OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 1353 (Cy.129)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2009

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000 ("Rheoliadau 2000") fel a ganlyn.

Caiff rheoliad 4A o Reoliadau 2000 ei hepgor. Roedd y rheoliad hwnnw'n darparu bod penderfyniadau Cyngor Addysgu Cyffredinol Lloegr, o ran addasrwydd athro neu athrawes, i rwymo Cyngor Addysgu Cyffredinol Cymru ("y Cyngor"). Bydd yn rhaid i bob Cyngor Addysgu Cyffredinol bellach benderfynu o'r newydd ar fater addasrwydd.

Mewnosodir rheoliad 18A newydd sy'n ei gwneud yn ofynnol i'r Cyngor roi i An Chomhairle Mhúinteoireachta neu Gyngor Addysgu Gweriniaeth Iwerddon wybodaeth a geir yn Atodlen 2 i Reoliadau 2000. Gwneir diwygiad canlyniadol i baragraff 11A o Atodlen 2 i Reoliadau 2000 fel ei bod yn rhaid i'r Cyngor, pan fydd yn penderfynu nad yw person yn addas i fod yn athro neu'n athrawes, roi i An Chomhairle Mhúinteoireachta neu Gyngor Addysgu Gweriniaeth Iwerddon, os gofynnir iddo wneud hynny, fanylion am y sail y gwnaed y penderfyniad arni.

Mae'r Rheoliadau hyn yn ychwanegu'r canlynol at y materion (a geir yn Atodlen 1 i Reoliadau 2000) i'w cofnodi yn y gofrestr athrawon cymwysedig a gedwir gan y Cyngor,—

- p'un a yw'r person yn ddarostyngedig i gael ei fonitro o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006 neu, os nad yw, p'un a yw'r Ysgrifennydd Gwladol wedi rhoi'r gorau i'w fonitro;

WELSH
STATUTORY INSTRUMENTS

2009 No. 1353 (W.129)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the General Teaching Council for Wales (Functions) Regulations 2000 ("the 2000 Regulations") as follows.

Regulation 4A of the 2000 Regulations is omitted. That provided for decisions of the General Teaching Council for England as to a teacher's suitability to be binding on the General Teaching Council for Wales ("the Council"). Each General Teaching Council will now have to determine the question of suitability afresh.

A new regulation 18A is inserted which requires the Council to supply information set out in Schedule 2 to the 2000 Regulations to An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland. A consequential amendment is made to paragraph 11A of Schedule 2 to the 2000 Regulations, so that when the Council decide a person is not suitable to be a teacher they must, if requested, provide particulars of the grounds on which the decision was based to An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.

These Regulations add the following to the matters (set out in Schedule 1 to the 2000 Regulations) to be recorded in the register of qualified teachers maintained by the Council,—

- whether the person is subject to monitoring under the Safeguarding Vulnerable Groups Act 2006 or, if not, whether the Secretary of State has ceased monitoring;

- manylion am unrhyw gyfyngiadau a osodwyd gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon;
- manylion am unrhyw gyfyngiad a osodwyd gan An Chomhairle Mhúinteoireachta neu Gyngor Addysgu Gweriniaeth Iwerddon.

Mae'r Rheoliadau hefyd yn ychwanegu'r canlynol at yr wybodaeth a geir yn Atodlen 2 i Reoliadau 2000 (ac y mae'n rhaid i'r Cyngor ei rhoi i gyflogwyr ac eraill)—

- p'un a yw person wedi ei wahardd o weithgaredd a reoleiddir ac sy'n ymwneud â phlant o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006;
- p'un a yw person yn ddarostyngedig i gael ei fonitro o dan Ddeddf Diogelu Grwpiau Hyglwyf 2006, neu os nad yw, p'un a yw'r Ysgrifennydd Gwladol wedi rhoi'r gorau i'w fonitro;
- manylion am unrhyw gyfyngiad neu waharddiad a osodwyd gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon;
- manylion am unrhyw gyfyngiad neu waharddiad a osodwyd gan An Chomhairle Mhúinteoireachta neu Gyngor Addysgu Gweriniaeth Iwerddon.

- details of any restrictions imposed by the General Teaching Council for Northern Ireland;
- details of any restriction imposed by An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.

The Regulations also add the following to the information set out in Schedule 2 to the 2000 Regulations (which must be provided by the Council to employers and others)—

- whether a person has been barred from regulated activity relating to children under the Safeguarding Vulnerable Groups Act 2006;
- whether a person is subject to monitoring under the Safeguarding Vulnerable Groups Act 2006, or if not, whether the Secretary of State has ceased monitoring;
- details of any restriction or prohibition imposed by the General Teaching Council for Northern Ireland;
- details of any restriction or prohibition imposed by An Chomhairle Mhúinteoireachta or the Teaching Council for the Republic of Ireland.

