



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2001 Rhif 1424 (Cy.99)

2001 No. 1424 (W.99)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Cyngor Addysgu
Cyffredinol Cymru
(Swyddogaethau Disgyblu) 2001**

**The General Teaching Council for
Wales (Disciplinary Functions)
Regulations 2001**

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 gwneud darpariaeth mewn perthynas â swyddogaethau disgyblu Cyngor Addysgu Cyffredinol Cymru, corff corfforaethol a sefydlwyd o dan Ddeddf Addysgu ac Addysg Uwch 1998 gyda'r nodau o gyfrannu at wella safonau addysgu ac ansawdd dysgu a chynnal a gwella safonau ymddygiad proffesiynol ymhlith athrawon er lles y cyhoedd.

These Regulations make provision with respect to the disciplinary functions of the General Teaching Council for Wales, a body corporate established under the Teaching and Higher Education Act 1998 with the aims of contributing to improving the standards of teaching and the quality of learning and maintaining and improving the standards of professional conduct amongst teachers in the public interest.

Yn Rhan II gwneir darpariaeth i bwyllgorau'r Cyngor arfer y pwerau disgyblu a roddir i'r Cyngor gan Ddeddf 1998 mewn perthynas ag athrawon cofrestredig a phersonau sy'n gwneud cais am gofrestru i'r Cyngor. Darperir ar gyfer sefydlu un neu ragor o bob un o'r mathau canlynol o bwyllgor -

Part II makes provision for committees of the Council to exercise the disciplinary powers conferred on the Council by the 1998 Act in relation to registered teachers and persons applying to the Council for registration. It provides for the establishment of one or more of each of the following types of committee -

- (a) Pwyllgorau Ymchwilio, a fydd yn ymchwilio i athrawon cofrestredig, ac yn penderfynu a ddylid dwyn achos yn eu herbyn, pan honnir bod yr athro neu'r athrawes yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, neu eu bod wedi'u collfarnu (ar unrhyw adeg) o dramgwydd perthnasol, neu pan yw'n ymddangos iddynt y gall athro neu athrawes gofrestrdig fod yn euog fel hyn neu eu bod wedi'u collfarnu fel hyn;
- (b) Pwyllgorau Ymddygiad Proffesiynol, a fydd yn gwrando achosion disgyblu proffesiynol ynghylch ymddygiad proffesiynol annerbyniol a thramgwyddau perthnasol ac y bydd ganddynt bŵer i wneud gorchmynion disgyblu (gorchmynion gwahardd, gorchmynion atal,

- (a) Investigating Committees, which will investigate, and determine whether to pursue proceedings against, registered teachers where it is alleged that the teacher is guilty of unacceptable professional conduct or serious professional incompetence, or has been convicted (at any time) of a relevant offence, or it appears to them that a registered teacher may be so guilty or has been so convicted;
- (b) Professional Conduct Committees, which will hear professional disciplinary proceedings concerning unacceptable professional conduct and relevant offences and have power to make, and hear applications in relation to, disciplinary orders (prohibition orders,

gorchmynion cofrestru amodol neu geryddon)
a gwrando ceisiadau mewn perthynas â hwy;
ac

- (c) Pwyllgorau Cymhwysedd Proffesiynol, a fydd yn gwrando achosion disgyblu ynghylch anghymhwysedd proffesiynol difrifol, ac y bydd ganddynt bŵer i wneud gorchmynion disgyblu, a gwrando ceisiadau mewn perthynas â hwy.

Mae Rhan II hefyd yn gwneud darpariaeth ynghylch cyfansoddiad y Pwyllgorau hyn ac i'r Cyngor wneud darpariaeth bellach ynghylch materion cyfansoddiadol (rheoliad 8). Mae rheoliad 9 yn gwahardd Pwyllgorau Ymchwilio rhag arfer eu swyddagaethau mewn rhai achosion. Mae Rheoliadau 10 i 15 yn gwneud darpariaeth ynghylch trafodion y Pwyllgorau, gan gynnwys gwrandawiadau, ac mae rheoliad 16 yn galluogi'r Cyngor i wneud darpariaeth bellach ynghylch trafodion. Mae rheoliadau 18 i 23 yn gwneud darpariaeth ynghylch gorchmynion disgyblu. Mae rheoliad 24 yn darparu bod gan berson y gwnaed gorchmyn disgyblu yn ei erbyn hawl i apelio i'r Uchel Lys.

Mae Rhan III yn ei gwneud yn ofynnol i rai cyflogwyr penodol athrawon cofrestredig roi'r wybodaeth a restrir yn yr Atodlen i'r Cyngor pan fyddant yn diswyddo athro neu athrawes gofrestrdig ar sail anghymhwysedd neu lle y byddent wedi eu diswyddo neu wedi ystyried eu diswyddo pe na baent wedi ymddiswyddo gyntaf.

suspension orders, conditional registration orders or reprimands); and

- (c) Professional Competence Committees, which will hear professional disciplinary proceedings concerning serious professional incompetence, and have power to make, and hear applications in relation to, disciplinary orders.

Part II also makes provision about the constitution of those Committees and for the Council to make further provision about constitutional matters (regulation 8). Regulation 9 excludes Investigating Committees' functions in certain cases. Regulation 10 to 15 make provision about the proceedings of Committees, including hearings, and regulation 16 enables the Council to make further provision about proceedings. Regulations 18 to 23 make provision about disciplinary orders. Regulation 24 provides a person against whom a disciplinary order has been made with a right of appeal to the High Court.

Part III requires certain employers of registered teachers to provide the Council with information listed in the Schedule where they dismiss a registered teacher on the grounds of incompetence or where they would have dismissed the teacher or considered dismissal on such grounds had he or she not resigned first.

2001 Rhif 1424 (Cy.99)

2001 No. 1424 (W.99)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Cyngor Addysgu
Cyffredinol Cymru
(Swyddogaethau Disgyblu) 2001

The General Teaching Council for
Wales (Disciplinary Functions)
Regulations 2001

Wedi'u gwneud.

5 Ebrill 2001

Made

5th April 2001

Yn dod i rym

1 Mehefin 2001

Coming into force

1 June 2001

Trefn y Rheoliadau

Arrangement of Regulations

RHAN I

PART I

RHAGARWEINIAD

INTRODUCTION

1. Enwi a chychwyn
2. Dehongli

1. Citation and commencement
2. Interpretation

RHAN II

PART II

**SWYDDOGAETHAU DISGYBLU Y
CYNGOR**

**DISCIPLINARY FUNCTIONS OF THE
COUNCIL**

3. Sefydlu Pwyllgorau Ymchwilio
4. Dirprwyo swyddogaethau Pwyllgorau Ymchwilio
5. Sefydlu Pwyllgorau Ymddygiad Proffesiynol
6. Sefydlu Pwyllgorau Cymhwysedd Proffesiynol
7. Defnyddio'r Cod Ymarfer mewn materion disgyblu
8. Aelodaeth Pwyllgorau a'u gweithdrefn
9. Gwahardd neu gyfyngu pwerau Pwyllgorau
10. Trafodion Pwyllgorau Ymchwilio
11. Trafodion Pwyllgorau Ymddygiad Proffesiynol a Phwyllgorau Cymhwysedd Proffesiynol
12. Yr hawl i ymddangos mewn gwrandawiadau a chael cynrychiolydd yno
13. Presenoldeb tystion
14. Gofyniad bod gwrandawiadau'n cael eu cynnal yn gyhoeddus
15. Gweinyddu llwon a chadarnhadau
16. Darpariaethau eraill ynghylch gweithdrefn

