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OFFERYNNAU STATUDOL  
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WELSH STATUTORY  
INSTRUMENTS

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**2014 Rhif 1609 (Cy. 165)**

**2014 No. 1609 (W. 165)**

**ADDYSG, CYMRU**

**EDUCATION, WALES**

**Rheoliadau Staffio Ysgolion a  
Gynhelir (Cymru) (Diwygio) 2014**

**The Staffing of Maintained Schools  
(Wales) (Amendment) Regulations  
2014**

**NODYN ESBONIADOL**

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

Mae Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 ("Rheoliadau 2006") yn gwneud darpariaeth ar gyfer staffio ysgolion a gynhelir.

Mae rheoliad 7(3) a (4) o Reoliadau 2006 yn gwneud darpariaeth ar gyfer ymchwilio'n annibynnol i honiadau o natur amddiffyn plant yn erbyn aelodau o staff ysgol. Mae'r Rheoliadau hyn yn dirymu'r darpariaethau hynny (rheoliad 2(2) a (3)) ac yn diwygio ymhellach Reoliadau 2006 er mwyn gwneud darpariaeth newydd ar gyfer ymchwilio'n annibynnol i honiadau o achosi niwed i ddisgybl cofrestredig yn erbyn aelodau o staff ysgol (rheoliad 2(4)).

Mae rheoliad 10 o Reoliadau 2006 yn gwneud darpariaeth mewn cysylltiad â phenodi penaethiaid a dirprwyon mewn ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir. Mae rheoliad 2(5) o'r Rheoliadau hyn yn diwygio'r darpariaethau hynny i adlewyrchu dyfodiad i rym Reoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014 ("y Rheoliadau Ffedereiddio").

Yn yr un modd, mae rheoliad 24 o Reoliadau 2006 yn gwneud darpariaeth mewn cysylltiad â phenodi penaethiaid a dirprwyon mewn ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyr ac ysgolion arbennig sefydledig. Mae rheoliad 2(6) o'r Rheoliadau hyn yn diwygio'r darpariaethau hynny oherwydd dyfodiad i rym y Rheoliadau Ffedereiddio.

Mae Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 ("Rheoliadau 2005") yn gwneud darpariaeth mewn perthynas â chyfansoddiad cyrff llywodraethu a'u gweithdrefnau. Mae rheoliad 55 o Reoliadau 2005 yn ei gwneud yn ofynnol bod rhai

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

The Staffing of Maintained Schools (Wales) Regulations 2006 ("the 2006 Regulations") make provision for the staffing of maintained schools.

Regulation 7(3) and (4) of the 2006 Regulations make provision for allegations of a child protection nature against members of a school staff to be independently investigated. These Regulations revoke those provisions (regulation 2(2) and (3)) and further amend the 2006 Regulations so as to make new provision for allegations of causing harm to a registered pupil against members of a school staff to be independently investigated (regulation 2(4)).

Regulation 10 of the 2006 Regulations makes provision in connection with the appointment of head teachers and deputy head teachers in community, voluntary controlled, community special and maintained nursery schools. Regulation 2(5) of these Regulations amends those provisions to reflect the coming into force of the Federation of Maintained Schools (Wales) Regulations 2014 ("the Federation Regulations").

Similarly regulation 24 of the 2006 Regulations makes provision in connection with the appointment of head teachers and deputy head teachers in foundation, voluntary aided and foundation special schools. Regulation 2(6) of these Regulations amends those provisions in light of the coming into force of the Federation Regulations.

The Government of Maintained Schools (Wales) Regulations 2005 ("the 2005 Regulations") makes provision in relation to the constitution and procedures of governing bodies. Regulation 55 of the 2005 Regulations requires that certain disciplinary functions

swyddogaethau disgyblu penodol o gyrrff llywodraethu yn cael eu dirprwyo i bwyllgor disgyblu a diswyddo staff ac i bwyllgor apelau disgyblu a diswyddo. Yn benodol, mae rheoliad 55(3) o Reoliadau 2005 yn darparu, pan fo honiad yn ymwneud â materion sydd o natur amddiffyn plant rhaid i aelodaeth y pwyllgor gynnwys person annibynnol. Mae'r Rheoliadau hyn yn diwygio rheoliad 55(3) o Reoliadau 2005 er mwyn hepgor cyfeiriad at "materion amddiffyn plant" ac mewnosod rheoliad newydd 55(3) a (3A) sy'n adlewyrchu'r diwygiadau a wneir i Reoliadau 2006 gan reoliad 2(4) o'r Rheoliadau hyn.

Mae rheoliad 55(4A) o Reoliadau 2005 yn nodi'r amgylchiadau pan na fo person i gael ei ystyried yn annibynnol at ddibenion rheoliad 55(3) o Reoliadau 2005. Mae rheoliad 3(2) o'r Rheoliadau hyn yn mewnosod rheoliad newydd (4A) i mewn i Reoliadau 2005 er mwyn adlewyrchu'r diwygiadau a wneir i Reoliadau 2006 gan reoliad 2(4) o'r Rheoliadau hyn.

of governing bodies must be delegated to a staff disciplinary and dismissal committee and disciplinary and dismissal appeals committee. In particular regulation 55(3) of the 2005 Regulations provides that where an allegation involves issues of a child protection nature the membership of the committee must include an independent person. These Regulations amend regulation 55(3) of the 2005 Regulations so as to omit reference to "issues of a child protection nature" and insert a new regulation 55(3) and (3A) which reflect the amendments made to the 2006 Regulations by regulation 2(4) of these Regulations.