OFFERYNNAU STATUDOL CYMRU

2009 Rhif 1353 (Cy.129)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2009

Gwnaed	*2 Mehefin 2009*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*4 Mehefin 2009*
Yn dod i rym	*yn unol â rheoliad 1(2)*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 3(3D), 4(2), 14(3) a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(**1**) ac sydd bellach wedi eu breinio ynddynt hwy(**2**), ac ar ôl ymgynghori â Chyngor Addysgu Cyffredinol Cymru yn unol ag adran 42(9) o Ddeddf Addysgu ac Addysg Uwch 1998, yn gwneud y Rheoliadau canlynol:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2009.

(2) Daw'r Rheoliadau hyn i rym ar 1 Gorffennaf 2009 ac eithrio rheoliad 2(6)(b) a ddaw i rym ar 12 Hydref 2009 a rheoliad 2(5)(b) a (6)(ch) a ddaw i rym ar 26 Gorffennaf 2010.

(**1**) 1998 p.30. Mae adrannau 2 i 7 yn gymwys mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd adran 9. Mewnosodwyd adran 3(3D) gan baragraff 3(5) o Atodlen 12 i Ddeddf Addysg 2002 (p.32). I ganfod ystyr "prescribed" a "regulations" *gweler* adran 43(1).

(**2**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac adran 211 o Ddeddf Addysg 2002 (p.32) ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

WELSH STATUTORY INSTRUMENTS

2009 No. 1353 (W.129)

EDUCATION, WALES

The General Teaching Council for Wales (Functions) (Amendment) Regulations 2009

Made	*2 June 2009*
Laid before the National Assembly for Wales	*4 June 2009*
Coming into force	*in accordance with regulation 1(2)*

The Welsh Ministers, in exercise of the powers conferred on the Secretary of State by sections 3(3D), 4(2), 14(3) and 42(6) and (7) of the Teaching and Higher Education Act 1998(**1**) and now vested in them(**2**), and having consulted the General Teaching Council for Wales in accordance with section 42(9) of the Teaching and Higher Education Act 1998, make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the General Teaching Council for Wales (Functions) (Amendment) Regulations 2009.

(2) These Regulations come into force on 1 July 2009 save for regulation 2(6)(b) which comes into force on 12 October 2009 and regulation 2(5)(b) and (6)(d) which comes into force on 26 July 2010.

(**1**) 1998 c.30. Sections 2 to 7 apply in relation to the General Teaching Council for Wales by virtue of section 9. Section 3(3D) was inserted by paragraph 3(5) of Schedule 12 to the Education Act 2002 (c.32). For the meaning of "prescribed" and "regulations" *see* section 43(1).

(**2**) The Secretary of State's functions were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and section 211 of the Education Act 2002 (c.32) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

Diwygio Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000

2.—(1) Caiff Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000(**1**) eu diwygio fel a ganlyn.

(2) Yn rheoliad 2 mewnosoder yn y man priodol y diffiniad canlynol —

"ystyr "An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu" yw'r Cyngor Addysgu a sefydlwyd o dan adran 5 o Ddeddf Cyngor Addysgu 2001(**2**) (corff y mae ganddo swyddogaethau sy'n cyfateb â rhai'r Cyngor mewn perthynas â Gweriniaeth Iwerddon);".

(3) Hepgorer rheoliad 4A.

(4) Ar ôl rheoliad 18, mewnosoder y rheoliad canlynol —

"**Rhoi gwybodaeth i An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu**

18A.—(1) Pan ofynnir iddo wneud hynny, rhaid i'r Cyngor roi'r wybodaeth a geir yn Atodlen 2 mewn perthynas ag —

(a) athro cofrestredig neu athrawes gofrestredig; neu

(b) person anghofrestredig y mae'n cadw cofnodion amdano yn unol â gorchymyn o dan adran 7(1) a (4) o Ddeddf 1998,

i An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu(**3**).

(2) Pan roddir gwybodaeth o dan baragraff (1), rhaid gosod amod yn ei gwneud yn ofynnol i An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu beidio â datgelu'r wybodaeth honno i unrhyw berson ac eithrio'r athro neu'r athrawes neu berson arall y mae'r wybodaeth yn ymwneud ag ef neu â hi.".

(5) Yn Atodlen 1 —

(a) ar ôl paragraff 22B mewnosoder y canlynol —

"**22C**. Telerau unrhyw gyfyngiad sydd mewn grym am y tro mewn perthynas â'r athro neu'r athrawes o ganlyniad i unrhyw gamau disgyblu a gymerwyd gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon.

(**1**) O.S. 2000/1979 (Cy.140) fel y'i diwygiwyd gan O.S. 2001/2496 (Cy.200), O.S. 2004/1741 (Cy.180), O.S. 2005/69 (Cy.7) ac O.S. 2006/1343 (Cy.133).

(**2**) Rhif 8 dyddiedig 2001.

(**3**) Mae An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu wedi ei sefydlu o dan adran 5 o Ddeddf Cyngor Addysgu 2001, ac mae ganddo swyddogaethau sy'n cyfateb i rai'r Cyngor mewn perthynas â Gweriniaeth Iwerddon.

Amendment of the General Teaching Council for Wales (Functions) Regulations 2000

2.—(1) The General Teaching Council for Wales (Functions) Regulations 2000(**1**) are amended as follows.

