



OFFERYNNAU STATUDOL
CYMRU

2009 Rhif 3256 (Cy.284)

ADDYSG, CYMRU

Rheoliadau Addysg (Cwricwlwm
Lleol ar gyfer Disgyblion yng
Nghyfnod Allweddol 4) (Cymru)
2009

NODYN ESBONIADOL

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

Mewnosododd Mesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1) ("y Mesur") ddarpariaethau newydd yn Rhan 7 o Ddeddf Addysg 2002 ("Deddf 2002"). Mae Rhan 7 yn ymwneud â'r cwricwlwm mewn ysgolion a gynhelir yng Nghymru. O ganlyniad i Ran 1 o'r Mesur, caiff y cwricwlwm mewn ysgolion uwchradd a gynhelir yng Nghymru ei ehangu i gynnwys hawlogaethau disgyblion mewn cwricwlwm lleol yng nghyfnod allweddol 4. Mae'r Rheoliadau hyn yn gwneud darpariaeth o ran llunio'r cwricwlwm lleol, y dewisiadau y caiff disgybl eu gwneud, penderfyniad y pennaeth o ran hawlogaeth, a phenderfyniad y pennaeth i ddileu hawlogaeth.

Mae rheoliad 3 yn darparu bod yn rhaid i awdurdod lleol lunio un cwricwlwm lleol neu fwy ar gyfer ei ardal mewn da bryd i alluogi disgyblion i ddewis dilyn cwrs astudio yn unol â rheoliad 8.

Mae rheoliad 4 yn darparu ar gyfer isafswm o gyrsiau a chysiau galwedigaethol i gael eu cynnwys mewn cwricwlwm lleol. Erbyn blwyddyn ysgol 2012-2013 rhaid i bob cwricwlwm lleol gynnwys o leiaf 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

Mae rheoliad 5 yn darparu bod yn rhaid i bob cwricwlwm lleol gael gwerth lleiafswm o bwyntiau. Os bydd cwricwlwm yn cynnwys 30 o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 780. Pennir y gwerth pwyntiau ar gyfer pob cwrs astudio yn y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru (www.daqw.org.uk).

WELSH STATUTORY
INSTRUMENTS

2009 No. 3256 (W.284)

EDUCATION, WALES

The Education (Local Curriculum
for Pupils in Key Stage 4) (Wales)
Regulations
2009

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Learning and Skills (Wales) Measure 2009 (nawm 1) ("the Measure") inserted new provisions into Part 7 of the Education Act 2002 ("the 2002 Act"). Part 7 concerns the curriculum in maintained schools in Wales. As a result of Part 1 of the Measure the curriculum in maintained secondary schools in Wales is expanded to include the local curriculum entitlements of pupils in key stage 4. These Regulations make provision as to the formation of the local curriculum, the elections a pupil may make, the head teacher's decision as to entitlement, and the head teacher's decision to remove an entitlement.

Regulation 3 provides that a local authority must form one or more local curricula for its area in sufficient time to enable pupils to elect to follow a course of study in accordance with regulation 8.

Regulation 4 provides for a minimum number of courses and vocational courses to be included in a local curriculum. By the school year 2012-2013 all local curricula must contain at least 30 courses of study at NQF level 2, of which at least 5 must be vocational.

Regulation 5 provides that each local curriculum must have a minimum points value. Where a curriculum consists of 30 courses of study such courses must have a combined points value of no less than 780. The points value for each course of study is set out in the Database of Approved Qualifications in Wales (www.daqw.org.uk). Regulation 6 provides for the

Mae rheoliad 6 yn darparu ar gyfer gwerth lleiafswm o bwyntiau i gyrsiau galwedigaethol a gaiff eu cynnwys mewn cwricwlwm lleol. Os bydd cwricwlwm lleol yn cynnwys 5 o gyrsiau galwedigaethol rhaid iddynt gael gwerth pwyntiau cyfunol nad yw'n llai na 260.

