



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2011 Rhif 2325 (Cy.242)

2011 No. 2325 (W.242)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Gwybodaeth
am Ddisgyblion Unigol) (Cymru)
(Diwygio) 2011

The Education (Information About
Individual Pupils) (Wales)
(Amendment) Regulations 2011

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 diwygio Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007 ("Rheoliadau 2007"). Mae Rheoliadau 2007 yn ei gwneud yn ofynnol bod corff llywodraethu unrhyw ysgol a gynhelir, o fewn pedwar diwrnod ar ddeg wedi i gais ysgrifenedig ddod i'w law oddi wrth yr awdurdod lleol sy'n cynnal yr ysgol, yn cyflenwi pa bynnag wybodaeth y gofynnir amdani gan yr awdurdod mewn cysylltiad â disgyblion yn yr ysgol.

These Regulations amend the Education (Information About Individual Pupils) (Wales) Regulations 2007 ("the 2007 Regulations"). The 2007 Regulations require the governing body of any maintained school on receiving a written request from the local authority by which the school is maintained to supply within fourteen days such of the information as is requested by the authority in respect of pupils at the school.

Mae rheoliad 4 o Reoliadau 2007, a Rhan 1 o Atodlen 2 i'r Rheoliadau hynny, yn rhagnodi'r wybodaeth y caniateir ei rhannu â phersonau a ragnodir o dan reoliad 5(2) o Reoliadau 2007. Mae'r Rheoliadau hyn yn ychwanegu paragraffau 17 ac 18 newydd at Ran 1 o Atodlen 2 i Reoliadau 2007, a thrwy hynny'n ychwanegu at y rhestr ragnodedig o'r wybodaeth am ddisgyblion unigol y caniateir ei rhannu (rheoliadau 2(2) a 2(4)).

Regulation 4 and Part 1 of Schedule 2 to the 2007 Regulations prescribe the information that may be shared with persons prescribed under regulation 5(2) of the 2007 Regulations. These Regulations add new paragraphs 17 and 18 to Part 1 of Schedule 2 to the 2007 Regulations so as to add to the prescribed list of individual pupil information that may be shared (regulations 2(2) and 2(4)).

Mae rheoliad 5 o Reoliadau 2007 yn rhagnodi personau y caiff Gweinidogion Cymru ddarparu gwybodaeth am ddisgyblion unigol iddynt o dan adran 537A(4) o Ddeddf Addysg 1996. Mae'r Rheoliadau hyn yn mewnosod is-baragraffau (d) i (f) newydd yn rheoliad 5(2), a thrwy hynny'n ychwanegu at y rhestr ragnodedig o gyrrff y caniateir darparu gwybodaeth iddynt am ddisgyblion unigol (rheoliad 2(3)).

Regulation 5 of the 2007 Regulations prescribes persons who may be provided with individual pupil information by the Welsh Ministers under section 537A(4) of the Education Act 1996. These Regulations insert new sub-paragraphs (e) to (h) into regulation 5(2) so as to add to the prescribed list of bodies to which individual pupil information may be provided (regulation 2(3)).

2011 Rhif 2325 (Cy.242)

ADDYSG, CYMRU

**Rheoliadau Addysg (Gwybodaeth
am Ddisgyblion Unigol) (Cymru)
(Diwygio) 2011**

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| <i>Gwnaed</i> | <i>20 Medi 2011</i> |
| <i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i> | <i>22 Medi 2011</i> |
| <i>Yn dod i rym</i> | <i>14 Hydref 2011</i> |

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 537A(1), (2) a (4) a 569(4) a (5) o Ddeddf Addysg 1996(1) ac sydd bellach wedi eu breinio ynddynt hwy(2), yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) (Diwygio) 2011 a deuant i rym ar 14 Hydref 2011.

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

Diwygio

2.—(1) Diwygir Rheoliadau Addysg (Gwybodaeth am Ddisgyblion Unigol) (Cymru) 2007(3) fel a ganlyn.

(2) Yn rheoliad 3—

(a) ar ôl y diffiniad o "cyfnod allweddol" yn y man priodol yn nhrefn yr wyddor, mewnosoder—

(1) 1996 p.56. Mewnosodwyd adran 537A gan adran 20 o Ddeddf Addysg 1997 (p.44) ac fe'i hamnewidiwyd gan Ddeddf Safonau a Fframwaith Ysgolion 1998 (p.31), Atodlen 30, paragraff 153 a diwygiwyd is-adran 1(a)(i) ymhellach gan O.S. 2010/1158.

(2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac wedyn i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(3) S.I. 2007/3562 (Cy.312).

2011 No. 2325 (W.242)

EDUCATION, WALES

**The Education (Information About
Individual Pupils) (Wales)
(Amendment) Regulations 2011**

| | |
|--|--------------------------|
| <i>Made</i> | <i>20 September 2011</i> |
| <i>Laid before the National Assembly for Wales</i> | <i>22 September 2011</i> |
| <i>Coming into force</i> | <i>14 October 2011</i> |

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 537(A)(1), (2) and (4) and 569(4) and (5) of the Education Act 1996(1) and now vested in them(2) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Education (Information About Individual Pupils) (Wales) (Amendment) Regulations 2011 and they come into force on 14 October 2011.

(2) These Regulations apply in relation to Wales.

Amendment

2.—(1) The Education (Information About Individual Pupils) (Wales) Regulations 2007(3) are amended as follows.

(2) In regulation 3—

(a) after the definition of "child looked after by a local authority" insert—

(1) 1996 c.56. Section 537A was inserted by section 20 of the Education Act 1997 (c.44) and was substituted by the School Standards and Framework Act 1998 (c.31), Schedule 30, paragraph 153 and sub-section 1(a)(i) was further amended by S.I. 2010/1158.

