OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1291 (Cy.110)

ADDYSG, CYMRU

Rheoliadau Deddf Diogelu Grwpiau Hyglwyf 2006 (Cyfnod Rhagnodedig a Swyddog Priodol) (Cymru) 2010

NODYN ESBONIADOL

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

Mae Deddf Diogelu Grwpiau Hyglwyf 2006 ("Deddf 2006") yn darparu'r fframwaith deddfwriaethol ar gyfer cynllun newydd ynghylch fetio a gwahardd i bobl sy'n gweithio gyda phlant ac oedolion hyglwyf. Mae adran 13 o Ddeddf 2006 yn ei gwneud yn ofynnol bod gwiriad yn cael ei wneud mewn perthynas ag unrhyw berson sy'n cael ei benodi i gorff llywodraethu sefydliad addysgol. Mae methu â gwneud gwiriad yn dramgwydd. Mae'r Rheoliadau hyn yn rhagnodi, at ddibenion adran 13, y cyfnod y mae'n rhaid i'r gwiriad hwnnw gael ei wneud ynddo a'r swyddog priodol sy'n gyfrifol am ei wneud.

Gan hynny, y cyfnod rhagnodedig yw cyfnod sydd o fewn pedwar mis i'r dyddiad y cydsyniodd person a benodwyd i gorff llywodraethu sefydliad addysgol i'r swyddog priodol wneud gwiriad a darparu unrhyw wybodaeth sy'n ofynnol i wneud y gwiriad hwnnw i'r swyddog priodol. Y swyddog priodol ar gyfer ysgol annibynnol yw'r perchennog ac, ar gyfer sefydliad addysg bellach, y penadur. Mewn cysylltiad â phob sefydliad addysgol arall, prif swyddog addysg yr awdurdod lleol yw'r swyddog priodol.

WELSH STATUTORY INSTRUMENTS

2010 No. 1291 (W.110)

EDUCATION, WALES

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010

EXPLANATORY NOTE

(This note is not part of the Regulations)

The Safeguarding Vulnerable Groups Act 2006 ("the 2006 Act") provides the legislative framework for a new vetting and barring scheme for people who work with children and vulnerable adults. Section 13 of the 2006 Act requires that a check be made in relation to any person appointed to the governing body of an educational establishment. It is an offence to fail to carry out a check. These Regulations prescribe, for the purposes of section 13, the period within which that check must be carried out and the appropriate officer responsible for carrying it out.

Accordingly, the prescribed period is within four months of the date on which a person appointed to the governing body of an educational establishment consented to the appropriate officer making a check and provided any information required to make that check to the appropriate officer. The appropriate officer for an independent school is the proprietor and, for a further education institution, is the principal. In respect of all other educational establishments the appropriate officer is the chief education officer of the local authority.

OFFERYNNAU STATUDOL CYMRU

2010 Rhif 1291 (Cy.110)

ADDYSG, CYMRU

Rheoliadau Deddf Diogelu Grwpiau Hyglwyf 2006 (Cyfnod Rhagnodedig a Swyddog Priodol) (Cymru) 2010

Gwnaed	*19 Ebrill 2010*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*20 Ebrill 2010*
Yn dod i rym	*26 Gorffennaf 2010*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd iddynt gan adrannau 13, 56(1), 60 a 61(5) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(**1**), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Diogelu Grwpiau Hyglwyf 2006 (Cyfnod Rhagnodedig a Swyddog Priodol) (Cymru) 2010 a deuant i rym ar 26 Gorffennaf 2010.

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

Dehongli

2.–(1) Yn y Rheoliadau hyn–

ystyr "Deddf 2006" ("*the 2006 Act*") yw Deddf Diogelu Grwpiau Hyglwyf 2006;

ystyr "penadur" ("*principal*") yw'r person a benodwyd yn benadur sefydliad addysg bellach;

mae i "perchennog" yr ystyr a roddir i "*proprietor*" gan adran 579 o Ddeddf Addysg 1996(**2**);

ystyr "prif swyddog addysg" ("*chief education officer*") yw'r person a benodwyd yn unol ag adran 532 o Ddeddf Addysg 1996(**3**);

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

(**2**) Diwygiwyd gan baragraff 183(a)(iii) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31) a chan O.S. 2005/2913 (Cy.210).

(**3**) 1996 p.56.

WELSH STATUTORY INSTRUMENTS

2010 No. 1291 (W.110)

EDUCATION, WALES

The Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010

Made	*19 April 2010*
Laid before the National Assembly for Wales	*20 April 2010*
Coming into force	*26 July 2010*

The Welsh Ministers, in exercise of the powers conferred on them by sections 13, 56(1), 60 and 61(5) of the Safeguarding Vulnerable Groups Act 2006(**1**) make the following Regulations:

Title, commencement and application

1.–(1) The title of these Regulations is the Safeguarding Vulnerable Groups Act 2006 (Prescribed Period and Appropriate Officer) (Wales) Regulations 2010 and they come into force on 26 July 2010.

(2) These Regulations apply in relation to Wales.

