to a person employed by the authority to work at the school.

(1) Mae'r gofynion i sefydlu pwyllgor disgyblu staff a phwyllgor apeliadau disgyblu i'w cael yn Rheoliadau Llywodraeth Ysgolion a Gynhelir (Cymru) 2005.

(1) The requirements to establish a staff disciplinary committee and disciplinary appeal committee are contained in The Government of Maintained Schools (Wales) 2005.

(2) Mae rheoliadau 16 a 17 yn gymwys mewn perthynas ag atal, diswyddo neu dynnu'n ôl o'r ysgol unrhyw aelod o'r staff sydd wedi'i gyflogi gan yr awdurdod fel y maent yn gymwys mewn perthynas ag atal, diswyddo neu dynnu'n ôl o ysgol y mae Rhan 2 o'r Rheoliadau hyn yn gymwys iddi berson sydd wedi'i gyflogi i weithio yn yr ysgol.

(3) Mae rheoliad 18 yn gymwys i unrhyw berson sydd wedi'i gyflogi neu sydd i'w gyflogi gan yr awdurdod i weithio yn yr ysgol dim ond mewn cysylltiad â darparu prydau fel pe bai'n ysgol y mae Rhan 2 o'r Rheoliadau hyn yn gymwys iddi.

Penodi penaethiaid ysgolion urddau crefyddol Catholig Rufeinig

33.-(1) Mae'r rheoliad hwn yn gymwys i ysgol wirfoddol a gynorthwyr os yw'r ymddiriedolwyr o dan weithred ymddiriedolaeth sy'n ymwneud â'r ysgol hefyd yn ymddiriedolwyr urdd grefyddol Gatholig Rufeinig ("yr urdd").

(2) Yn ddarostyngedig i baragraff (5), mae paragraffau (3) a (4) mewn grym mewn perthynas â llenwi swydd wag i bennaeth yr ysgol, yn lle rheoliad 24(7) i (12).

(3) Rhaid i'r corff llywodraethu hysbysu'r Uchel Fam neu'r Uchel Dad cyffredinol am y swydd wag yn ysgrifenedig.

(4) Rhaid i'r corff llywodraethu-

- (a) rhoi cyfweiliad i'r personau hynny sy'n aelodau o'r urdd ac a gynigir yn ymgeiswyr i'w penodi i'r swydd gan yr Uchel Fam neu'r Uchel Dad cyffredinol, a
- (b) penodi i'r swydd un o'r personau y cyfwelwyd â hwy oni bai bod gan y corff llywodraethu reswm da dros beidio â gwneud yr un penodiad o'r fath, yn rhinwedd y ffaith nad yw'r personau'n bodloni'r holl ofynion perthnasol ynglŷn â chymwysterau staff neu fel arall.

(5) Nid oes neb i gael ei benodi o dan baragraff (4)(b) os nad yw'n bodloni unrhyw ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(6) Os na phenodir gan y corff llywodraethu o dan baragraff (4)(b), mae rheoliad 24(7) i (12) mewn grym mewn perthynas â llenwi'r swydd wag.

(7) Yn y rheoliad hwn-

ystyr "yr Uchel Fam neu'r Uchel Dad cyffredinol" ("*the Major Superior*") yw Uchel Fam neu Uchel Dad cyffredinol yr urdd;

ystyr "urdd grefyddol Gatholig Rufeinig" ("*Roman Catholic religious order*") yw sefydliad crefyddol Catholig Rufeinig neu gymdeithas bywyd apostolig Catholig.

(2) Regulations 16 and 17 apply in relation to the suspension, dismissal or withdrawal from the school of any member of the staff who is employed by the authority as they apply in relation to the suspension, dismissal or withdrawal from a school to which Part 2 of these Regulations applies of a person who is employed to work at the school.

(3) Regulation 18 applies to any person who is, or is to be, employed by the authority to work at the school solely in connection with the provision of meals as if it were a school to which Part 2 of these Regulations applies.

Appointment of head teachers for schools of Roman Catholic religious orders

33.-(1) This regulation applies to a voluntary aided school if the trustees under a trust deed relating to the school are also trustees of a Roman Catholic religious order ("the order").

(2) Subject to paragraph (5), paragraphs (3) and (4) have effect in relation to the filling of a vacancy in the post of head teacher of the school, in place of regulation 24(7) to (12).

(3) The governing body must notify the Major Superior of the vacancy in writing.

(4) The governing body must-

- (a) interview such persons who are members of the order as are proposed as candidates for appointment to the post by the Major Superior, and
- (b) appoint to the post one of the persons so interviewed unless, by virtue of the persons not meeting all relevant staff qualification requirements or otherwise, the governing body has good reason for not making any such appointment.