(2) The functions of the Secretary of State under these sections were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(3) S.I. 2007/3562 (W.312).

"ystyr "cylchlythyr iaith gyntaf" ("*first language circular*") yw'r cylchlythyr "Casglu a chofnodi data am iaith gyntaf disgyblion"(1) a gyhoeddwyd gan Weinidogion Cymru o dan y rhif cylchlythyr 001/2011;"

(b) ar ôl y diffiniad o "blwyddyn ysgol" mewnosoder—

"ystyr "cod iaith" ("*language code*") yw'r prif godau ac is-godau ar gyfer y categorïau iaith safonol a bennir yn Atodiad A i'r cylchlythyr iaith gyntaf;"

(c) ar ôl y diffiniad o "cyfnod allweddol" yn y man priodol yn nhrefn yr wyddor, mewnosoder—

"mae i "cymhwyster perthnasol" yr ystyr a roddir i "*relevant qualification*" yn adran 30(5) o Ddeddf Addysg 1997;" ac

(ch) ar ôl y diffiniad o "Rhif unigryw disgybl" mewnosoder —

"ystyr "rhif unigryw dysgwr" ("*unique learner number*"), mewn perthynas â disgybl cofrestredig mewn ysgol, yw'r cyfuniad penodol o lythrennau a rhifau a ddyrannwyd i'r disgybl gan Brif Weithredwr yr Asiantaeth Ariannu Sgiliau fel rhif unigryw dysgwr y disgybl hwnnw;"

(3) Yn rheoliad 5—

(a) ar ddiwedd paragraff (2) mewnosoder—

"(d) yr Asiantaeth Ariannu Sgiliau(2);

(dd) unrhyw gorff a gydnabyddir gan Weinidogion Cymru o dan adran 30(1)(e) o Ddeddf Addysg 1997 mewn perthynas â dyfarnu neu ddilysu cymhwyster penodedig neu ddisgrifiad o gymhwyster perthnasol;

(e) y Swyddfa Rheoleiddio Cymwysterau ac Arholiadau; ac

(f) unrhyw gorff a gydnabyddir gan y Swyddfa Rheoleiddio Cymwysterau ac Arholiadau o dan adran 132 o Ddeddf Prentisiaethau, Sgiliau, Plant a Dysgu 2009 mewn perthynas â dyfarnu neu ddilysu cymhwyster penodedig neu ddisgrifiad o gymhwyster y mae Rhan 7 o'r Ddeddf honno'n gymwys iddo."

(4) Yn Rhan 1 o Atodlen 2—

(a) ar ddiwedd paragraff 1(g) mewnosoder—

"(ng) y rhif unigryw dysgwr, os yw'n hysbys."; a

"first language circular" ("*cylchlythyr iaith gyntaf*") means the "Collecting and recording data on pupils' first language"(1) circular published by the Welsh Ministers under circular number 001/2011;"

(b) after the definition of "key stage" insert—

"language code" ("*cod iaith*") means the main codes and sub codes for the standard language categories set out in Annex A to the first language circular;"

(c) after the definition of "register" insert—

"relevant qualification" ("*cymhwyster perthnasol*") has the meaning given to it in section 30(5) of the Education Act 1997;" and

(d) after the definition of "unauthorised absence" insert—

"unique learner number" ("*rhif unigryw dysgwr*"), in relation to a registered pupil at a school, means the specific combination of letters and numbers allocated to the pupil by the Chief Executive of the Skills Funding Agency as that pupil's unique learner number; and"

(3) In regulation 5—

(a) at the end of paragraph (2) insert—

"(e) the Skills Funding Agency(2);

(f) any body recognised by the Welsh Ministers under section 30(1)(e) of the Education Act 1997 in respect of the award or authentication of a specified qualification or description of relevant qualification;

(g) the Office of Qualifications and Examinations Regulation; and

(h) any body which is recognised by the Office of Qualifications and Examinations Regulation under section 132 of the Apprenticeships, Skills, Children and Learning Act 2009 in respect of the award or authentication of a specified qualification or description of qualification to which Part 7 of that Act applies."

(4) In Part 1 of Schedule 2—

(a) at the end of paragraph 1(j) insert—

"(k) unique learner number, where known."; and

(1) Rhif ISBN 978 0 7504 5907 5.

(2) Asiantaeth yr Adran Busnes, Arloesedd a Sgiliau yw'r Asiantaeth Ariannu Sgiliau.

(1) ISBN number 978 0 7504 5907 5.

(2) The Skills Funding Agency is an agency of the Department for Business, Innovation and Skills.

(b) ar ddiwedd paragraff 16 mewnosoder—

"17. Pan fo'r disgybl yn dysgu Saesneg neu Gymraeg fel iaith ychwanegol, datganiad pa un a yw lefel datblygiad y disgybl hwnnw mewn Saesneg o fewn—

- (a) categori A: newydd i'r Saesneg;
- (b) categori B: caffael cynnar;
- (c) categori C: datblygu cymhwysedd;
- (ch) categori CH: cymwys; neu
- (d) categori D: rhugl.

18. Y cod iaith sy'n disgrifio orau iaith gyntaf y disgybl."

(b) at the end of paragraph 16 insert—

"17. Where the pupil is learning English or Welsh as an additional language a statement as to that pupil's level of development in English being—

- (a) category A: new to English;
- (b) category B: early acquisition;
- (c) category C: developing competence;
- (d) category D: competent; or
- (e) category E: fluent.

18. The language code that best describes the pupil's first language."

Leighton Andrews

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

Minister for Education and Skills, one of the Welsh Ministers

20 Medi 2011

20 September 2011

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