3. Establishment of Investigating Committees
4. Delegation of Investigating Committees' functions
5. Establishment of Professional Conduct Committees
6. Establishment of Professional Competence Committees
7. Use of the Code of Practice in disciplinary matters
8. Membership and procedure of Committees
9. Exclusion or restriction of Committees' powers
10. Proceedings of Investigating Committees
11. Proceedings of Professional Conduct Committees and Professional Competence Committees
12. Entitlement to appear and be represented at hearings
13. Attendance of witnesses
14. Requirement for hearings to be held in public
15. Administration of oaths and affirmations
16. Other provisions about Professional Conduct

- Pwyllgorau Ymddygiad Proffesiynol a Phwyllgorau Cymhwysedd Proffesiynol
17. Cyfeirio achosion at Bwyllgorau eraill
 18. Gorchmynion disgyblu
 19. Cyhoeddi gorchmynion disgyblu
 20. Cais am amrywio amod mewn gorchmyn cofrestru amodol, neu am roi amod o'r neilltu
 21. Canlyniadau methu â chydymffurfio â gorchmyn cofrestru amodol
 22. Gorchmynion gwahardd
 23. Adolygu gorchmynion disgyblu
 24. Apelau
 25. Gorchmynion disgyblu a wneir gan Gyngor Addysgu Cyffredinol Lloegr
 26. Cyflwyno hysbysiadau a gorchmynion
 27. Cyhoeddi dogfennau a darparu copïau ohonynt

- Committees' and Professional Competence Committees' procedure
17. Referring cases to other Committees
 18. Disciplinary orders
 19. Publication of disciplinary orders
 20. Application to vary or set aside a condition in a conditional registration order
 21. Consequences of failure to comply with a conditional registration order
 22. Prohibition orders
 23. Review of disciplinary orders
 24. Appeals
 25. Disciplinary orders made by the General Teaching Council for England
 26. Service of notices and orders
 27. Publication and provision of copies of documents

RHAN III DARPARU GWYBODAETH GAN GYFLOGWYR

PART III PROVISION OF INFORMATION BY EMPLOYERS

28. Darparu gwybodaeth i'r Cyngor gan gyflogwyr

28. Provision of information by employers to the Council

ATODLEN Yr wybodaeth sydd i'w rhoi i'r Cyngor gan gyflogydd athro neu athrawes gofrestredig

SCHEDULE Information to be supplied by a registered teacher's employer to the Council

Drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 5(2)(a) a (3), 6, 15 a 42(6) a (7) o Ddeddf Addysgu ac Addysg Uwch 1998(a), a pharagraff 9 o Atodlen 1 ac Atodlen 2 iddi, ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru(b), ac wedi ymgynghori â Chyngor Addysgu Cyffredinol Cymru yn unol ag adran 42(9) o'r Ddeddf honno, mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol:

In exercise of the powers conferred on the Secretary of State by sections 5(2)(a) and (3), 6, 15 and 42(6) and (7) of, and paragraph 9 of Schedule 1 and Schedule 2 to, the Teaching and Higher Education Act 1998(a) and now vested in the National Assembly for Wales(b), and after consulting the General Teaching Council for Wales in accordance with section 42(9) of that Act, the National Assembly for Wales makes the following Regulations:

RHAN I RHAGARWEINIAD

PART I INTRODUCTION

Enwi a chychwyn

Citation and commencement

1. Enw'r Rheoliadau hyn yw Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001 a deuant i rym ar 1 Mehefin 2001.

1. These Regulations may be cited as the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001 and shall come into force on 1 June 2001.

(a) 1998 p.30. Mae adrannau 5 a 6 ac Atodlenni 1 a 2 yn gymwys mewn perthynas â Chyngor Addysgu Cyffredinol Cymru yn rhinwedd adrannau 8 a 9 a Gorchmyn Cyngor Addysgu Cyffredinol Cymru 1998 (O.S. 1998/2911) o 30 Rhagfyr 1998 yn achos Atodlen 1, a 1 Medi 2000 yn achos gweddill y darpariaethau. Diwygiwyd adran 15 gan adran 5(4) o Ddeddf Diogelu Plant 1999 (p.14). I gael ystyr "prescribed" a "regulations" gweler adran 43(1).

(b) Gweler Gorchmyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(a) 1998 c.30. Sections 5 and 6 and Schedules 1 and 2 apply in relation to the General Teaching Council for Wales by virtue of sections 8 and 9 and the General Teaching Council for Wales Order 1998(S.I. 1998/2911) with effect from 30th December 1998 in the case of Schedule 1, and 1st September 2000 in the case of the remaining provisions. Section 15 is amended by section 5(4) of the Protection of Children Act 1999 (c.14). For the meaning of "prescribed" and "regulations" see section 43(1).

(b) See the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

Dehongli

2. -(1) Yn y Rheoliadau hyn, onid yw'r cyddestun yn mynnu fel arall -

ystyr “achos disgyblu” (“*disciplinary proceedings*”) mewn perthynas ag athro neu athrawes yng Nghymru neu Loegr yw achos disgyblu o dan Atodlen 2 i Ddeddf 1998;

ystyr “Cod Ymarfer” (“*Code of Practice*”) yw'r cod ymarfer yr awdurdodir ei gyhoeddi o dan reoliad 13 o Reoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000(a);

ystyr “y Cyngor” (“*the Council*”) yw Cyngor Addysgu Cyffredinol Cymru;

ystyr “y Cynulliad Cenedlaethol” (“*the National Assembly*”) yw Cynulliad Cenedlaethol Cymru;

ystyr “Deddf 1998” (“*the 1998 Act*”) yw Deddf Addysgu ac Addysg Uwch 1998;

ystyr “y Gofrestr” (“*the Register*”) yw'r gofrestr o athrawon y mae'n ofynnol i'r Cyngor ei sefydlu a'i chadw yn unol ag adran 3 o Ddeddf 1998 a Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000 ac ystyr “cofrestru” (“*registration*”) yw cofrestru yn y Gofrestr;

ystyr “gorchymyn disgyblu” (“*disciplinary order*”) mewn perthynas ag athro neu athrawes yng Nghymru neu Loegr yw “cerydd” (“*a reprimand*”), “gorchymyn cofrestru amodol” (“*a conditional registration order*”), “gorchymyn atal” (“*a suspension order*”) neu “gorchymyn gwahardd” (“*a prohibition order*”) o fewn ystyr Atodlen 2 i Ddeddf 1998;

ystyr “Pwyllgor Cymhwysedd Proffesiynol” (“*Professional Competence Committee*”) yw pwyllgor a sefydlir o dan reoliad 6(1);

ystyr “Pwyllgor Ymchwilio” (“*Investigating Committee*”) yw pwyllgor a sefydlir o dan reoliad 3(1);

ystyr “Pwyllgor Ymddygiad Proffesiynol” (“*Professional Conduct Committee*”) yw pwyllgor a sefydlir o dan reoliad 5(1);

mae i “sefydliad yn y sector addysg bellach” yr ystyr a roddir i “*institution within the further education sector*” gan adran 91(3) o Ddeddf Addysg Bellach ac Uwch 1992(b);

mae i “sefydliad yn y sector addysg uwch” yr ystyr ag a roddir i “*institution within the higher education sector*” gan adran 91(5) o Ddeddf Addysg Bellach ac Uwch 1992;

mae i “tramgydd perthnasol” yr un ystyr ag sydd i

(a) O.S. 2000/1979 (Cy. 140).