Mae rheoliad 7 yn darparu na chaiff disgybl ddewis dilyn cwrs neu gyrsiau astudio os yw cyfanswm pwyntiau cwrs neu gyrsiau o'r fath yn fwy na 180. Rhaid i'r dewis hwnnw gael ei wneud yn ystod tymor y gwanwyn yn y flwyddyn o flaen honno pan fydd y disgybl yn mynd i gyfnod allweddol 4 (rheoliad 8).

Mae rheoliad 9 yn darparu ar gyfer y weithdrefn sydd i'w dilyn gan y pennaeth pan fydd yn penderfynu, yn unol ag adran 116F(1) o Ddeddf 2002, p'un a oes hawlogaeth gan y disgybl i ddilyn cwrs neu gyrsiau astudio. Mae rheoliad 9 hefyd yn darparu ar gyfer y weithdrefn sydd i'w dilyn os bydd disgybl yn dymuno gofyn i'r pennaeth adolygu ei benderfyniad o dan adran 116F(1) o Ddeddf 2002.

Mae rheoliad 10 yn darparu ar gyfer y weithdrefn sydd i'w dilyn gan y pennaeth pan fydd yn penderfynu, yn unol ag adran 116H(1) o Ddeddf 2002, nad oes bellach gan ddisgybl hawlogaeth i ddilyn cwrs neu gyrsiau astudio. Mae rheoliad 10 hefyd yn darparu ar gyfer y weithdrefn sydd i'w dilyn os bydd disgybl yn dymuno gofyn i'r pennaeth adolygu ei benderfyniad o dan adran 116H(1) o Ddeddf 2002.

Mae rheoliad 11 yn gwneud darpariaeth ar gyfer penderfynu'r terfynau amser i hysbysiadau o dan y Rheoliadau hyn.

minimum points value of vocational courses included in a local curriculum. Where a local curriculum consists of 5 vocational courses they must have a combined points value of no less than 260.

Regulation 7 provides that a pupil may not elect to follow a course or courses of study if the aggregate points of such a course or courses exceed 180. Such election must be made during the spring term in the year preceeding that which the pupil enters key stage 4 (regulation 8).

Regulation 9 provides for the procedure to be followed by the head teacher when he or she determines, pursuant to section 116F(1) of the 2002 Act, whether the pupil is entitled to follow a course or courses of study. Regulation 9 also provides for the procedure to be followed if a pupil wishes to request the head teacher to review his or her determination under section 116F(1) of the 2002 Act.

Regulation 10 provides for the procedure to be followed by the head teacher when he or she determines, pursuant to section 116H(1) of the 2002 Act, whether the pupil is no longer entitled to follow a course or courses of study. Regulation 10 also provides for the procedure to be followed if a pupil wishes to request the head teacher to review his or her determination under section 116H(1) of the 2002 Act.

Regulation 11 makes provision for determining the time limits for notices under these Regulations.

2009 Rhif 3256 (Cy.284)

ADDYSG, CYMRU

**Rheoliadau Addysg (Cwricwlwm
Lleol ar gyfer Disgyblion yng
Nghyfnod Allweddol 4) (Cymru)
2009**

Gwnaed 8 Rhagfyr 2009

*Gosodwyd gerbron Cynulliad
Cenedlaethol Cymru* 10 Rhagfyr 2009

Yn dod i rym 1 Ionawr 2010

Mae Gweinidogion Cymru drwy arfer y pwerau a roddwyd iddynt gan adrannau 116A(5), 116D(2), 116F(3), 116H(3), a 210 o Ddeddf Addysg 2002(1) yn gwneud y Rheoliadau canlynol.

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Cwricwlwm Lleol ar gyfer Disgyblion yng Nghyfnod Allweddol 4) (Cymru) 2009 ac maent yn dod i rym ar 1 Ionawr 2010.