Regulation 55(4A) of the 2005 Regulations sets out the circumstances where a person is not to be regarded as independent for the purposes of regulation 55(3) of the 2005 Regulations. Regulation 3(2) of these Regulations inserts a new regulation (4A) into the 2005 Regulations to reflect the amendments made to the 2006 Regulations by regulation 2(4) of these Regulations.

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Gynhelir (Cymru) (Diwygio) 2014**

**The Staffing of Maintained Schools  
(Wales) (Amendment) Regulations  
2014**

*Gwnaed* 18 Mehefin 2014

*Made* 18 June 2014

*Gosodwyd gerbron Cynulliad Cenedlaethol  
Cymru* 20 Mehefin 2014

*Laid before the National Assembly for Wales*  
20 June 2014

*Yn dod i rym* 16 Gorffennaf 2014

*Coming into force* 16 July 2014

Mae Gweinidogion Cymru, drwy arfer y pwerau yn adran 569(4) a (5) o Ddeddf Addysg 1996(1), a pharagraff 3 o Atodlen 1 iddi, ac adrannau 19(3), 21(3), 34(5), 35(4) a (5), 36(4) a (5) a 210(7) o Ddeddf Addysg 2002(2) ac adrannau 18 a 32 o Fesur Addysg (Cymru) 2011(3) yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers in exercise of the powers in section 569(4) and (5) of, and paragraph 3 of Schedule 1 to, the Education Act 1996(1), and sections 19(3), 21(3), 34(5), 35(4) and (5), 36(4) and (5) and 210(7) of the Education Act 2002(2), and sections 18 and 32 of the Education (Wales) Measure 2011(3) make the following Regulations:

**Enwi, cychwyn a chymhwyso**

**Title, commencement and application**

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio) 2014 a deuant i rym ar 16 Gorffennaf 2014.

1.—(1) The title of these Regulations is the Staffing of Maintained Schools (Wales) (Amendment) Regulations 2014 and they come into force on 16 July 2014.

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

(2) These Regulations apply in relation to Wales.

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(1) 1996 p. 56. Rhoddwyd y swyddogaethau yn yr adran hon ac Atodlen 1 i'r Ysgrifennydd Gwladol ac fe'u trosglwyddwyd i Gynulliad Cenedlaethol Cymru, i'r graddau yr oeddent yn arferadwy o ran Cymru, yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672), ac maent wedi eu breinio bellach yng Ngweinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(2) 2002 p. 32. Rhoddwyd y swyddogaethau yn yr adrannau hyn i Gynulliad Cenedlaethol Cymru ac maent wedi eu breinio bellach yng Ngweinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(3) 2011 mccc 7.

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(1) 1996 c. 56. The functions in this section and Schedule 1 were conferred on the Secretary of State and transferred to the National Assembly for Wales, in so far as exercisable in relation to Wales, by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) 2002 c. 32. The functions in these sections were conferred on the National Assembly for Wales and are now vested in the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(3) 2011 nawm 7.

## Diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006

2.—(1) Mae Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 3(1) yn y man priodol yn nhrefn yr wyddor mewnosoder—

“ystyr “awdurdodau statudol” (“*statutory authorities*”) yw’r heddlu a’r awdurdodau lleol y mae’r ysgol wedi’i lleoli yn eu hardaloedd;

ystyr “cyfnod pontio’r ffederasiwn” (“*federation transition period*”) yw’r cyfnod o amser ar ôl i benderfyniad gael ei wneud i fwrw ymlaen â’r cynigion ar gyfer ffederasiwn o dan reoliadau 7(1), 10(2) neu 12(2) o Reoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014 ond cyn y dyddiad ffedereiddio;

ystyr “Deddf 2013” (“*the 2013 Act*”) yw Deddf Safonau a Threfniadaeth Ysgolion (Cymru) 2013(2);

mae “ffederasiwn” (“*federation*”) ac “ysgol ffederal” (“*federated school*”) i’w dehongli yn unol ag adran 21 o Fesur Addysg (Cymru) 2011(3); ac

ystyr “niwed” (“*harm*”) yw camdriniaeth gorfforol, rywiol neu emosïynol;”.

(3) Yn rheoliad 7 hepgorer paragraffau (3), (4) a (6).

(4) Ar ôl rheoliad 7 mewnosoder—

### “Ymchwiliwr annibynnol

7A.—(1) Mae’r rheoliad hwn yn gymwys pan fo person a gyflogir o dan gontract cyflogaeth i weithio yn yr ysgol yn destun honiad sy’n dod o fewn paragraff (2).

(2) Mae honiad yn dod o fewn y rheoliad hwn os honnir bod y person y cyfeirir ato ym mharagraff (1) wedi achosi niwed i ddisgybl cofrestredig yn yr ysgol.

(3) Os yw’r pennaeth yn ymwybodol o unrhyw honiadau o’r fath rhaid i’r pennaeth—

(a) hysbysu’r corff llywodraethu am bob honiad o’r fath; a

## Amendment to the Staffing of Maintained Schools (Wales) Regulations 2006

2.—(1) The Staffing of Maintained Schools (Wales) Regulations 2006(1) are amended as follows.