(5) No person is to be appointed under paragraph (4)(b) if he or she does not meet any staff qualification requirements which are applicable in relation to his or her appointment.

(6) If no appointment is made by the governing body under paragraph (4)(b), regulation 24(7) to (12) have effect in relation to the filling of the vacancy.

(7) In this regulation-

"the Major Superior" ("*yr Uchel Fam neu'r Uchel Dad Cyffredinol*") means the Major Superior of the order;

"Roman Catholic religious order" ("*urdd grefyddol Gatholig Rufeinig*") means a Roman Catholic religious institute or society of apostolic life.

Gweithdrefnau dewis sy'n cynnwys y corff llywodraethu cyfan

34.-(1) Os yw corff llywodraethu ysgol wirfoddol a gynorthwyr yn penderfynu felly (ac nad yw rheoliad 33 yn gymwys), mae paragraffau (2) i (6) yn gymwys mewn perthynas â llenwi swydd wag i bennaeth neu ddirprwy bennaeth yr ysgol, yn lle rheoliad 24(8) i (12).

(2) Nid oes angen i banel dewis gael ei benodi gan y corff llywodraethu o dan reoliad 24(8), ond mae'r darpariaethau canlynol, sef-

- (a) rheoliad 24(8)(a) a (b), a
- (b) rheoliad 24(9),

yn gymwys i'r corff llywodraethu neu (yn ôl fel y digwydd) i unrhyw benderfyniad gan y corff hwnnw sy'n cael ei gymryd yn rhinwedd y paragraff hwn fel y mae'n gymwys i banel dewis neu (yn ôl fel y digwydd) i unrhyw benderfyniad gan banel o'r fath sy'n cael ei gymryd o dan reoliad 24.

(3) Os yw'r awdurdod addysg lleol, o fewn y cyfnod o bedwar diwrnod ar ddeg sy'n dechrau ar y dyddiad y caiff ei hysbysu o dan reoliad 24(8)(a) (fel y mae'n gymwys yn unol â pharagraff (2)), yn cyflwyno sylwadau ysgrifenedig i'r corff llywodraethu nad yw unrhyw un o'r ymgeiswyr sydd wedi'i ddewis gan y corff llywodraethu yn berson addas i'w benodi i swydd pennaeth, rhaid i'r corff llywodraethu beidio â phenodi'r person hwnnw oni bai bod y corff llywodraethu-

- (a) wedi ystyried y sylwadau hynny, a
- (b) wedi hysbysu'r awdurdod am ei ymateb i'r sylwadau.

(4) Rhaid i'r corff llywodraethu beidio â phenodi unrhyw berson os nad yw'n bodloni unrhyw ofynion ynglŷn â chymwysterau staff sy'n gymwys mewn perthynas â'i benodi.

(5) Os nad yw'n penodi unrhyw berson y cyfwelwyd ag ef gan y corff llywodraethu, fe gaiff y corff llywodraethu-

- (a) os yw'n gweld yn dda, ailhysbysebu'r swydd wag yn y modd sy'n ofynnol o dan reoliad 24(7), a
- (b) p'un a fydd yn ailhysbysebu'r swydd wag neu beidio, ailadrodd y camau sydd wedi'u crybwyll yn rheoliad 24(8)(a) a (b) (fel y maent yn gymwys yn unol â pharagraff (2)).

Selection procedures involving the whole governing body

34.-(1) If the governing body of a voluntary aided school so determine (and regulation 33 does not apply), paragraphs (2) to (6) apply in relation to the filling of a vacancy in the post of head teacher or deputy head teacher of the school, in place of regulation 24(8) to (12).

(2) No selection panel need be appointed by the governing body under regulation 24(8), but the following provisions, namely-

- (a) regulation 24(8)(a) and (b), and
- (b) regulation 24(9),

apply to the governing body or (as the case may be) to any decision of that body taken by virtue of this paragraph as it applies to a selection panel or (as the case may be) to any decision of such a panel taken under regulation 24.

(3) If, within the period of fourteen days beginning with the date when they receive a notification under regulation 24(8)(a) (as it applies in accordance with paragraph (2)) the local education authority make written representations to the governing body that any of the applicants selected by it is not a suitable person for appointment to the post of head teacher, the governing body must not appoint that person unless it has-

- (a) considered those representations, and
- (b) notified the authority of its response to the representations.

(4) The governing body must not appoint any person if he or she does not meet any staff qualification requirements which are applicable in relation to his or her appointment.