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

Dehongli

2. Yn y Rheoliadau hyn—

mae "ardal awdurdodau lleol A" ("*local authority area A*") yn cynnwys Cyngor Bwrdeistref Sirol Blaenau Gwent, Cyngor Bwrdeistref Sirol Caerffili, Cyngor Caerdydd, Cyngor Sir Ddinbych, Cyngor Sir Fynwy, Cyngor Dinas Casnewydd, Cyngor Dinas a Sir Abertawe, Cyngor Bro Morgannwg, Cyngor Bwrdeistref Sirol Wrecsam;

mae "ardal awdurdodau lleol B" ("*local authority area B*") yn cynnwys Cyngor Sir Caerfyrddin, Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot,

(1) 2002 p.32. Mewnosodwyd adran 116A gan adran 4 o Fesur Dysgu a Sgiliau (Cymru) 2009 (mccc 1). Mewnosodwyd adran 116D gan adran 7 o Fesur Dysgu a Sgiliau (Cymru) 2009. Mewnosodwyd adran 116F gan adran 9 o Fesur Dysgu a Sgiliau (Cymru) 2009 a mewnosodwyd adran 116G gan adran 10 o Fesur Dysgu a Sgiliau (Cymru) 2009.

2009 No. 3256 (W.284)

EDUCATION, WALES

**The Education (Local Curriculum
for Pupils in Key Stage 4) (Wales)
Regulations
2009**

Made 8 December 2009

*Laid before the National
Assembly for Wales* 10 December 2009

Coming into force 1 January 2010

The Welsh Ministers in exercise of the powers conferred on them by sections 116A(5), 116D(2), 116F(3), 116H(3), and 210 of the Education Act 2002(1) make the following Regulations.

Title, commencement and application

1.–(1) The title of these Regulations is the Education (Local Curriculum for Pupils in Key Stage 4) (Wales) Regulations 2009 and they come into force on 1 January 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

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

"local authority" ("*awdurdod lleol*") means a local education authority in Wales;

"local authority area A" ("*ardal awdurdodau lleol A*") consists of Blaenau Gwent County Borough Council, Caerphilly County Borough Council, Cardiff Council, Denbighshire County Council, Monmouthshire County Council, Newport City

(1) 2002 c.32. Section 116A was inserted by section 4 of the Learning and Skills (Wales) Measure 2009 (nawm 1). Section 116D was inserted by section 7 of the Learning and Skills (Wales) Measure 2009. Section 116F was inserted by section 9 of the Learning and Skills (Wales) Measure 2009 and section 116G was inserted by section 10 of the Learning and Skills (Wales) Measure 2009.

Cyngor Sir Penfro, Cyngor Bwrdeistref Sirol Rhondda Cynon Taf, Cyngor Bwrdeistref Sirol Torfaen;

mae "ardal awdurdodau lleol C" ("*local authority area C*") yn cynnwys Cyngor Sir Ynys Môn, Cyngor Bwrdeistref Sirol Pen-y-bont ar Ogwr, Cyngor Sir Ceredigion, Cyngor Bwrdeistref Sirol Conwy, Cyngor Sir y Fflint, Cyngor Gwynedd, Cyngor Bwrdeistref Sirol Merthyr Tudful, Cyngor Sir Powys;

ystyr "awdurdod lleol" ("*local authority*") yw awdurdod addysg lleol yng Nghymru;

ystyr "cymhwyster sgil allweddol" ("*key skill qualification*") yw cymhwyster a restrir yn y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru(1) a gynhelir ac a gyhoeddir gan Weinidogion Cymru o bryd i'w gilydd;

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

mae i "disgybl cofrestredig" yr ystyr a roddir i "registered pupil" yn adran 434 o Ddeddf Addysg 1996(2);