(2) In regulation 3(1) in the appropriate place in the alphabetical order insert—

““the 2013 Act” (“*Deddf 2013*”) means the School Standards and Organisation (Wales) Act 2013(2);

“federation” (“*ffederasiwn*”) and “federated school” (“*ysgol ffederal*”) are to be interpreted in accordance with section 21 of the Education (Wales) Measure 2011(3);

“federation transition period” (“*cyfnod pontio’r ffederasiwn*”) means the period of time after a determination has been made to proceed with the proposals for a federation under regulations 7(1), 10(2) or 12(2) of the Federation of Maintained Schools (Wales) Regulations 2014 but before the federation date;

“harm” (“*niwed*”) means physical, sexual or emotional abuse;”;

“statutory authorities” (“*awdurdodau statudol*”) means the police force and the local authorities within whose areas the school is situated;”.

(3) In regulation 7 omit paragraphs (3), (4) and (6).

(4) After regulation 7 insert—

### “Independent investigator

7A.—(1) This regulation applies where a person employed under a contract of employment to work at the school is the subject of an allegation falling within paragraph (2).

(2) An allegation falls within this regulation if it is an allegation that the person referred to in paragraph (1) has caused harm to a registered pupil at the school.

(3) If the head teacher is aware of any such allegations the head teacher must—

(a) inform the governing body of all such allegations; and

(1) O.S. 2006/873 (Cy. 81), fel y’i diwygiwyd gan O.S. 2007/944 (Cy. 80), O.S. 2009/2544 (Cy. 206), O.S. 2009/2708 (Cy. 226), O.S. 2009/3161 (Cy. 275) ac O.S. 2010/1142 (Cy. 101).

(2) 2013 decc 1

(3) 2011 mccc 7.

(1) S.I. 2006/873 (W.81), as amended by S.I. 2007/944 (W. 80), S.I. 2009/2544 (W. 206), S.I. 2009/2708 (W. 226), S.I. 2009/3161 (W. 275) and S.I. 2010/1142 (W. 101).

(2) 2013 anaw 1.

(3) 2011 nawm 7.

(b) ymgynghori â'r person a benodir gan yr awdurdod lleol yn unol â chanllawiau a ddyroddwyd o dan adran 7 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970 (os oes rhai) sydd â chyfrifoldeb am amddiffyn plant.

(4) Os hysbysir y corff llywodraethu am unrhyw honiad o'r fath, rhaid iddo benodi person annibynnol i ymchwilio i'r honiad ac eithrio pan fo paragraff (7) yn gymwys.

(5) Rhaid i'r corff llywodraethu beidio â gwneud penderfyniad ynghylch p'un ai i benodi person annibynnol ai peidio hyd nes—

(a) bod yr awdurdod lleol y mae'r ysgol wedi'i lleoli ynddo wedi hysbysu'r corff llywodraethu ei fod wedi trafod yr honiad gyda phob person o'r fath y mae'n credu ei fod yn briodol yn unol â chanllawiau(1) a ddyroddwyd o dan adran 7 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970(2); a

(b) bod yr awdurdodau statudol wedi hysbysu'r corff llywodraethu—

(i) bod pob un ohonynt wedi cwblhau ei ymchwiliad (os oes un); a

(ii) bod unrhyw achosion troseddol (os oes rhai) sy'n deillio o unrhyw ymchwiliad o'r fath gan yr awdurdodau statudol ac sy'n ymwneud â'r honiad wedi'u terfynu neu wedi'u cwblhau fel arall; ac

(c) bod y corff llywodraethu wedi ymgynghori â'r canlynol—

(i) y person a benodir gan yr awdurdod lleol yn unol â chanllawiau a ddyroddwyd o dan adran 7 o Ddeddf Gwasanaethau Cymdeithasol Awdurdodau Lleol 1970 (os oes rhai) sydd â chyfrifoldeb dros faterion amddiffyn plant; a

(ii) y pennaeth oni bai y gwneir yr honiad yn erbyn y pennaeth.

(b) consult with the person appointed by the local authority in accordance with guidance issued under section 7 of the Local Authority Social Services Act 1970 (if any) with the responsibility for child protection.

(4) If the governing body is informed of any such allegation it must appoint an independent person to investigate the allegation except where paragraph (7) applies.

(5) The governing body must not make a determination on whether or not to appoint an independent person until—

(a) the local authority in which the school is situated has notified the governing body that it has discussed the allegation with all such persons it considers appropriate in accordance with guidance(1) issued under section 7 of the Local Authority Social Services Act 1970(2); and

(b) the statutory authorities have notified the governing body that—

(i) they have each concluded their investigation (if any); and

(ii) any criminal proceedings (if any) arising from any such investigation by the statutory authorities and which concern the allegation have been discontinued or have otherwise concluded; and

(c) the governing body has consulted with—

(i) the person appointed by the local authority in accordance with guidance issued under section 7 of the Local Authority Social Services Act 1970 (if any) with the responsibility for child protection issues; and

(ii) the head teacher unless the allegation is made against the head teacher.

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(1) Enw'r canllawiau cyfredol yw "Diogelu Plant: Gweithio gyda'n Gilydd o dan Ddeddf Plant 2004" ac fe'i cyhoeddwyd ym mis Medi 2006 (ISBN Rhif 0 7504 8911 1). Gellir cael copi ar [www.wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act/?lang=cy](http://www.wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act/?lang=cy).