(b) 1992 p.13.

Interpretation

2. -(1) In these Regulations, unless the context otherwise requires -

“the 1998 Act” (“*Deddf 1998*”) means the Teaching and Higher Education Act 1998;

“Code of Practice” (“*Cod Ymarfer*”) means the code of practice authorised to be issued under regulation 13 of the General Teaching Council for Wales (Functions) Regulations 2000(a);

“the Council” (“*y Cyngor*”) means the General Teaching Council for Wales;

“disciplinary order” (“*gorchymyn disgyblu*”) in relation to a teacher in Wales or England means “a reprimand” (“*cerydd*”), “a conditional registration order” (“*gorchymyn cofrestru amodol*”), “a suspension order” (“*gorchymyn atal*”) or “a prohibition order” (“*gorchymyn gwahardd*”) within the meaning of Schedule 2 to the 1998 Act;

“disciplinary proceedings” (“*achos disgyblu*”) in relation to a teacher in Wales or England means disciplinary proceedings under Schedule 2 to the 1998 Act;

“independent school” (“*ysgol annibynnol*”) has the same meaning as in section 463 of the Education Act 1996(b);

“institution within the further education sector” (“*sefydliad yn y sector addysg bellach*”) has the meaning given to it by section 91(3) of the Further and Higher Education Act 1992(c);

“institution within the higher education sector” (“*sefydliad yn y sector addysg uwch*”) has the meaning given to it by section 91(5) of the Further and Higher Education Act 1992;

“Investigating Committee” (“*Pwyllgor Ymchwilio*”) means a committee established under regulation 3(1);

“the National Assembly” (“*y Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“Professional Competence Committee” (“*Pwyllgor Cymhwysedd Proffesiynol*”) means a committee established under regulation 6(1);

“Professional Conduct Committee” (“*Pwyllgor Ymddygiad Proffesiynol*”) means a committee established under regulation 5(1);

“the Register” (“*y Gofrestr*”) means the register of teachers which the Council are required to establish and maintain in accordance with section 3 of the 1998

(a) S.I. 2000/1979 (W. 140).

(b) 1996 c.36; section 463 is amended by paragraphs 57 and 124 of Schedule 30 and by Schedule 31 to the School Standards and Framework Act 1998.

(c) 1992 c.13.

“relevant offence” yn Atodlen 2 i Ddeddf 1998;

mae i “ymddygiad proffesiynol annerbyniol” yr un ystyr ag sydd i “unacceptable professional conduct” yn Atodlen 2 i Ddeddf 1998;

mae i “ysgol a gynhelir gan awdurdod addysg lleol” yr un ystyr ag a roddir i “school maintained by a local education authority” yn adran 142(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998(a);

mae i “ysgol annibynnol” yr un ystyr ag sydd i “independent school” yn adran 463 o Ddeddf Addysg 1996(b); ac

mae i “ysgol arbennig” yr un ystyr ag sydd i “special school” yn adran 337(1) o Ddeddf Addysg 1996(c).

(2) Yn rheoliadau 18 ac 28, ystyr “cyflogydd” (“employer”) yw -

- (a) person sy’n cyflogi athro neu athrawes gofrestredig i weithio fel athro neu athrawes -
 - (i) mewn ysgol a gynhelir gan awdurdod addysg lleol,
 - (ii) mewn ysgol arbennig nad yw’n cael ei chynnal gan awdurdod addysg lleol,
 - (iii) mewn sefydliad sy’n darparu addysg bellach neu uwch neu’r ddwy ac a gynhelir gan awdurdod addysg lleol neu sy’n sefydliad yn y sector addysg bellach, neu
 - (iv) sefydliad yn y sector addysg uwch sy’n derbyn cymorth ariannol o dan adran 65 o Ddeddf Addysg Bellach ac Uwch 1992(ch);
- (b) awdurdod addysg lleol sy’n cyflogi athro neu athrawes gofrestredig i weithio fel athro neu athrawes heblaw mewn ysgol neu sefydliad sy’n dod o fewn is-baragraff (a);
- (c) awdurdod addysg lleol neu gorff llywodraethu ysgol neu sefydliad sydd o fewn is-baragraff (a) sy’n cyflogi athro neu athrawes gofrestredig mewn gwaith heblaw gwaith athro neu athrawes sy’n dod ag ef neu hi yn rheolaidd i gysylltiad â phersonau nad ydynt wedi cyrraedd pedair ar bymtheg oed; ac
- (ch) person sy’n cyflogi athro neu athrawes gofrestredig mewn ysgol annibynnol, neu berchennog ysgol annibynnol sy’n cyflogi athro neu athrawes gofrestredig, i weithio fel athro neu athrawes neu mewn gwaith arall sy’n dod ag ef neu hi yn rheolaidd i gysylltiad â phersonau nad ydynt wedi cyrraedd pedair ar

Act and the General Teaching Council for Wales (Functions) Regulations 2000 and “registration” (“cofrestru”) means registration on the Register;

“relevant offence” (“tramgwydd perthnasol”) has the same meaning as in Schedule 2 to the 1998 Act;

“school maintained by a local education authority” (“ysgol a gynhelir gan awdurdod addysg lleol”) has the same meaning as in section 142(1) of the School Standards and Framework Act 1998(a);

“special school” (“ysgol arbennig”) has the same meaning as in section 337(1) of the Education Act 1996(b); and

“unacceptable professional conduct” (“ymddygiad proffesiynol annerbyniol”) has the same meaning as in Schedule 2 to the 1998 Act.

(2) In regulations 18 and 28, “employer” (“cyflogydd”) means-

- (a) a person who employs a registered teacher to work as a teacher at -
 - (i) a school maintained by a local education authority,
 - (ii) a special school not maintained by a local education authority,
 - (iii) an institution providing further or higher education or both which is maintained by a local education authority or is within the further education sector, or
 - (iv) an institution within the higher education sector in receipt of financial support under section 65 of the Further and Higher Education Act 1992(c);
- (b) a local education authority which employs a registered teacher to work as a teacher otherwise than at a school or institution falling within sub-paragraph (a);
- (c) a local education authority or the governing body of a school or institution falling within sub-paragraph (a) which employs a registered teacher in work otherwise than as a teacher which brings the teacher regularly into contact with persons who have not attained the age of nineteen years; and
- (d) a person who employs a registered teacher at an independent school, or the proprietor of an independent school who employs a registered teacher, to work as a teacher or in work otherwise than as a teacher which brings the teacher regularly into contact with persons who have not attained the age of nineteen

(a) 1998 p.31.

(b) 1996 p.36; diwygiwyd adran 463 gan baragraffau 57 a 124 o Atodlen 30 a chan Atodlen 31 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(c) 1996 p.36; diwygiwyd adran 337(1) gan baragraff 80 o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998.

(ch) 1992 p.13; diwygiwyd adran 65 gan Ddeddf Camwahaniaethu ar sail Anabledd 1995 (p.50) a Deddf Addysgu ac Addysg Uwch 1998 (p.30).

(a) 1998 c.31.

(b) 1996 c.36; section 337(1) is amended by paragraph 80 of Schedule 30 to the School Standards and Framework Act 1998.