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, nac yn ŵyl y banc o fewn ystyr Deddf Bancio a Thrafodion Ariannol 1971(3);

ystyr "NQF" ("*NQF*") yw'r Fframwaith Cymwysterau Cenedlaethol sy'n cynnwys cymwysterau wedi'u hachredu gan Weinidogion Cymru, yr Awdurdod Cymwysterau a Chwricwlwm a'r Cyngor dros Gwricwlwm, Arholiadau ac Asesu yng Ngogledd Iwerddon;

ystyr "lefel NQF" ("*NQF level*") yw'r lefel neu lefelau yr achredir cymwysterau iddynt o fewn yr NQF;

ystyr "person perthnasol" ("*relevant person*") yw'r disgybl ynghyd â rhiant iddo;

ystyr "pwyntiau" ("*points*") yw'r pwyntiau a ddyrennir i gwrs neu gyrsiau astudio gan y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru;

ystyr "tymor y gwanwyn" ("*spring term*") yw'r ail dymor ysgol yn y flwyddyn ysgol yn yr ysgol y mae'r disgybl yn ddisgybl cofrestredig ynddi ac sy'n digwydd yn y flwyddyn ysgol yn union o flaen y flwyddyn ysgol pan fydd y disgybl yn mynd i gyfnod allweddol pedwar; ac

Council, City and County of Swansea Council, Vale of Glamorgan Council, Wrexham County Borough Council;

"local authority area B" ("*ardal awdurdodau lleol B*") consists of Carmarthenshire County Council, Neath Port Talbot County Borough Council, Pembrokeshire County Council, Rhondda Cynon Taff County Borough Council, Torfaen County Borough Council;

"local authority area C" ("*ardal awdurdodau lleol C*") consists of Isle of Anglesey County Council, Bridgend County Borough Council, Ceredigion County Council, Conwy County Borough Council, Flintshire County Council, Gwynedd Council, Merthyr Tydfil County Borough Council, Powys County Council;

"key skill qualification" ("*cymhwyster sgil allweddol*") means a qualification listed as such in the Database of Approved Qualifications in Wales(1) maintained and published by the Welsh Ministers from time to time;

"NQF" ("*NQF*") means the National Qualifications Framework comprising qualifications accredited by the Welsh Ministers, the Qualifications and Curriculum Authority and the Council for the Curriculum, Examinations and Assessment in Northern Ireland;

"NQF level" ("*lefel NQF*") means the level or levels to which qualifications are accredited within the NQF;

"points" ("*pwyntiau*") means the points allocated to a course or courses of study by the Database of Approved Qualifications in Wales;

"registered pupil" ("*disgybl cofrestredig*") has the same meaning as in section 434 of the Education Act 1996(2);

"relevant person" ("*person perthnasol*") means both the pupil and a parent of his or hers;

"spring term" ("*tymor y gwanwyn*") means the second school term in the school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will enter the fourth key stage;

"summer term" ("*tymor yr haf*") means the third school term in school year for the school at which the pupil is a registered pupil and which occurs in the school year immediately before the school year in which the pupil will enter the fourth key stage; and

(1) Cyfeiriad y wefan ar gyfer y Gronfa Ddata Cymwysterau Cymeradwyedig yng Nghymru yw www.daqw.org.uk.

(2) 1996 p.56.

(3) 1971 p.80.

(1) The website address for the Database of Approved Qualifications in Wales is www.daqw.org.uk.

(2) 1996 c.56.

ystyr "tymor yr haf" ("*summer term*") yw'r trydydd tymor ysgol yn y flwyddyn ysgol yn yr ysgol y mae'r disgybl yn ddisgybl cofrestredig ynddi ac sy'n digwydd yn y flwyddyn ysgol yn union o flaen y flwyddyn ysgol pan fydd y disgybl yn mynd i gyfnod allweddol pedwar.

Llunio'r cwricwlwm lleol

3. Rhaid i awdurdod lleol lunio ar gyfer ei ardal un cwricwlwm lleol neu fwy yn unol ag adran 116A o Ddeddf 2002 a'r Rheoliadau hyn mewn da bryd cyn dechrau'r flwyddyn ysgol i alluogi disgyblion i ddewis dilyn cwrs astudio yn unol â rheoliad 8.