(2) 1970 p. 42.

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(1) The current guidance is titled "Safeguarding Children: Working Together Under the Children Act 2004" and was published in September 2006 (ISBN No 0 75048910 3). A copy is available from [www.wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act/?lang=en](http://www.wales.gov.uk/topics/childrenyoungpeople/publications/safeguardingunder2004act/?lang=en).

(2) 1970 c. 42.

(6) Rhaid i'r corff llywodraethu sicrhau y gwneir cofnod ysgrifenedig o ganlyniad unrhyw ymgynghoriad a gynhelir yn unol â pharagraff (5).

(7) Nid oes rhaid i'r corff llywodraethu benodi ymchwiliwr annibynnol yn unol â pharagraff (4) pan fo wedi'i fodloni—

- (a) y tu hwnt i amheuaeth resymol nad yw'r honiad yn wir;
- (b) y tu hwnt i amheuaeth resymol nad oes tystiolaeth i ategu'r honiad;
- (c) bod y person y gwnaed yr honiad yn ei erbyn wedi cyfaddef ei fod wedi gwneud yr hyn yr honnir iddo ei wneud; neu
- (ch) bod y person y gwnaed yr honiad yn ei erbyn wedi'i gollfarnu ar ôl hynny o drosedd yn dilyn achosion troseddol o fath y cyfeiriwyd atynt ym mharagraff (5)(b)(ii).

(8) Pan fo person annibynnol wedi'i benodi yn unol â pharagraff (4), rhaid i'r corff llywodraethu ei gwneud yn ofynnol i'r person hwnnw ddarparu i'r corff llywodraethu adroddiad ysgrifenedig ar ei ganfyddiadau mewn cysylltiad â'r honiad.

(9) Rhaid i'r corff llywodraethu ddarparu copi o adroddiad y person annibynnol i'r pennaeth oni bai bod yr honiad wedi'i wneud yn erbyn y pennaeth.

(10) Ar ôl cael adroddiad y person annibynnol rhaid i'r corff llywodraethu benderfynu, yn unol â rheoliad 17 neu 29, yn ôl y digwydd, p'un a ddylai'r person y gwneir yr honiad yn ei erbyn beidio â gweithio yn yr ysgol.

(11) Nid yw person i'w ystyried yn annibynnol at ddibenion paragraff (4) os yw'r person—

- (a) yn aelod o'r corff llywodraethu sy'n gwneud y penodiad;
- (b) yn rhiant i ddisgybl cofrestredig presennol yn yr ysgol neu i gyn-ddisgybl cofrestredig yn yr ysgol;
- (c) yn aelod o staff presennol yr ysgol neu'n gyn-aelod o staff yr ysgol;
- (ch) yn aelod o'r awdurdod lleol neu'n gyflogai i'r awdurdod lleol sy'n cynnal yr ysgol;
- (d) yn ymddiriedolwr yn yr ysgol;
- (dd) yn aelod o'r awdurdod esgobaethol priodol ar gyfer yr ysgol; neu

(6) The governing body must ensure that a written record is made of the outcome of any consultation carried out pursuant to paragraph (5).

(7) The governing body does not have to appoint an independent investigator in accordance with paragraph (4) where it is satisfied—

- (a) beyond reasonable doubt that the allegation is not true;
- (b) beyond reasonable doubt that there is no evidence to corroborate the allegation;
- (c) that the person about whom the allegation was made has admitted to having done what has been alleged; or
- (d) that the person about whom the allegation has been made has subsequently been convicted of a criminal offence following criminal proceedings of a type referred to in paragraph (5)(b)(ii).

(8) Where an independent person is appointed in accordance with paragraph (4), the governing body must require that person to provide to the governing body a written report of their findings in respect of the allegation.

(9) The governing body must provide a copy of the report of the independent person to the head teacher unless the allegation is made against the head teacher.

(10) After receiving the report of the independent person the governing body must decide, in accordance with regulation 17 or 29 as the case may be, whether the person about whom the allegation is made should cease to work at the school.

(11) A person is not to be regarded as independent for the purposes of paragraph (4) if the person—

- (a) is a member of the governing body making the appointment;
- (b) is a parent of a current or former registered pupil of the school;
- (c) is a current or former member of staff of the school;
- (d) is a member or employee of the local authority that maintains the school;
- (e) is a trustee of the school;
- (f) is a member of the appropriate diocesan authority for the school; or

(e) yn penodi'r llywodraethwyr sefydledig i gorff llywodraethu'r ysgol.”.

(5) Yn rheoliad 10—

(a) ar ôl paragraff (1) mewnosoder—

“(1A) Yn ystod cyfnod pontio'r ffederasiwn rhaid i gyrff llywodraethu'r ysgolion sy'n ffedereiddio hysbysu'r awdurdod am swydd wag pennaeth neu ddirprwy bennaeth cyn cymryd unrhyw un o'r camau sydd wedi'u crybwyll ym mharagraffau (2) i (19).