(c) 1992 c.13; section 65 was amended by the Disability Discrimination Act 1995 (c.50) and the Teaching and Higher Education Act 1998 (c.30).

- bymtheg oed, ac mae'n cynnwys person sy'n rhoi gwaith i athro neu athrawes gofrestedig (neu'n trefnu rhoi gwaith iddynt) i ddarparu gwasanaethau fel athro neu athrawes heblaw o dan gontract cyflogaeth, a dehonglir "cyflogi" a "cyflogir" ("*employed*") yn unol â hynny.
- (3)(a) Yn rheoliadau 7, 8 a 9 ystyr "Pwyllgor" ("*Committee*") yw Pwyllgor Ymchwilio, Pwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol; a
- (b) yn rheoliadau 11 i 16, 18 a 23 a pharagraff 8 i'r Atodlen ystyr "Pwyllgor" ("*Committee*") yw Pwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol.
- (4) Yn rheoliadau 11 i 15 ystyr "gwrandawriad" ("*hearing*") yw gwrandawriad achos disgyblu yn erbyn athro neu athrawes gofrestedig gan Bwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol, neu wrandawriad o dan reoliad 20, 21 neu 22.
- (5) Yn rheoliadau 8 ac 28 ystyr "athro neu athrawes gofrestedig" ("*registered teacher*") yw person sydd am y tro wedi'i gofrestru o dan adran 3 o Ddeddf 1998, ac yng ngweddill y Rheoliadau hyn mae'n golygu -
- (a) person sydd am y tro wedi'i gofrestru o dan adran 3 o Ddeddf 1998;
- (b) person a oedd wedi'i gofrestru o dan adran 3 o Ddeddf 1998 adeg unrhyw ymddygiad neu dramgwydd honedig ar ei ran; neu
- (c) person sydd wedi gwneud cais am gael ei gofrestru o dan adran 3 o Ddeddf 1998.
- (6) Mae unrhyw gyfeiriad yn y Rheoliadau hyn at-
- (a) yr Atodlen yn gyfeiriad at yr Atodlen i'r Rheoliadau hyn;
- (b) rheoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;
- (c) paragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad neu'r Atodlen y gwelir y cyfeiriad ynddi neu ynddo; ac
- (ch) is-baragraff â rhif yn gyfeiriad at yr is-baragraff sy'n dwyn y rhif hwnnw yn y paragraff y gwelir y cyfeiriad ynddo.
- years, and includes a person who engages (or makes arrangements for the engagement of) a registered teacher to provide services otherwise than under a contract of employment, and "employed" ("*cyflogi*" and "*cyflogir*") shall be construed accordingly.
- (3)(a) In regulations 7, 8 and 9 "Committee" ("*Pwyllgor*") means an Investigating Committee, a Professional Conduct Committee or a Professional Competence Committee; and
- (b) in regulations 11 to 16, 18 and 23 and paragraph 8 of the Schedule "Committee" ("*Pwyllgor*") means a Professional Conduct Committee or a Professional Competence Committee.
- (4) In regulations 11 to 15 "hearing" ("*gwrandawriad*") means the hearing by a Professional Conduct Committee or a Professional Competence Committee of disciplinary proceedings against a registered teacher, or a hearing under regulation 20, 21 or 22.
- (5) In regulations 8 and 28 "registered teacher" ("*athro neu athrawes gofrestedig*") means a person for the time being registered under section 3 of the 1998 Act, and in the remaining provisions of these Regulations it means -
- (a) a person for the time being registered under section 3 of the 1998 Act;
- (b) a person who was registered under section 3 of the 1998 Act at the time of any alleged conduct or offence on his or her part; or
- (c) a person who has made an application to be registered under section 3 of the 1998 Act.
- (6) Any reference in these Regulations to-
- (a) the Schedule is a reference to the Schedule to these Regulations;
- (b) a numbered regulation, is a reference to the regulation bearing that number in these Regulations;
- (c) a numbered paragraph is a reference to the paragraph bearing that number in the regulation or Schedule in which the reference appears; and
- (d) a numbered sub-paragraph is a reference to the sub-paragraph bearing that number in the paragraph in which the reference appears.

RHAN II

SWYDDOGAETHAU DISGYBLU Y CYNGOR

Sefydlu Pwyllgorau Ymchwilio

3. -(1) Rhaid i'r Cyngor sefydlu un neu ragor o bwyllgorau i'w galw'n Bwyllgorau Ymchwilio er mwyn cyflawni'r swyddogaethau y cyfeirir atynt ym mharagraff (2).

- (2) Swyddogaethau Pwyllgor Ymchwilio yw -
- (a) cynnal unrhyw ymchwiliadau a welant yn dda mewn achosion -
- (i) pan honnir bod athro neu athrawes gofrestredig yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, neu eu bod wedi'u collfarnu (ar unrhyw adeg) o dramgwydd perthnasol, neu
- (ii) pan yw'n ymddangos iddynt y gall athro neu athrawes gofrestredig fod yn euog fel hyn neu wedi'u collfarnu fel hyn; a
- (b) penderfynu, yng ngoleuni eu hymchwiliadau -
- (i) a oes gan athro neu athrawes gofrestredig achos i'w ateb mewn perthynas ag ymddygiad proffesiynol annerbyniol neu gollfarn am dramgwydd perthnasol, ac a ddylai'r achos gael ei gyfeirio at Bwyllgor Ymddygiad Proffesiynol ar gyfer dyfarniad,
- (ii) a oes gan athro neu athrawes gofrestredig achos i'w ateb mewn perthynas ag anghymhwysedd proffesiynol difrifol, ac a ddylai'r achos gael ei gyfeirio at Bwyllgor Cymhwysedd Proffesiynol ar gyfer dyfarniad,
- (iii) a oes gan athro neu athrawes gofrestredig achos i'w ateb mewn perthynas ag ymddygiad proffesiynol annerbyniol neu gollfarn am dramgwydd perthnasol ac mewn perthynas ag anghymhwysedd proffesiynol difrifol, ac a ddylai'r achos gael ei gyfeirio at naill ai Pwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol ar gyfer dyfarniad, fel y gwelant yn dda,
- (iv) a oes gan athro neu athrawes gofrestredig ddim achos i'w ateb ac y dylai'r achos yn eu herbyn gael ei ollwng, neu
- (v) a ddylai'r achos yn erbyn athro neu athrawes gofrestredig gael ei ollwng ar sail arall.

PART II

DISCIPLINARY FUNCTIONS OF THE COUNCIL

Establishment of Investigating Committees

3. -(1) The Council shall establish one or more committees to be known as Investigating Committees for the purposes of carrying out the functions referred to in paragraph (2).

- (2) The functions of an Investigating Committee are -
- (a) to carry out such investigations as they see fit in cases where -
- (i) it is alleged that a registered teacher is guilty of unacceptable professional conduct or serious professional incompetence, or has been convicted (at any time) of a relevant offence, or
- (ii) it appears to them that a registered teacher may be so guilty or have been so convicted; and
- (b) to decide in the light of their investigations whether -
- (i) a registered teacher has a case to answer in relation to unacceptable professional conduct or conviction of a relevant offence, and the case should be referred for determination by a Professional Conduct Committee,
- (ii) a registered teacher has a case to answer in relation to serious professional incompetence, and the case should be referred for determination by a Professional Competence Committee,
- (iii) a registered teacher has a case to answer both in relation to unacceptable professional conduct or conviction of a relevant offence and in relation to serious professional incompetence, and the case should be referred for determination by either a Professional Conduct Committee or a Professional Competence Committee, as they consider appropriate,
- (iv) a registered teacher has no case to answer and the case against him or her should be discontinued, or
- (v) the case against a registered teacher should be discontinued on other grounds.