Lleiafswm cyrsiau astudio mewn cwricwla lleol

4.–(1) Yn ddarostyngedig i baragraff (4) rhaid i'r cwricwlwm lleol ar gyfer pob ysgol uwchradd a gynhelir yn ardal awdurdodau lleol A ar gyfer y flwyddyn ysgol 2010 i 2011 a phob blwyddyn ysgol wedyn gynnwys lleiafswm o 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

(2) Yn ddarostyngedig i baragraff (4) rhaid i'r cwricwlwm lleol ar gyfer pob ysgol uwchradd a gynhelir yn ardal awdurdodau lleol B gynnwys–

- (a) ar gyfer y flwyddyn ysgol 2010 i 2011 lleiafswm o 28 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 4 ohonynt fod yn rhai galwedigaethol; a
- (b) ar gyfer pob blwyddyn ysgol wedyn lleiafswm o 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

(3) Yn ddarostyngedig i baragraff (4) rhaid i'r cwricwlwm lleol ar gyfer pob ysgol uwchradd a gynhelir yn ardal awdurdodau lleol C gynnwys–

- (a) ar gyfer y flwyddyn ysgol 2010 i 2011 lleiafswm o 26 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 4 ohonynt fod yn rhai galwedigaethol;
- (b) ar gyfer y flwyddyn ysgol 2011 i 2012 lleiafswm o 28 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 4 ohonynt fod yn rhai galwedigaethol; ac
- (c) am bob blwyddyn ysgol wedyn lleiafswm o 30 o gyrsiau astudio ar lefel 2 NQF, y mae'n rhaid i o leiaf 5 ohonynt fod yn rhai galwedigaethol.

(4) Caiff awdurdod lleol gynnwys cwrs astudio ar lefel 1 NQF yn hytrach na chwrs ar lefel 2 NQF yn y cwricwlwm lleol ar gyfer ysgol uwchradd a gynhelir o fewn ei ardal os nad yw'r cwrs hwnnw ar gael ar lefel 2 NQF i ddisgyblion yng nghyfnod allweddol pedwar.

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(1).

Formation of local curriculum

3. A local authority must form for its area one or more local curricula in accordance with section 116A of the 2002 Act and these Regulations in sufficient time before the start of a school year to enable pupils to elect to follow a course of study in accordance with regulation 8.

Minimum number of courses of study of local curricula

4.–(1) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area A for the school year 2010 to 2011 and every subsequent school year must include a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(2) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area B must include–

- (a) for the school year 2010 to 2011 a minimum of 28 courses of study at NQF level 2, of which at least 4 must be vocational; and
- (b) for every subsequent school year a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(3) Subject to paragraph (4) the local curriculum for every maintained secondary school in local authority area C must include–

- (a) for the school year 2010 to 2011 a minimum of 26 courses of study at NQF level 2, of which at least 4 must be vocational;
- (b) for the school year 2011 to 2012 a minimum of 28 courses of study at NQF level 2, of which at least 4 must be vocational; and
- (c) for every subsequent school year a minimum of 30 courses of study at NQF level 2, of which at least 5 must be vocational.

(4) A local authority may include a course of study at NQF level 1 instead of a course at NQF level 2 in the local curriculum for a maintained secondary school in its area if the same course is not available at NQF level 2 for pupils in the fourth key stage.

(1) 1971 c.80.

(5) Rhaid i'r lleiafswm o gyrsiau astudio galwedigaethol sy'n ofynnol gan baragraffau (1), (2) a (3) ddod o fewn o leiaf 3 o'r meysydd dysgu.

Lleiafswm pwyntiau cyrsiau astudio mewn cwricwla lleol

5.–(1) Os bydd cwricwlwm lleol yn cynnwys 26 neu 27 o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 680 o bwyntiau.