(1B) Yn ystod cyfnod pontio'r ffederasiwn nid oes dim yn y Rheoliadau hyn yn rhwystro cyrff llywodraethu'r ysgolion sy'n bwriadu ffedereiddio rhag ffurfio panel dewis ar y cyd.”;

(b) ym mharagraff (8) yn lle “paragraff (8A)” rhodder “paragraffau (8A) i (8CH)”;

(c) yn lle paragraff (8A) rhodder—

“(8A) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (8) swydd wag pennaeth pan fo'r swydd wag mewn ysgol sydd wedi'i henwi mewn cynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013 fel un lle y caiff disgyblion yn yr ysgol sydd i'w chau ei mynychu (“yr ysgol sy'n derbyn”) ac—

(a) mae person a gyflogir fel pennaeth yn yr ysgol sydd i'w chau wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu'r ysgol sy'n derbyn i wneud cais am swydd wag pennaeth; neu

(b) nid oes person o'r fath a ddisgrifir yn is-baragraff (a), ond mae person yn cael ei gyflogi fel pennaeth mewn ysgol yn rhywle arall yn ardal yr awdurdod sydd naill ai'n mynd i gael ei chau yn unol â chynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013, neu sydd wedi'i henwi mewn cynigion o'r fath fel un lle y caiff disgyblion yn yr ysgol sydd i'w chau fynychu ac sydd wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu'r ysgol sy'n derbyn i wneud cais am swydd wag pennaeth.

(8B) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (8) swydd wag dirprwy bennaeth pan fo'r swydd wag mewn ysgol sydd wedi'i henwi mewn cynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf fel un lle y caiff disgyblion yn yr ysgol sydd i'w chau ei mynychu (“yr ysgol sy'n derbyn”) ac—

(g) appoints the foundation governors to the school governing body.”.

(5) In regulation 10—

(a) after paragraph (1) insert—

“(1A) During the federation transition period the governing bodies of the federating schools must notify the authority of a vacancy in the post of head teacher or deputy head teacher before taking any of the steps mentioned in paragraphs (2) to (19).

(1B) During the federation transition period nothing in these Regulations prevents the governing bodies of schools intending to federate from forming a joint selection panel.”;

(b) in paragraph (8) for “paragraph (8A)” substitute “paragraphs (8A) to (8D)”;

(c) for paragraph (8A) substitute—

“(8A) The governing body may decide not to advertise in accordance with paragraph (8) the vacancy in the post of head teacher where the vacancy is at a school named in proposals made under sections 43, 44, 80 or 81 of the 2013 Act as one which pupils at a school to be discontinued may attend (“the receiving school”) and—

(a) a person employed as a head teacher at the school to be discontinued has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of head teacher; or

(b) there is no such person as described in sub-paragraph (a), but there is a person employed as a head teacher at a school elsewhere in the authority's area which is either to be discontinued pursuant to proposals made under sections 43, 44, 80 or 81 of the 2013 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of head teacher.

(8B) The governing body may decide not to advertise in accordance with paragraph (8) the vacancy in the post of deputy head teacher where the vacancy is at a school named in proposals made under sections 43, 44, 80 or 81 of the 2013 Act as one which pupils at a school to be discontinued may attend (“the receiving school”) and—

- (a) mae person a gyflogir fel dirprwy bennaeth yn yr ysgol sydd i'w chau wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu'r ysgol sy'n derbyn i wneud cais am swydd wag dirprwy bennaeth; neu
- (b) nid oes person o'r fath a ddisgrifir yn is-baragraff (a), ond mae person yn cael ei gyflogi fel dirprwy bennaeth mewn ysgol yn rhywle arall yn ardal yr awdurdod sydd naill ai'n mynd i gael ei chau yn unol â chynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013, neu sydd wedi'i henwi mewn cynigion o'r fath fel un lle y caiff disgyblion yn yr ysgol sydd i'w chau fynychu ac sydd wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu'r ysgol sy'n derbyn i wneud cais am swydd wag dirprwy bennaeth.

(8C) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (8) swydd wag pennaeth y ffederasiwn neu ysgol ffederal pan fo'r swydd wag mewn ffederasiwn neu ysgol ffederal o fewn y ffederasiwn ac—

- (a) mae person a gyflogir fel pennaeth mewn unrhyw ysgol ffederal o fewn y ffederasiwn; a
- (b) mae un neu ragor o'r personau hynny wedi mynegi dymuniad yn ysgrifenedig i'r corff llywodraethu i wneud cais am swydd wag pennaeth y ffederasiwn neu ysgol ffederal.

(8CH) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (8) swydd wag dirprwy bennaeth y ffederasiwn neu ysgol ffederal pan fo'r swydd wag mewn ffederasiwn neu ysgol ffederal o fewn y ffederasiwn ac—

- (a) mae person a gyflogir fel dirprwy bennaeth mewn unrhyw ysgol ffederal o fewn y ffederasiwn; a
- (b) mae un neu ragor o'r personau hynny wedi mynegi dymuniad yn ysgrifenedig i'r corff llywodraethu i wneud cais am swydd wag dirprwy bennaeth y ffederasiwn neu ysgol ffederal.”;

- (d) ym mharagraff (9) yn lle “baragraff (13)” rhodder “baragraffau (13) i (13B)”;
- (e) ar ôl paragraff (13) mewnosoder—

- (a) a person employed as a deputy head teacher at the school to be discontinued has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of deputy head teacher; or
- (b) there is no such person as described in sub-paragraph (a), but there is a person employed as a deputy head teacher at a school elsewhere in the authority's area which is either to be discontinued pursuant to proposals made under sections 43, 44, 80 or 81 of the 2013 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of deputy head teacher.