Dirprwyo swyddogaethau Pwyllgorau Ymchwilio

4.- (1) Caiff Pwyllgor Ymchwilio ddirprwyo'r swyddogaethau canlynol i un o weithwyr cyflogedig y Cyngor -

- (a) penderfynu a ddylid ymchwilio i honiadau o natur neu ddisgrifiad penodol, neu i honiadau penodol, ac ymchwilio iddynt -
 - (i) yn erbyn athro neu athrawes gofrestredig, neu
 - (ii) bod athro neu athrawes gofrestredig wedi'u collfarnu o dramgwydd perthnasol;
- (b) penderfynu a oes gan athro neu athrawes gofrestredig achos i'w ateb mewn perthynas â mater yr ymchwiliodd y gweithiwr cyflogedig iddo o dan is-baragraff (a);
- (c) gollwng achos yn erbyn athro neu athrawes gofrestredig os yw'r gweithiwr cyflogedig wedi penderfynu o dan baragraff (b) nad oes achos i'w ateb.

(2) Bydd y Rheoliadau hyn yn gymwys wrth i un o weithwyr cyflogedig y Cyngor arfer swyddogaeth fel y byddent yn gymwys wrth i Bwyllgor Ymchwilio arfer y swyddogaeth honno.

Sefydlu Pwyllgorau Ymddygiad Proffesiynol

5.- (1) Rhaid i'r Cyngor sefydlu un neu ragor o bwyllgorau i'w galw'n Bwyllgorau Ymddygiad Proffesiynol er mwyn cyflawni'r swyddogaethau y cyfeirir atynt ym mharagraff (2).

(2) Swyddogaethau Pwyllgor Ymddygiad Proffesiynol yw -

- (a) penderfynu ar achosion a gyfeirir atynt gan Bwyllgor Ymchwilio pan oedd yn ymddangos i'r Pwyllgor Ymchwilio bod gan yr athro neu'r athrawes gofrestredig achos i'w ateb -
 - (i) mewn perthynas ag ymddygiad proffesiynol annerbyniol neu gollfarn am dramgwydd perthnasol, neu
 - (ii) mewn perthynas ag ymddygiad proffesiynol annerbyniol neu gollfarn am dramgwydd perthnasol a hefyd mewn perthynas ag anghymhwysedd proffesiynol difrifol;
- (b) pan fydd Pwyllgor Ymddygiad Proffesiynol yn dyfarnu bod athro neu athrawes -
 - (i) yn euog o ymddygiad proffesiynol annerbyniol neu eu bod wedi'u collfarnu o dramgwydd perthnasol, neu
 - (ii) yn euog o ymddygiad proffesiynol annerbyniol neu eu bod wedi'u collfarnu o dramgwydd perthnasol, a hefyd yn euog o anghymhwysedd proffesiynol difrifol,

Delegation of Investigating Committees' functions

4.-(1) An Investigating Committee may delegate to an employee of the Council the functions of -

- (a) deciding whether to investigate, and investigating, allegations of a particular character or description, or particular allegations -
 - (i) against a registered teacher, or
 - (ii) that a registered teacher has been convicted of a relevant offence;
- (b) deciding whether a registered teacher has a case to answer in relation to a matter the employee investigated under sub-paragraph (a);
- (c) discontinuing a case against a registered teacher where the employee has decided under paragraph (b) that there is no case to answer.

(2) These Regulations shall apply to the exercise of a function by an employee of the Council as they would apply to the exercise of that function by an Investigating Committee.

Establishment of Professional Conduct Committees

5.- (1) The Council shall establish one or more committees to be known as Professional Conduct Committees for the purposes of carrying out the functions referred to in paragraph (2).

(2) The functions of a Professional Conduct Committee are -

- (a) to determine cases referred to them by an Investigating Committee where it appeared to the Investigating Committee that the registered teacher has a case to answer -
 - (i) in relation to unacceptable professional conduct or conviction of a relevant offence, or
 - (ii) both in relation to unacceptable professional conduct or conviction of a relevant offence and in relation to serious professional incompetence;
- (b) where a Professional Conduct Committee find a teacher -
 - (i) guilty of unacceptable professional conduct or to have been convicted of a relevant offence,
 - (ii) guilty of unacceptable professional conduct or to have been convicted of a relevant offence and, in addition, guilty of serious professional incompetence,

ystyried a ddylid gwneud gorchymyn disgyblu mewn perthynas â'r athro hwnnw neu'r athrawes honno ac, os ydynt o'r farn y dylid gwneud gorchymyn o'r fath, gwneud gorchymyn o'r fath; ac

- (c) penderfynu ar geisiadau o dan reoliad 20 neu 22 neu ar faterion sy'n codi mewn perthynas â gorchymynion disgyblu o dan reoliad 21 neu 23.

Sefydlu Pwyllgorau Cymhwysedd Proffesiynol

6.- (1) Rhaid i'r Cyngor sefydlu un neu ragor o bwyllgorau i'w galw'n Bwyllgorau Cymhwysedd Proffesiynol er mwyn cyflawni'r swyddogaethau y cyfeirir atynt ym mharagraff (2).

(2) Swyddogaethau Pwyllgor Cymhwysedd Proffesiynol yw -

- (a) penderfynu ar achosion a gyfeirir atynt gan Bwyllgor Ymchwilio pan oedd yn ymddangos i'r Pwyllgor Ymchwilio bod gan yr athro neu'r athrawes gofrestredig achos i'w ateb -
 - (i) mewn perthynas ag anghymhwysedd proffesiynol difrifol, neu
 - (ii) mewn perthynas ag anghymhwysedd proffesiynol difrifol a hefyd mewn perthynas ag ymddygiad proffesiynol annerbyniol neu gollfarn am dramgwydd perthnasol;
- (b) pan fydd Pwyllgor Cymhwysedd Proffesiynol yn dyfarnu bod athro neu athrawes -
 - (i) yn euog o anghymhwysedd proffesiynol difrifol, neu
 - (ii) yn euog o anghymhwysedd proffesiynol difrifol a hefyd yn euog o ymddygiad proffesiynol annerbyniol neu eu bod wedi'u collfarnu o dramgwydd perthnasol,
ystyried a ddylid gwneud gorchymyn disgyblu mewn perthynas â'r athro hwnnw neu'r athrawes honno ac, os ydynt o'r farn y dylid gwneud gorchymyn o'r fath, gwneud gorchymyn o'r fath; ac
- (c) penderfynu ar geisiadau o dan reoliad 20 neu 22 neu ar faterion sy'n codi mewn perthynas â gorchymynion disgyblu o dan reoliad 21 neu 23.

Defnyddio'r Cod Ymarfer mewn materion disgyblu

7. Caiff Pwyllgor gymryd i ystyriaeth unrhyw fethiant gan athro neu athrawes gofrestredig i gydymffurfio â'r Cod Ymarfer mewn unrhyw achos disgyblu yn erbyn yr athro hwnnw neu'r athrawes honno.

to consider whether to make a disciplinary order in relation to that teacher and if they consider that such an order should be made, to make such an order; and

- (c) to determine applications under regulation 20 or 22 or matters arising in relation to disciplinary orders under regulation 21 or 23.