(2) Os bydd cwricwlwm lleol yn cynnwys 28 neu 29 o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 720 o bwyntiau.

(3) Os bydd cwricwlwm lleol yn cynnwys 30 neu fwy o gyrsiau astudio rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 780 o bwyntiau.

Lleiafswm pwyntiau cyrsiau astudio galwedigaethol mewn cwricwla lleol

6.–(1) Os bydd cwricwlwm lleol yn cynnwys 4 o gyrsiau astudio galwedigaethol rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 220 o bwyntiau.

(2) Os bydd cwricwlwm lleol yn cynnwys 5 o gyrsiau astudio galwedigaethol neu fwy rhaid bod gan y cyrsiau hynny werth pwyntiau cyfunol nad yw'n llai na 260 o bwyntiau.

Dewisiadau disgybl o gyrsiau cwricwlwm lleol

7. Ni chaiff disgybl ddewis dilyn cwrs neu gyfuniad o gyrsiau astudio o fewn cwricwlwm lleol os yw cyfanswm pwyntiau'r cwrs hwnnw neu'r cyfuniad hwnnw o gyrsiau astudio yn fwy na 180 o bwyntiau heb gynnwys unrhyw bwyntiau a ddyrannwyd i gwrs neu gyrsiau astudio sy'n arwain at gymhwyster sgil allweddol y mae disgybl wedi dewis ei ddilyn.

Hyd y cyfnod pan fo'n rhaid i'r disgybl ddewis

8. Rhaid i ddisgybl ddewis dilyn cwrs neu gyrsiau astudio o fewn cwricwlwm lleol yn ystod tymor y gwanwyn.

Penderfyniad y pennaeth ynghylch hawlogaeth

9.–(1) Os bydd pennaeth yn penderfynu o dan adran 116F(1) o Ddeddf 2002 nad oes hawlogaeth gan ddisgybl i ddilyn cwrs neu gyrsiau astudio rhaid iddo wneud hynny o fewn 28 o ddiwrnodau gwaith ar ôl dechrau tymor yr haf.

(2) Os bydd pennaeth yn penderfynu hynny rhaid iddo o fewn 3 diwrnod gwaith o'r penderfyniad hwnnw hysbysu'r person perthnasol yn ysgrifenedig o'r materion canlynol–

(a) y penderfyniad a'r rhesymau drosto;

(5) The minimum number of vocational courses of study required by paragraphs (1), (2) and (3) must fall within at least 3 of the learning domains.

Minimum number of points of courses of study of local curricula

5.–(1) Where a local curriculum consists of 26 or 27 courses of study such courses must have a combined points value of no less than 680 points.

(2) Where a local curriculum consists of 28 or 29 courses of study such courses must have a combined points value of no less than 720 points.

(3) Where a local curriculum consists of 30 or more courses of study such courses must have a combined points value of no less than 780 points.

Minimum number of points of vocational courses of study of local curricula

6.–(1) Where a local curriculum consists of 4 vocational courses of study such courses must have a combined points value of no less than 220 points.

(2) Where a local curriculum consists of 5 or more vocational courses of study such courses must have a combined points value of no less than 260 points.

Pupil's choices of local curriculum courses

7. A pupil may not elect to follow a course or a combination of courses of study within a local curriculum if the aggregate points of such a course or such combination of courses of study exceed 180 points excluding any points allotted to a course or courses of study leading to a key skill qualification which a pupil has elected to follow.

Period during which a pupil's election must be made

8. A pupil must elect to follow a course or courses of study within a local curriculum during the spring term.

Head teacher's decision as to entitlement

9.–(1) Where a head teacher decides under section 116F(1) of the 2002 Act that a pupil is not entitled to follow a course or courses of study he or she must do so within 28 working days following the start of the summer term.