(8C) The governing body may decide not to advertise in accordance with paragraph (8) the vacancy in the post of head teacher of the federation or a federated school where the vacancy occurs in a federation or a federated school within the federation and—

- (a) there is a person employed as a head teacher in any federated school within the federation; and
- (b) one or more of those persons has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher of the federation or a federated school.

(8D) The governing body may decide not to advertise in accordance with paragraph (8) the vacancy in the post of deputy head teacher of the federation or a federated school where the vacancy occurs in a federation or a federated school within the federation and—

- (a) there is a person employed as a deputy head teacher in any federated school within the federation; and
- (b) one or more of those persons has expressed the wish in writing to the governing body to apply for the vacancy in the post of deputy head teacher of the federation or a federated school.”;

- (d) in paragraph (9) for “paragraph (13)” substitute “paragraphs (13) to (13B)”;
- (e) after paragraph (13) insert—



“(13A) Yn ystod cyfnod pontio’r ffederasiwn caniateir i aelodaeth y panel dewis gynnwys personau o’r ysgolion sy’n ffedereiddio.

(13B) Rhaid i’r personau y cyfeirir atynt ym mharagraff (13A) fod â hawl i bleidleisio.”.

(6) Yn rheoliad 24—

(a) ar ôl paragraff (1) mewnosoder—

“(1A) Yn ystod cyfnod pontio’r ffederasiwn rhaid i gyrff llywodraethu’r ysgolion sy’n ffedereiddio hysbysu’r awdurdod am swydd wag pennaeth neu ddirprwy bennaeth cyn cymryd unrhyw un o’r camau sydd wedi’u crybwyll ym mharagraffau (2) i (18).

(1B) Yn ystod cyfnod pontio’r ffederasiwn nid oes dim yn y Rheoliadau hyn yn rhwystro cyrff llywodraethu’r ysgolion sy’n bwriadu ffedereiddio rhag ffurfio panel dewis ar y cyd.”;

(b) ym mharagraff (7) yn lle “baragraff (7A)” rhodder “baragraffau (7A) i (7CH)”;

(c) yn lle paragraff (7A) rhodder—

“(7A) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (7) swydd wag pennaeth pan fo’r swydd wag mewn ysgol sydd wedi’i henwi mewn cynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013 fel un lle y caiff disgyblion yn yr ysgol sydd i’w chau ei mynychu (“yr ysgol sy’n derbyn”) ac—

(a) mae person a gyflogir fel pennaeth yn yr ysgol sydd i’w chau wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu’r ysgol sy’n derbyn i wneud cais am swydd wag pennaeth; neu

(b) nid oes person o’r fath a ddisgrifir yn is-baragraff (a), ond mae person yn cael ei gyflogi fel pennaeth mewn ysgol yn rhywle arall yn ardal yr awdurdod sydd naill ai’n mynd i gael ei chau yn unol â chynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013, neu sydd wedi’i henwi mewn cynigion o’r fath fel un lle y caiff disgyblion yn yr ysgol sydd i’w chau ei mynychu ac sydd wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu’r ysgol sy’n derbyn i wneud cais am swydd wag pennaeth.

“(13A) During the federation transition period membership of the selection panel may include persons from the federating schools.

(13B) The persons referred to in paragraph (13A) must be entitled to vote.”.

(6) In regulation 24—

(a) after paragraph (1) insert—

“(1A) During the federation transition period the governing bodies of the federating schools must notify the authority of a vacancy in the post of head teacher or deputy head teacher before taking any of the steps mentioned in paragraphs (2) to (18).

(1B) During the federation transition period nothing in these Regulations prevents the governing bodies of schools intending to federate from forming a joint selection panel.”;

(b) in paragraph (7) for “paragraph (7A)” substitute “paragraphs (7A) to (7D)”;

(c) for paragraph (7A) substitute—

“(7A) The governing body may decide not to advertise in accordance with paragraph (7) the vacancy in the post of head teacher where the vacancy is at a school named in proposals made under sections 43, 44, 80 or 81 of the 2013 Act as one which pupils at a school to be discontinued may attend (“the receiving school”) and—

(a) a person employed as a head teacher at the school to be discontinued has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of head teacher; or

(b) there is no such person as described in sub-paragraph (a), but there is a person employed as a head teacher at a school elsewhere in the authority’s area which is either to be discontinued pursuant to proposals made under sections 43, 44, 80 or 81 of the 2013 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of head teacher.

(7B) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (7) swydd wag dirprwy bennaeth pan fo'r swydd mewn ysgol sydd wedi'i henwi mewn cynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013 fel un lle y caiff disgyblion yn yr ysgol sydd i'w chau ei mynychu ("yr ysgol sy'n derbyn") ac—

- (a) mae person a gyflogir fel dirprwy bennaeth yn yr ysgol sydd i'w chau wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu'r ysgol sy'n derbyn i wneud cais am swydd wag dirprwy bennaeth; neu
- (b) nid oes person o'r fath a ddisgrifir yn is-baragraff (a), ond mae person yn cael ei gyflogi fel dirprwy bennaeth mewn ysgol yn rhywle arall yn ardal yr awdurdod sydd naill ai'n mynd i gael ei chau yn unol â chynigion a wnaed o dan adrannau 43, 44, 80 neu 81 o Ddeddf 2013, neu sydd wedi'i henwi mewn cynigion o'r fath fel un lle y caiff disgyblion yn yr ysgol sydd i'w chau ei mynychu ac sydd wedi mynegi dymuniad yn ysgrifenedig i gorff llywodraethu'r ysgol sy'n derbyn i wneud cais am swydd wag dirprwy bennaeth.