Establishment of Professional Competence Committees

6.-(1) The Council shall establish one or more committees to be known as Professional Competence Committees for the purposes of carrying out the functions referred to in paragraph (2).

(2) The functions of a Professional Competence Committee are -

- (a) to determine cases referred to them by an Investigating Committee where it appeared to the Investigating Committee that the registered teacher has a case to answer -
 - (i) in relation to serious professional incompetence, or
 - (ii) both in relation to serious professional incompetence and in relation to unacceptable professional conduct or conviction of a relevant offence;
- (b) where a Professional Competence Committee find a teacher -
 - (i) guilty of serious professional incompetence, or
 - (ii) both guilty of serious professional incompetence and guilty of unacceptable professional conduct or to have been convicted of a relevant offence,
to consider whether to make a disciplinary order in relation to that teacher and, if they consider that such an order should be made, to make such an order; and
- (c) to determine applications under regulation 20 or 22 or matters arising in relation to disciplinary orders under regulation 21 or 23.

Use of the Code of Practice in disciplinary matters

7. A Committee may take into account any failure by a registered teacher to comply with the Code of Practice in any disciplinary proceedings against that teacher

Aelodaeth Pwyllgorau a'u gweithdrefn

8.- (1) Rhaid i'r Cyngor gynnwys ar Bwyllgor -

- (a) un neu ragor o aelodau lleyg;
- (b) un neu fwy o aelodau sy'n athrawon cofrestredig; ac
- (c) os nad oes yr un o'r aelodau lleyg neu'r aelodau sy'n athrawon cofrestredig yn aelodau o'r Cyngor, un neu ragor o aelodau o'r Cyngor.

(2) Nid yw person nad yw, yn rhinwedd rheoliad 5(2) o Reoliadau Cyngor Addysgu Cyffredinol Cymru (Cyfansoddiad) 1999(a), yn gymwys i fod yn aelod o'r Cyngor nac i bleidleisio mewn etholiad ar gyfer aelodau etholedig o'r Cyngor yn gymwys i fod yn aelod o Bwyllgor.

(3) Tri aelod fydd y cworwm ar gyfer cyfarfod Pwyllgor, gan gynnwys un aelod lleyg, un aelod sy'n athro neu'n athrawes gofrestrredig ac os nad oes aelod lleyg neu aelod sy'n athro neu'n athrawes gofrestrredig sy'n bresennol yn aelod o'r Cyngor, un aelod o'r Cyngor.

(4) Rhaid peidio â phenodi person sy'n aelod o Bwyllgor Ymchwilio sy'n ymchwilio i achos yn aelod o'r Pwyllgor Ymddygiad Proffesiynol neu'r Pwyllgor Cymhwysedd Proffesiynol a fydd yn penderfynu ar yr achos hwnnw.

(5) Yn ddarostyngedig i baragraffau (1) i (4) a rheoliadau 20 a 22, caiff y Cyngor wneud unrhyw ddarpariaeth a welant yn dda ynghylch y canlynol -

- (a) aelodaeth Pwyllgor;
- (b) ar ba delerau y mae aelodau Pwyllgor i ddal eu swydd ac ymadael â hi; ac
- (c) gweithdrefn Pwyllgor.

(6) Yn y rheoliad hwn -

- (a) ystyr "aelod lleyg" yw aelod o'r Pwyllgor -
 - (i) nad yw'n athro neu'n athrawes gofrestrredig, nac ychwaith
 - (ii) wedi'i gyflogi, neu wedi cael gwaith yn darparu gwasanaethau heblaw o dan gontract cyflogaeth, fel athro neu athrawes neu wedi'i gyflogi neu wedi cael gwaith felly yn ystod y cyfnod o bum mlynedd sy'n dod i ben ar y dyddiad y penodir y person hwnnw i'r Pwyllgor,

ac ni fydd aelod lleyg sy'n dod yn athro neu'n athrawes gofrestrredig neu sy'n ymgymryd â swydd fel athro neu athrawes neu y rhoddir gwaith iddo neu iddi fel athro neu athrawes yn cael ei ystyried yn aelod lleyg mwyach;

- (b) ystyr "aelod sy'n athro neu'n athrawes gofrestrredig" yw aelod o'r Pwyllgor -
 - (i) sy'n athro neu'n athrawes gofrestrredig, a
 - (ii) a gyflogir, neu y rhoddwyd gwaith iddynt yn

(a) O.S. 1999/1619 a ddiwygiwyd gan O.S. 1999/3185 (Cy.43).

Membership and procedure of Committees

8.-(1) The Council must include on a Committee -

- (a) one or more lay members;
- (b) one or more registered teacher members; and
- (c) if none of the lay members or registered teacher members is a Council member, one or more Council members.

(2) A person who by virtue of regulation 5(2) of the General Teaching Council for Wales (Constitution) Regulations 1999(a) is not eligible to be a member of the Council or to vote in an election for elected members of the Council shall not be eligible to be a member of a Committee.

(3) The quorum for a meeting of a Committee shall be three members, including one lay member, one registered teacher member and if no lay member or registered teacher member present is a Council member, one Council member.

(4) A person who is a member of the Investigating Committee investigating a case shall not be appointed as a member of the Professional Conduct Committee or Professional Competence Committee which determine that case.

(5) Subject to paragraphs (1) to (4) and regulations 20 and 22, the Council may make such provision as they see fit as to -

- (a) the membership of a Committee;
- (b) the terms on which a Committee's members are to hold and vacate office; and
- (c) the procedure of a Committee.

(6) In this regulation -

- (a) "lay member" means a member of the Committee who is neither -
 - (i) a registered teacher, nor
 - (ii) employed, or engaged to provide services otherwise than under a contract of employment, as a teacher nor been so employed or engaged within the period of 5 years ending with the date of that person's appointment to the Committee,

and a lay member who becomes a registered teacher or who takes up a post or engagement as a teacher shall cease to be regarded as a lay member;

- (b) "registered teacher member" means a member of the Committee who is -
 - (i) a registered teacher, and
 - (ii) employed, or engaged to provide services

(a) S.I. 1999/1619 amended by S.I. 1999/3185 (W.43).

darparu gwasanaethau heblaw o dan contract cyflogaeth, fel athro neu athrawes ar ddyddiad penodi'r person hwnnw i'r Pwyllgor,

ac ni fydd aelod sy'n athro neu'n athrawes gofrestredig ac sy'n peidio â bod yn athro neu'n athrawes gofrestredig neu sy'n rhoi'r gorau i swydd athro neu athrawes neu i waith a roddwyd iddo neu iddi fel athro neu athrawes yn cael ei ystyried yn aelod sy'n athro neu'n athrawes gofrestredig mwyach; ac

- (c) ystyr "aelod o'r Cyngor" yw aelod o'r Pwyllgor sy'n aelod o'r Cyngor.