(2) Where a head teacher so decides he or she must within 3 working days of that decision inform the relevant person in writing of the following matters–

(a) of the decision and the reasons for it;

- (b) y caiff y person perthnasol wneud cais i'r pennaeth adolygu'r penderfyniad hwnnw;
- (c) o fewn pa gyfnod y mae'n rhaid gwneud cais o'r fath; ac
- (ch) y caiff y person perthnasol wneud sylwadau yn ysgrifenedig ynghylch y penderfyniad hwnnw i'r pennaeth.

(3) Rhaid i gais gan berson perthnasol o dan baragraff (2)(b) ac unrhyw sylwadau o dan baragraff (2)(ch) gael eu gwneud o fewn 5 diwrnod gwaith ar ôl iddo dderbyn hysbysiad y pennaeth o'i benderfyniad.

(4) Os bydd person perthnasol yn gwneud cais o dan baragraff (2)(b) i bennaeth adolygu ei benderfyniad rhaid i'r pennaeth wneud dyfarniad o fewn 10 diwrnod gwaith ar ôl iddo dderbyn y cais ac wrth iddo wneud hynny rhaid iddo ystyried—

- (a) o dan ba amgylchiadau y cafodd ei benderfyniad ei wneud;
- (b) unrhyw sylwadau ysgrifenedig a wnaed gan berson perthnasol ynglŷn â'r penderfyniad hwnnw; ac
- (c) unrhyw amgylchiadau eraill y mae o'r farn eu bod yn berthnasol.

(5) Rhaid i'r pennaeth o fewn 3 diwrnod gwaith o'i ddyfarniad yn unol â pharagraff (4), hysbysu'r person perthnasol yn ysgrifenedig ohono a'r rhesymau drosto.

(6) Mae'r rheoliad hwn yn gymwys yn unig o ran y dewisiad cyntaf y mae disgybl yn ei wneud o dan adran 116D(1) o Ddeddf 2002 yn unol â rheoliad 7 (ac nid o ran unrhyw ddewisiad wedyn).

Penderfyniad pennaeth i ddileu hawlogaeth

10.—(1) Os bydd pennaeth yn penderfynu o dan adran 116H(1) o Ddeddf 2002 nad oes bellach gan ddisgybl hawlogaeth i ddilyn cwrs neu gyrsiau astudio, rhaid iddo o fewn 3 diwrnod gwaith o'r penderfyniad hwnnw hysbysu'r person perthnasol o'r materion canlynol—

- (a) y penderfyniad a'r rhesymau drosto;
- (b) y caiff y person perthnasol wneud cais i'r pennaeth adolygu'r penderfyniad hwnnw;
- (c) o fewn pa gyfnod y mae'n rhaid gwneud cais o'r fath; ac
- (ch) y caiff y person perthnasol wneud sylwadau yn ysgrifenedig ynghylch y penderfyniad hwnnw i'r pennaeth.

(2) Nid oes gan ddisgybl hawlogaeth i ddilyn y cwrs neu'r cyrsiau astudio ar ôl dyddiad penderfyniad y pennaeth o dan adran 116H(1) o Ddeddf 2002.

(3) Rhaid i gais gan berson perthnasol o dan baragraff (1)(b) ac unrhyw sylwadau o dan baragraff (1)(ch) gael eu gwneud o fewn 5 diwrnod gwaith ar ôl iddo dderbyn hysbysiad y pennaeth o'i benderfyniad.

- (b) that the relevant person may request the head teacher review that decision;
- (c) the period within which such a request must be made; and
- (d) that the relevant person may make representations in writing about that decision to the head teacher.

(3) A request by a relevant person under paragraph (2)(b) and any representations under paragraph (2)(d) must be made within 5 working days of his or her receipt of notice of the head teacher's decision.

(4) Where a relevant person requests under paragraph (2)(b) that a head teacher review his or her decision the head teacher must make a determination within 10 working days of receipt of the request and in so doing he or she must consider—

- (a) the circumstances in which his or her decision was made;
- (b) any written representations made by a relevant person about that decision; and
- (c) any other circumstances he or she considers relevant.