(7C) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (7) swydd wag pennaeth y ffederasiwn neu ysgol ffederal pan fo'r swydd wag mewn ffederasiwn neu ysgol ffederal o fewn y ffederasiwn ac—

- (a) mae person a gyflogir fel pennaeth mewn unrhyw ysgol ffederal o fewn y ffederasiwn; a
- (b) mae un neu ragor o'r personau hynny wedi mynegi dymuniad yn ysgrifenedig i'r corff llywodraethu i wneud cais am swydd wag pennaeth y ffederasiwn neu ysgol ffederal.

(7CH) Caiff y corff llywodraethu benderfynu peidio â hysbysebu yn unol â pharagraff (7) swydd wag dirprwy bennaeth y ffederasiwn neu ysgol ffederal pan fo'r swydd wag mewn ffederasiwn neu ysgol ffederal o fewn y ffederasiwn ac—

- (a) mae person a gyflogir fel dirprwy bennaeth mewn unrhyw ysgol ffederal o fewn y ffederasiwn; a
- (b) mae un neu ragor o'r personau hynny sy'n mynegi dymuniad yn ysgrifenedig i'r corff llywodraethu i wneud cais am

(7B) The governing body may decide not to advertise in accordance with paragraph (7) the vacancy in the post of deputy head teacher where the vacancy is at a school named in proposals made under sections 43, 44, 80 or 81 of the 2013 Act as one which pupils at a school to be discontinued may attend ("the receiving school") and—

- (a) a person employed as a deputy head teacher at the school to be discontinued has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of deputy head teacher; or
- (b) there is no such person as described in sub-paragraph (a), but there is a person employed as a deputy head teacher at a school elsewhere in the authority's area which is either to be discontinued pursuant to proposals made under sections 43, 44, 80 or 81 of the 2013 Act, or has been named in such proposals as one which pupils at the school to be discontinued may attend and who has expressed the wish in writing to the governing body of the receiving school to apply for the vacancy in the post of deputy head teacher.

(7C) The governing body may decide not to advertise in accordance with paragraph (7) the vacancy in the post of head teacher of the federation or a federated school where the vacancy occurs in a federation or a federated school within the federation and—

- (a) there is a person employed as a head teacher in any federated school within the federation; and
- (b) one or more of those persons has expressed the wish in writing to the governing body to apply for the vacancy in the post of head teacher of the federation or a federated school.

(7D) The governing body may decide not to advertise in accordance with paragraph (7) the vacancy in the post of deputy head teacher of the federation or a federated school where the vacancy occurs in a federation or a federated school within the federation and—

- (a) there is a person employed as a deputy head teacher in any federated school within the federation; and
- (b) one or more of those persons has expressed the wish in writing to the governing body to apply for the

swydd wag dirprwy bennaeth y ffederasiwn neu ysgol ffederal.”.

- (d) ym mharagraff (8) ar ôl “Yn ddarostyngedig” mewnosoder “i baragraffau (12) i (12B)”;
- (e) ar ôl paragraff (12) mewnosoder—  
“(12A) Yn ystod cyfnod pontio'r ffederasiwn caniateir i aelodaeth y panel dewis gynnwys personau o'r ysgolion sy'n ffedereiddio.  
(12B) Rhaid i'r personau y cyfeirir atynt ym mharagraff (12A) fod â hawl i bleidleisio.”.

### Diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

3.—(1) Mae rheoliad 55 o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(1) wedi ei ddiwygio fel a ganlyn.

(2) Yn lle paragraff (3) rhodder—

“(3) Rhaid i'r pwyllgor disgyblu staff gynnwys dim llai na thri llywodraethwr, ond pan fo'r honiadau'n cael eu gwneud yn erbyn aelod o staff bod yr aelod hwnnw o'r staff wedi achosi niwed i ddisgybl cofrestredig yn yr ysgol rhaid i'r pwyllgor gynnwys dim llai na dau lywodraethwr ac un person annibynnol nad yw'n llywodraethwr.

(3A) At ddibenion paragraff (3) ystyr “niwed” (“*harm*”) yw camdriniaeth gorfforol, rywiol neu emosiynol.”.

(3) Yn lle paragraff (4A) rhodder—

“(4A) Nid yw person i'w ystyried yn annibynnol at ddibenion paragraffau (3) a (4) os yw'r person—

- (a) yn aelod o'r corff llywodraethu sy'n gwneud y penodiad;
- (b) yn rhiant i ddisgybl cofrestredig presennol yn yr ysgol neu i gyn-ddisgybl cofrestredig yn yr ysgol;
- (c) yn aelod o staff presennol yr ysgol neu'n gyn-aelod o staff yr ysgol;
- (ch) yn aelod o'r awdurdod lleol neu'n gyflogai i'r awdurdod lleol sy'n cynnal yr ysgol;
- (d) yn ymddiriedolwr yn yr ysgol;
- (dd) yn aelod o'r awdurdod esgobaethol priodol ar gyfer yr ysgol; neu

vacancy in the post of deputy head teacher of the federation or a federated school.”;

- (d) in paragraph (8) for “paragraph (12)” substitute “paragraphs (12) to (12B)”;
- (e) after paragraph (12) insert—  
“(12A) During the federation transition period membership of the selection panel may include persons from the federating schools.  
(12B) The persons referred to in paragraph (12A) must be entitled to vote.”.