Gwahardd neu gyfyngu pwerau Pwyllgorau

9. (1) Mae swyddogaethau Pwyllgor Ymchwilio o dan y Rheoliadau hyn wedi eu gwahardd mewn achos -

- (a) pan honnir bod athro neu athrawes gofrestredig yn euog o ymddygiad proffesiynol annerbyniol neu eu bod wedi'u collfarnu (ar unrhyw adeg) o dramgwydd perthnasol, neu pan yw'n ymddangos iddynt y gall athro neu athrawes gofrestredig fod yn euog fel hyn neu wedi'u collfarnu fel hyn; ond
- (b) bod y Cynulliad Cenedlaethol neu'r Ysgrifennydd Gwladol yn dymuno ystyried yr achos gyda'r bwriad o arfer ei bwerau a roddwyd gan reoliadau a wnaed o dan adran 218(6) o Ddeddf Diwygio Addysg 1988(a) oherwydd ei fod yn codi materion ynghylch diogelwch a lles personau o dan 19 oed.

(2) Mae swyddogaethau Pwyllgor Ymchwilio o dan y Rheoliadau hyn wedi eu gwahardd mewn achos

- (a) pan honnir bod athro neu athrawes gofrestredig yn euog o anghymhwysedd proffesiynol difrifol neu pan yw'n ymddangos iddynt y gall athro neu athrawes gofrestredig fod yn euog fel hyn; ond
- (b) nad oes gwybodaeth wedi'i rhoi i'r Cyngor yn unol â rheoliad 28 mewn perthynas â'r athro hwnnw neu'r athrawes honno.

Trafodion Pwyllgorau Ymchwilio

10.- (1) Pan fydd Pwyllgor Ymchwilio'n penderfynu cynnal ymchwiliad mewn perthynas ag athro neu athrawes gofrestredig, rhaid iddynt, mewn unrhyw gam o'r ymchwiliad a welant yn dda -

- (a) rhoi gwybod i'r athro neu'r athrawes am natur yr honiad neu'r achos yn eu herbyn a'u hawliau o dan reoliad 12;

otherwise than under a contract of employment, as a teacher on the date of that person's appointment to the Committee,

and a registered teacher member who ceases to be a registered teacher or who ceases to hold a post or engagement as a teacher shall cease to be regarded as a registered teacher member; and

- (c) "Council member" means a member of the Committee who is a member of the Council.

Exclusion or restriction of Committees' powers

9. (1) The functions under these Regulations of an Investigating Committee are excluded in a case where -

- (a) it is alleged that a registered teacher is guilty of unacceptable professional conduct or has been convicted (at any time) of a relevant offence, or it appears to them that a registered teacher may be so guilty or have been so convicted; but
- (b) the National Assembly or the Secretary of State wishes to consider the case with a view to exercising its or his powers conferred by regulations made under section 218(6) of the Education Reform Act 1988(a) because it raises issues relating to the safety and welfare of persons under the age of 19.

(2) The functions under these Regulations of an Investigating Committee are excluded in a case where -

- (a) it is alleged that a registered teacher is guilty of serious professional incompetence or it appears to them that a registered teacher may be so guilty; but
- (b) information has not been provided to the Council pursuant to regulation 28 in relation to that teacher.

Proceedings of Investigating Committees

10.- (1) Where an Investigating Committee decide to carry out an investigation in relation to a registered teacher, they shall at such stage in the investigation as they consider appropriate-

- (a) inform the teacher of the nature of the allegation or case against him or her, and of his or her rights under regulation 12;

(a) 1988 p.40. Diwygiwyd adran 218(6) gan adran 290(3) o Ddeddf Addysg 1993 (p.35) a chan adran 5(4) o Ddeddf Amddiffyn Plant 1999 (p.14). Y rheoliadau a oedd mewn grym adeg gwneud y rheoliadau hyn oedd Rheoliadau Addysg (Cyfyngu Cyflogaeth) 2000, O.S. 2000/2419, sy'n gymwys i Gymru a Lloegr.

(a) 1988 c.40. Section 218(6) is amended by section 290(3) of the Education Act 1993 (c.35) and section 5(4) of the Protection of Children Act 1999 (c.14). The regulations in force under at the time of making these regulations were the Education (Restriction of Employment) Regulations 2000, S.I. 2000/2419 which apply to both Wales and England.

- (b) rhoi cyfle i'r athro neu'r athrawes gyflwyno tystiolaeth a sylwadau ysgrifenedig; ac
- (c) ystyried y dystiolaeth a'r sylwadau hynny ac unrhyw dystiolaeth a deunydd arall sydd ar gael iddynt.

(2) Caiff Pwyllgor Ymchwilio benderfynu gollwng ymchwiliad ar unrhyw adeg cyn i achos gael ei gyfeirio ar gyfer dyfarniad gan Bwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol.

(3) Pan fydd eu hymchwiliad wedi'i gwblhau, rhaid i'r Pwyllgor Ymchwilio gymryd un o'r camau canlynol -

- (a) cyfeirio'r achos at Bwyllgor Ymddygiad Proffesiynol ar gyfer dyfarniad;
- (b) cyfeirio'r achos at Bwyllgor Cymhwysedd Proffesiynol ar gyfer dyfarniad;
- (c) gollwng yr achos.

(4) Pan fydd Pwyllgor Ymchwilio'n penderfynu gollwng ymchwiliad neu achos, rhaid iddynt roi gwybod i'r athro neu'r athrawes gofrestrdig o dan sylw, ac wrth wneud hynny rhaid iddynt roi gwybod i'r athro neu'r athrawes a ydynt wedi penderfynu nad oedd ganddynt achos i'w ateb.

(5) Pan fydd Pwyllgor Ymchwilio'n penderfynu nad oes gan athro neu athrawes gofrestrdig achos i'w ateb, os bydd ef neu hi'n gwneud cais, rhaid iddynt gyhoeddi datganiad i'r perwyl hwnnw.

(6) Caiff y Cyngor wneud unrhyw ddarpariaeth arall a welant yn dda ynghylch y weithdrefn sydd i'w dilyn gan Bwyllgor Ymchwilio mewn cysylltiad â'u hymchwiliadau a'u trafodion eraill, ac o bryd i'w gilydd cânt ddiwygio unrhyw reolau gweithdrefn a wneir o dan y paragraff hwn.

Trafodion Pwyllgorau Ymddygiad Proffesiynol a Phwyllgorau Cymhwysedd Proffesiynol

11.- (1) Rhaid i Bwyllgor benderfynu achosion yn erbyn athrawon cofrestredig a gyfeirir atynt gan Bwyllgor Ymchwilio yn unol â pharagraffau (2) i (6), rheoliadau 12 i 15 a rheolau a wneir gan y Cyngor o dan reoliad 16.

(2) Ac eithrio fel y darperir ym mharagraff (3), rhaid i Bwyllgor benderfynu ar bob achos, pob cais o dan reoliad 20 neu 22 neu bob mater sy'n codi mewn perthynas â gorchmynion disgyblu o dan reoliad 21 ar ôl gwrandawriad.

(3) Caiff Pwyllgor benderfynu ar achos, cais o

- (b) afford the teacher an opportunity to submit evidence and make written representations; and
- (c) consider such evidence and representations and any other evidence and material available to them.

(2) An Investigating Committee may decide to discontinue an investigation at any time before a case is referred for determination by a Professional Conduct Committee or a Professional Competence Committee.

(3) When their investigation is complete the Investigating Committee shall take one of the following steps-

- (a) refer the case for determination by a Professional Conduct Committee;
- (b) refer the case for determination by a Professional Competence Committee;
- (c) discontinue the case.

(4) Where an Investigating Committee decide to discontinue an investigation or a case they shall inform the registered teacher concerned, and when they do so they shall at the same time inform the teacher if they decided that he or she had no case to answer.