(5) If the governing body does not appoint any person interviewed by it, the governing body-

- (a) may, if it thinks fit, re-advertise the vacancy in the manner required by regulation 24(7), and
- (b) whether or not it re-advertises the vacancy, may repeat the steps mentioned in regulation 24(8)(a) and (b) (as they apply in accordance with paragraph (2)).

RHAN 4

Staffio ysgolion newydd

Dehongli'r darpariaethau sy'n cael eu cymhwyso gan Ran 4

35. Mae unrhyw ddarpariaeth yn y Rheoliadau hyn neu yn Atodlen 2 i Ddeddf 2002 sy'n gymwys mewn perthynas ag ysgol arfaethedig o ganlyniad i'r Rhan hon mewn grym at y diben hwnnw fel pe bai-

- (a) unrhyw gyfeiriad at "corff llywodraethu" ("*governing body*") yn gyfeiriad at gorff llywodraethu dros dro, a
- (b) unrhyw gyfeiriad at "llywodraethwr" ("*governor*") yn gyfeiriad at lywodraethwr dros dro.

Staffio ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir arfaethedig sydd â chyllidebau dirprwyedig

36. Os oes gan ysgol arfaethedig a fydd yn ysgol gymunedol, ysgol wirfoddol a reolir, ysgol arbennig gymunedol neu ysgol feithrin a gynhelir gyllideb ddirprwyedig(1), mae rheoliadau 4 i 7 a 10 i 19 yn gymwys.

Staffio ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyir ac ysgolion arbennig sefydledig arfaethedig sydd â chyllidebau dirprwyedig

37. Os oes gan ysgol arfaethedig a fydd yn ysgol sefydledig, ysgol wirfoddol a gynorthwyir neu ysgol arbennig sefydledig gyllideb ddirprwyedig, mae rheoliadau 4 i 7 ac 21 i 34 yn gymwys.

Staffio ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir arfaethedig sydd heb gyllidebau dirprwyedig

38. Os nad oes gan ysgol arfaethedig a fydd yn ysgol gymunedol, ysgol wirfoddol a reolir, ysgol arbennig gymunedol neu ysgol feithrin a gynhelir gyllideb ddirprwyedig, mae Rhan 1 o Atodlen 2 i Ddeddf 2002 yn gymwys.

PART 4

Staffing of new schools

Interpretation of provisions applied by Part 4

35. Any provision of these Regulations or Schedule 2 to the 2002 Act which applies in relation to a proposed school as a result of this Part has effect for that purpose as if-

- (a) any reference to a "governing body" ("*corff llywodraethu*") were a reference to a temporary governing body, and
- (b) any reference to a "governor" ("*llywodraethwr*") were a reference to a temporary governor.

Staffing of proposed community, voluntary controlled, community special and maintained nursery schools having delegated budgets

36. Where a proposed school which will be a community, voluntary controlled, community special or maintained nursery school has a delegated budget(1), regulations 4 to 7 and 10 to 19 apply.

Staffing of proposed foundation, voluntary aided and foundation special schools having delegated budgets

37. Where a proposed school which will be a foundation, voluntary aided or foundation special school has a delegated budget, regulations 4 to 7 and 21 to 34 apply.

Staffing of proposed community, voluntary controlled, community special and maintained nursery schools without delegated budgets

38. Where a proposed school which will be a community, voluntary controlled, community special or maintained nursery school does not have a delegated budget, Part 1 of Schedule 2 to the 2002 Act applies.

(1) *Gweler* adran 49(2) a (3) o Ddeddf 1998 o ran a oes gan ysgol gyllideb ddirprwyedig neu beidio. Mae ysgol sydd â chyllideb ddirprwyedig wedi'i diffinio gan adran 39(2) o Ddeddf 2002.

(1) *See* section 49(2) and (3) of the 1998 Act as to whether a school has a delegated budget. A school having a delegated budget is defined by section 39(2) of the 2002 Act.

Staffio ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyir ac ysgolion arbennig sefydledig arfaethedig sydd heb gyllidebau dirprwyedig

39. Os nad oes gan ysgol arfaethedig a fydd yn ysgol sefydledig, ysgol wirfoddol a gynorthwyir neu ysgol arbennig sefydledig gyllideb ddirprwyedig, mae Rhan 2 o Atodlen 2 i Ddeddf 2002 yn gymwys.

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

21 Mawrth 2006

Llywydd y Cynulliad Cenedlaethol

Staffing of proposed foundation, voluntary aided and foundation special schools without delegated budgets

39. Where a proposed school which will be a foundation, voluntary aided or foundation special school does not have a delegated budget, Part 2 of Schedule 2 to the 2002 Act applies.

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

21 March 2006

The Presiding Officer of the National Assembly

D. Elis-Thomas

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