Interpretation

2.–(1) In these Regulations–

"the 2006 Act" ("*Deddf 2006*") means the Safeguarding Vulnerable Groups Act 2006;

"chief education officer" ("*prif swyddog addysg*") means the person appointed in accordance with section 532 of the Education Act 1996(**2**);

"further education institution" ("*sefydliad addysg bellach*") means an institution in the further education sector within the meaning of section 91 of the Further and Higher Education Act 1992(**3**) and is otherwise an educational establishment within the meaning of section 8(5) of the 2006 Act;

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

(**2**) 1996 c.56.

(**3**) 1992 c.13.

ystyr "sefydliad addysg bellach" ("*further education institution*") yw sefydliad yn y sector addysg bellach o fewn ystyr adran 91 o Ddeddf Addysg Bellach ac Uwch 1992(**1**) ac sydd fel arall yn sefydliad addysgol o fewn ystyr adran 8(5) o Ddeddf 2006;

ystyr "unigolyn cyfrifol" ("*responsible individual*")–

(i) unigolyn a chanddo reolaeth gyffredinol dros reoli'r ysgol o ddydd i ddydd; neu

(ii) pan fo'r rheolaeth honno yn cael ei rhannu rhwng dau neu ragor o unigolion, yr un ohonynt a enwebir gan y perchennog i fod yn unigolyn cyfrifol;

mae i "ysgol" yr ystyr a roddir i "*school*" gan adran 4 o Ddeddf Addysg 1996(**2**); ac

ystyr "ysgol annibynnol" ("*independent school*") yw ysgol nas cynhelir gan yr awdurdod lleol ac sydd fel arall yn sefydliad addysgol o fewn ystyr adran 8(5) o Ddeddf 2006.

"independent school" ("*ysgol annibynnol*") means a school that is not maintained by the local authority and is otherwise an educational establishment within the meaning of section 8(5) of the 2006 Act;

"principal" ("*penadur*") means the person appointed as principal of a further education institution;

"proprietor" ("*perchennog*") has the meaning given to it by section 579 of the Education Act 1996(**1**);

"responsible individual" ("*unigolyn cyfrifol*") means–

(i) the individual with overall control of the day to day management of the school; or

(ii) where that control is shared between two or more individuals, the one of them nominated by the proprietor to be the responsible individual; and

"school" ("*ysgol*") has the meaning given to by section 4 of the Education Act 1996(**2**).

Cyfnod Rhagnodedig

3. At ddibenion adran 13(1) o Ddeddf 2006 y cyfnod rhagnodedig yw cyfnod sydd o fewn pedwar mis i'r dyddiad y gwnaeth person a benodwyd i gorff llywodraethu sefydliad addysgol–

(a) cydsynio i'r swyddog priodol wneud gwiriad yn unol ag adran 15(2)(a) o Ddeddf 2006; a

(b) darparu unrhyw wybodaeth sy'n ofynnol i wneud y gwiriad hwnnw i'r swyddog priodol.

Prescribed Period

3. For the purposes of section 13(1) of the 2006 Act the prescribed period is within four months from the date on which a person appointed to the governing body of an educational establishment–

(a) consented to the appropriate officer making a check in accordance with section 15(2)(a) of the 2006 Act; and

(b) provided any information required to make that check to the appropriate officer.

Swyddog Priodol

4.–(1) At ddibenion adran 13(5) o Ddeddf 2006, y swyddog priodol–

(a) mewn perthynas ag ysgol annibynnol, yw ei hunigolyn cyfrifol;

(b) mewn perthynas â sefydliad addysg bellach, yw ei benadur; ac

(c) mewn perthynas ag unrhyw sefydliadau addysgol eraill, yw prif swyddog addysg yr awdurdod lleol lle mae'r sefydliad addysgol wedi'i leoli.

Appropriate Officer

4.–(1) For the purposes of section 13(5) of the 2006 Act, the appropriate officer–

(a) in relation to an independent school is its responsible individual;

(b) in relation to a further education institution is its principal; and

(c) in relation to any other educational establishments is the chief education officer for the local authority in which the educational establishment is located.

(**1**) 1992 p.13.

(**2**) Amnewidiwyd is-adran (1) gan adran 51 o Ddeddf Addysg 1997 (p.44). Diwygiwyd is-adran (1) gan adran 95(1) a (2) o Ddeddf Gofal Plant 2006 (p.21) a chan Ran 3 o Atodlen 22 i Ddeddf Addysg 2002 (p.32). Mewnosodwyd is-adran (1A) gan adran 95(1) a (3) o Ddeddf Gofal Plant 2006. Diwygiwyd is-adran (2) gan baragraff 10(a) a (b) o Atodlen 7 ac Atodlen 8 i Ddeddf Addysg 1997.

(**1**) Amended by paragraph 183(a)(iii) of Schedule 30 to the School Standards and Framework Act 1998 (c.31) and by S.I. 2005/2913 (W.210).

(**2**) Sub-section (1) was substituted by section 51 of the Education Act 1997 (c.44). Sub-section (1) was amended by section 95(1) and (2) of the Childcare Act 2006 (c.21) and by Part 3 of Schedule 22 to the Education Act 2002 (c.32). Sub-section (1A) was inserted by section 95(1) and (3) of the Childcare Act 2006. Sub-section (2) was amended by paragraph 10(a) and (b) of Schedule 7 and Schedule 8 to the Education Act 1997.

Leighton Andrews

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

19 Ebrill 2010

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

19 April 2010

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