### Amendment to the Government of Maintained Schools (Wales) Regulations 2005

3.—(1) Regulation 55 of the Government of Maintained Schools (Wales) Regulations 2005(1) is amended as follows.

(2) For paragraph (3) substitute—

“(3) The staff disciplinary committee must include not less than three governors, but where allegations are made against a member of staff that that member of staff has caused harm to a registered pupil at the school the committee must include not less than two governors and an independent person who is not a governor.

(3A) For the purposes of paragraph (3) “harm” (“*niwed*”) means physical, sexual or emotional abuse.”.

(3) For paragraph (4A) substitute—

“(4A) A person is not to be regarded as independent for the purposes of paragraphs (3) and (4) if the person—

- (a) is a member of the governing body making the appointment;
- (b) is a parent of a current or former registered pupil of the school;
- (c) is a current or former member of staff of the school;
- (d) is a member or employee of the local authority that maintains the school;
- (e) is a trustee of the school;
- (f) is a member of the appropriate diocesan authority for the school; or

(1) O.S. 2005/2914 (Cy. 211) fel y'i diwygiwyd gan O.S. 2005/3200 (Cy. 236), O.S. 2006/873 (Cy. 81), O.S. 2007/944 (Cy. 80), O.S. 2009/2544 (Cy. 206), O.S. 2010/638 (Cy. 64), O.S. 2010/1142 (Cy. 101), O.S. 2010/2582 (Cy. 216), O.S. 2013/2124 (Cy. 207) ac fel y'i haddaswyd gan O.S. 2012/1643 (Cy. 212).

(1) S.I. 2005/2914 (W. 211) as amended by S.I. 2005/3200 (W. 236), S.I. 2006/873 (W. 81), S.I. 2007/944 (W. 80), S.I. 2009/2544 (W. 206), S.I. 2010/638 (W. 64), S.I. 2010/1142 (W. 101), S.I. 2010/2582 (W. 216), S.I. 2013/2124 (W. 207) and as modified by S.I. 2012/1643 (W. 212).

(e) yn penodi'r llywodraethwyr sefydledig i gorff llywodraethu'r ysgol.”

(g) appoints the foundation governors to the school governing body.”

#### **Diwygio Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014**

4.—(1) Mae Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn Atodlen 8—

(a) cyn paragraff 1 mewnosoder—

“A1. Yn rheoliad 3(1) yn y diffiniad o “awdurdodau statudol” yn lle “ysgol” rhodder “ffederasiwn neu ysgol ffederal”.”;

(b) ym mharagraff 4 yn lle “7(1), (2)(a) i (c) a (4)(c)” rhodder “7(1), (2)(a) i (c), 7A(1), (2), (10), ac (11)(c)”;

(c) hepgorer paragraffau 5 a 6; a

(d) yn lle paragraff 7 rhodder—

“7. Yn rheoliad 7A(5)(a), (11)(b), (ch), (d) ac (dd) yn lle “ysgol” rhodder “ysgol ffederal”.”

#### **Amendment to the Federation of Maintained Schools (Wales) Regulations 2014**

4.—(1) The Federation of Maintained Schools (Wales) Regulations 2014(1) are amended as follows.

(2) In Schedule 8—

(a) before paragraph 1 insert—

“A1. In regulation 3(1) in the definition of “statutory authorities” for “school” substitute “federation or federated school”.”;

(b) in paragraph 4 for “7(1), (2)(a) to (c) and (4)(c)” substitute “7(1), (2)(a) to (c), 7A(1), (2), (10), and (11)(c)”;

(c) omit paragraphs 5 and 6; and

(d) for paragraph 7 substitute—

“7. In regulation 7A(5)(a), (11)(b), (d), (e) and (f) for “school” substitute “federated school”.”

#### **Diwygio Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwysio Deddfiadau) (Cymru) 2007**

5. Yn lle is-baragraff (5) o baragraff 14 o Atodlen 1 i Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Cymhwysio Deddfiadau) (Cymru) 2007(2) rhodder—

“(5) Hefgorer paragraff (5) o reoliad 7 a paragraff (5)(c)(i) o reoliad 7A.”

#### **Amendment to the Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007**

5. For sub-paragraph (5) of paragraph 14 of Schedule 1 to the Education (Pupil Referral Units) (Application of Enactments) (Wales) Regulations 2007(2) substitute—

“(5) Omit paragraph (5) of regulation 7 and paragraph (5)(c)(i) of regulation 7A.”

*Huw Lewis*

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

Minister for Education and Skills, one of the Welsh Ministers

18 Mehefin 2014

18 June 2014

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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.

(1) O.S. 2014/1132.  
(2) O.S. 2007/1069 (Cy. 109).

(1) S.I. 2014/1132.  
(2) S.I. 2007/1069 (W. 109).







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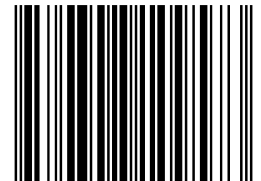
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(Wales) (Amendment) Regulations  
2014

£6.00

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ISBN 978-0-348-10957-3



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