(5) The head teacher must within 3 working days of his or her determination pursuant to paragraph (4), inform the relevant person in writing of it and the reasons for it.

(6) This regulation applies only in relation to the first election a pupil makes under section 116D(1) of the 2002 Act in accordance with regulation 7 (and not in relation to any subsequent election).

Head teacher's decision to remove an entitlement

10.—(1) Where a head teacher decides under section 116H(1) of the 2002 Act that a pupil is no longer entitled to follow a course or courses of study, he or she must within 3 working days of that decision inform the relevant person of the following matters—

- (a) of the decision and the reasons for it;
- (b) that the relevant person may request the head teacher review that decision;
- (c) the period within which such a request must be made; and
- (d) that the relevant person may make representations in writing about that decision to the head teacher.

(2) A pupil is not entitled to follow the course or courses of study from the date of the head teacher's decision under section 116H(1) of the 2002 Act.

(3) A request by a relevant person under paragraph (1)(b) and any representations under paragraph (1)(d) must be made within 5 working days of his or her receipt of notice of the head teacher's decision.

(4) Os bydd person perthnasol yn gwneud cais o dan baragraff (1)(b) i bennaeth adolygu ei benderfyniad rhaid i'r pennaeth wneud dyfarniad o fewn 10 diwrnod gwaith ar ôl iddo dderbyn y cais ac wrth iddo wneud hynny rhaid iddo ystyried—

- (a) o dan ba amgylchiadau y cafodd ei benderfyniad ei wneud;
- (b) unrhyw sylwadau ysgrifenedig a wnaed gan berson perthnasol ynglŷn â'r penderfyniad hwnnw; ac
- (c) unrhyw amgylchiadau eraill y mae o'r farn eu bod yn berthnasol.

(5) Rhaid i'r pennaeth o fewn 3 diwrnod gwaith o'i ddyfarniad yn unol â pharagraff (4), hysbysu'r person perthnasol yn ysgrifenedig ohono a'r rhesymau drosto.

Terfynau amser a hysbysiadau'n hepgor yr hawl i gael adolygiad

11. At ddibenion cyfrifo'r cyfnodau y cyfeirir atynt yn rheoliadau 9(2), (3), (4) a (5) a 10(1), (3), (4) a (5), bernir bod yr hysbysiad wedi ei roi i'r person o dan sylw—

- (a) os defnyddir y post dosbarth cyntaf, ar yr ail ddiwrnod gwaith ar ôl dyddiad ei bostio;
- (b) os caiff yr hysbysiad ei draddodi â llaw, ar ddyddiad ei draddodi;
- (c) os defnyddir post electronig, ar y dyddiad y caiff ei anfon,

oni ddangosir i'r gwrthwyneb.

(4) Where a relevant person requests under paragraph (1)(b) that a head teacher review his or her decision, the head teacher must make a determination within 10 working days of receipt of the request and in so doing he or she must consider—

- (a) the circumstances in which his or her decision was made;
- (b) any written representations made by a relevant person about that decision; and
- (c) any other circumstances he or she considers relevant.

(5) The head teacher must within 3 working days of his or her determination pursuant to paragraph (4), inform the relevant person in writing of it and the reasons for it.

Time limits and notices waiving right to review

11. For the purpose of calculating the periods referred to in regulations 9(2), (3), (4) and (5) and 10(1), (3), (4) and (5), the notice is to be taken to have been given to the person in question—

- (a) where the first class post is used, on the second working day after the date of posting;
- (b) where the notice is delivered by hand, on the date of delivery;
- (c) where electronic mail is used, on the date of sending,

unless the contrary is shown.

John Griffiths

Y Dirprwy Weinidog dros Sgiliau, o dan awdurdod y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

8 Rhagfyr 2009

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

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