(2) In regulation 2 insert in the appropriate place the following definition —

" "An Chomhairle Mhúinteoireachta or the Teaching Council" means the Teaching Council established under section 5 of the Teaching Council Act, 2001(**2**) (which body has functions corresponding to those of the Council in relation to the Republic of Ireland);".

(3) Omit regulation 4A.

(4) After regulation 18, insert the following regulation —

"**Supply of Information to An Chomhairle Mhúinteoireachta or the Teaching Council**

18A.—(1) The Council must on request supply the information set out in Schedule 2 in relation to—

(a) a registered teacher; or

(b) an unregistered person about whom they maintain records in accordance with an order under section 7(1) and (4) of the 1998 Act,

to An Chomhairle Mhúinteoireachta or the Teaching Council(**3**).

(2) where information is supplied under paragraph (1), a condition must be imposed requiring An Chomhairle Mhúinteoireachta or the Teaching Council not to disclose that information to any person other than the teacher or other person to whom the information relates".

(5) In Schedule 1 —

(a) after paragraph 22B insert the following —

"**22C**. The terms of any restriction for the time being in force in relation to the teacher as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

(**1**) S.I. 2000/1979 (W.140) as amended by S.I. 2001/2496 (W.200), S.I. 2004/1741 (W.180), S.I. 2005/69 (W.7) and S.I. 2006/1343 (W.133).

(**2**) Number 8 of 2001.

(**3**) An Chomhairle Mhúinteoireachta or the Teaching Council, is established under section 5 of the Teaching Council Act, 2001, and has functions corresponding to those of the Council in relation to the Republic of Ireland.

22D. Telerau unrhyw gyfyngiad sydd mewn grym am y tro mewn perthynas â'r athro neu'r athrawes o ganlyniad i unrhyw gamau disgyblu a gymerwyd gan An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu.";

(b) ar ôl paragraff 24 ychwaneger y canlynol —

"**25**. P'un a yw'r athro neu'r athrawes yn ddarostyngedig i gael ei fonitro neu ei monitro yn unol ag adran 24 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**1**), ac os nad yw, p'un a yw'r Ysgrifennydd Gwladol wedi rhoi'r gorau i'w fonitro neu i'w monitro yn unol ag adran 26 o'r Ddeddf honno.".

(6) Yn Atodlen 2 —

(a) ym mharagraff 11A ar ôl "yr Alban" mewnosoder ", An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu,";

(b) ar ôl paragraff 12 mewnosoder y canlynol —

"**12A**. Os yw'r person wedi ei wahardd o weithgaredd a reoleiddir ac sy'n ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006), datganiad i'r perwyl hwnnw.";

(c) ar ôl paragraff 13B mewnosoder y canlynol —

"**13C**. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r athro neu'r athrawes o ganlyniad i unrhyw gamau disgyblu a gymerwyd gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon.

13D. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r athro neu'r athrawes o ganlyniad i unrhyw gamau disgyblu a gymerwyd gan An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu.";

(ch) ar ôl paragraff 14 ychwaneger y canlynol —

"**15**. P'un a yw'r person yn ddarostyngedig i gael ei fonitro yn unol ag adran 24 o Ddeddf Diogelu Grwpiau Hyglwyf 2006, ac os nad yw, p'un a yw'r Ysgrifennydd Gwladol wedi rhoi'r gorau i'w fonitro yn unol ag adran 26 o'r Ddeddf honno.".

(**1**) 2006 p.47.

22D. The terms of any restriction for the time being in force in relation to the teacher as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.";

(b) after paragraph 24 add the following —

"**25**. Whether the teacher is subject to monitoring in accordance with section 24 of the Safeguarding Vulnerable Groups Act 2006(**1**), and if not, whether the Secretary of State has ceased monitoring in accordance with section 26 of that Act.".

(6) In Schedule 2 —

(a) in paragraph 11A after "Scotland" insert ", An Chomhairle Mhúinteoireachta or the Teaching Council,";

(b) after paragraph 12 insert the following —

"**12A**. If the person has been barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.";

(c) after paragraph 13B insert the following —

"**13C**. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

13D. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the teacher as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.";

(d) after paragraph 14 add the following —

"**15**. Whether the person is subject to monitoring in accordance with section 24 of the Safeguarding Vulnerable Groups Act 2006, and if not, whether the Secretary of State has ceased monitoring in accordance with section 26 of that Act.".

(**1**) 2006 c.47.

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

2 Mehefin 2009

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

2 June 2009

©ⓗ Hawlfraint y Goron 2009

Argraffwyd a chyhoeddwyd yn y Deyrnas Unedig gan The Stationery Office Limited o dan awdurdod ac arolygiaeth Carol Tullo, Rheolwr Gwasg Ei Mawrhydi ac Argraffydd Deddfau Seneddol y Frenhines.

© Crown copyright 2009

Printed and Published in the UK by the Stationery Office Limited under the authority and superintendence of Carol Tullo, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.