(5) Where an Investigating Committee decide that a registered teacher has no case to answer, they shall at his or her request publish a statement to that effect.

(6) The Council may make such other provision as to the procedure to be followed by an Investigating Committee in connection with their investigations and other proceedings as they see fit, and may from time to time revise any rules of procedure made under this paragraph.

Proceedings of Professional Conduct Committees and Professional Competence Committees

11. - (1) A Committee shall determine cases against registered teachers referred to them by an Investigating Committee in accordance with paragraphs (2) to (6), regulations 12 to 15 and rules made by the Council under regulation 16.

(2) Except as provided in paragraph (3), a Committee shall determine all cases, applications under regulation 20 or 22 or matters arising in relation to disciplinary orders under regulation 21 following a hearing.

(3) A Committee may determine a case,

dan reoliad 20 neu 22 neu fater sy'n codi mewn perthynas â gorchymyn disgyblu o dan reoliad 21 heb wrandawriad ar gais ysgrifenedig yr athro neu'r athrawes gofrestredig y mae'r achos disgyblu'n cael ei ddwyn yn eu herbyn neu y cafodd y gorchymyn disgyblu ei wneud yn eu herbyn onid yw'n ymddangos iddynt ei bod yn angenrheidiol cynnal gwrandawriad cyhoeddus er lles cyfiawnder neu er lles y cyhoedd.

(4) Ar unrhyw adeg ar ôl i achos gael ei gyfeirio atynt gan Bwyllgor Ymchwilio, caiff Pwyllgor benderfynu gollwng yr achos hwnnw, ac os penderfynant ollwng achos rhaid iddynt roi gwybod i'r athro neu'r athrawes o dan sylw, ac wrth wneud hynny rhaid iddynt roi gwybod ar yr un pryd i'r athro neu'r athrawes a ydynt wedi penderfynu nad oedd yna achos yn eu herbyn.

(5) Pan fyddant yn dyfarnu bod yr achos yn erbyn athro neu athrawes gofrestredig heb ei brofi, os bydd yr athro neu'r athrawes gofrestredig yn gwneud cais, rhaid i Bwyllgor gyhoeddi datganiad i'r perwyl hwnnw.

(6) Pan fyddant yn dyfarnu bod athro neu athrawes gofrestredig -

- (a) yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol; neu
- (b) wedi'u collfarnu (ar unrhyw adeg) o dramgwydd perthnasol,

caiff Pwyllgor wneud gorchymyn disgyblu mewn perthynas â'r athro hwnnw neu'r athrawes honno yn unol â rheoliad 18.

Yr hawl i ymddangos mewn gwrandawriadau a chael cynrychiolydd yno

12. (1) Mae gan athro neu athrawes gofrestredig hawl i ymddangos a chyflwyno sylwadau llafar a chael eu cynrychioli gan unrhyw berson neu bersonau a ddymunant mewn unrhyw wrandawriad gan y Pwyllgor lle y mae eu hachos yn cael ei ystyried.

(2) Os nad yw athro neu athrawes gofrestredig yn ymddangos mewn gwrandawriad gan y Pwyllgor lle y mae eu hachos yn cael ei ystyried, mae gan yr athro neu'r athrawes hawl i gyflwyno sylwadau ysgrifenedig.

Presenoldeb tystion

13. Caiff Pwyllgor ei gwneud yn ofynnol bod unrhyw berson yn bresennol ac yn rhoi tystiolaeth neu'n cyflwyno dogfennau neu dystiolaeth berthnasol arall mewn unrhyw wrandawriad.

application under regulation 20 or 22 or matter arising in relation to a disciplinary order under regulation 21 without a hearing at the written request of the registered teacher against whom disciplinary proceedings are being taken or against whom the disciplinary order was made unless it appears to them necessary in the interests of justice or the public interest to hold a public hearing.

(4) A Committee may decide at any time after a case is referred to them by an Investigating Committee to discontinue that case, and if they decide to discontinue a case they shall inform the teacher concerned and when they do so they shall at the same time inform the teacher if they decided that there was no case against him or her.

(5) Where they do not find the case against a registered teacher proved, a Committee shall at the teacher's request publish a statement to that effect.

(6) Where they find a registered teacher -

- (a) to have been guilty of unacceptable professional conduct or serious professional incompetence; or
- (b) to have been convicted (at any time) of a relevant offence,

a Committee may make a disciplinary order in relation to the teacher in accordance with regulation 18.

Entitlement to appear and be represented at hearings

12. (1) A registered teacher is entitled to appear and make oral representations and to be represented, by any person or persons whom he or she desires, at any hearing of a Committee at which his or her case is considered.

(2) Where a registered teacher does not appear at a hearing of a Committee at which his or her case is considered, the teacher is entitled to make written representations.

Attendance of witnesses

13. A Committee may require any person to attend and give evidence or to produce documents or other material evidence at any hearing.

Gofyniad bod gwrandawiadau'n cael eu cynnal yn gyhoeddus

14. - (1) Rhaid i Bwyllgor gyhoeddi eu dyfarniad ar ganlyniad pob gwrandawriad yn gyhoeddus ac yn ddarostyngedig i baragraffau (2) a (3) rhaid cynnal holl wrandawiadau Pwyllgor yn gyhoeddus.

(2) Caiff Pwyllgor ystyried yn breifat ar unrhyw adeg ac at unrhyw ddiben yn ystod gwrandawriad neu ar ei ôl.

(3) Caiff Pwyllgor wahardd y cyhoedd o wrandawriad neu o unrhyw ran o wrandawriad -

(a) os yw'n ymddangos iddynt ei bod yn angenrheidiol gwahardd y cyhoedd er lles cyfiawnder;

(b) os yw'r athro neu'r athrawes gofrestredig y mae'r achos yn cael ei ddwyn yn eu herbyn yn gwneud cais ysgrifenedig i'r gwrandawriad gael ei gynnal yn breifat ac nad yw'r Pwyllgor o'r farn bod cynnal y gwrandawriad yn breifat yn groes i les y cyhoedd; neu

(c) os yw'n angenrheidiol er mwyn diogelu lles plant.

Gweinyddu llwon a chadarnhadau

15. Caiff Pwyllgor ei gwneud yn ofynnol i unrhyw dyst mewn gwrandawriad roi tystiolaeth ar lw neu gadarnhad ac at y diben hwnnw gall llw neu gadarnhad ar ffurf briodol gael ei weinyddu.

Darpariaethau eraill ynghylch gweithdrefn Pwyllgorau Ymddygiad Proffesiynol a Phwyllgorau Cymhwysedd Proffesiynol

16. Caiff y Cyngor wneud unrhyw ddarpariaeth arall a welant yn dda ynghylch y weithdrefn sydd i'w dilyn gan Bwyllgor mewn cysylltiad â'u dyfarniadau ac achosion eraill, ac o bryd i'w gilydd cânt ddiwygio unrhyw reolau gweithdrefn a wneir o dan y paragraff hwn.

Cyfeirio achosion at Bwyllgorau eraill

17. -(1) Caiff Pwyllgor Ymddygiad Proffesiynol gyfeirio achos ar gyfer dyfarniad gan Bwyllgor Cymhwysedd Proffesiynol, a chaiff Pwyllgor Cymhwysedd Proffesiynol gyfeirio achos ar gyfer dyfarniad gan Bwyllgor Ymddygiad Proffesiynol.

(2) Caiff Pwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol gyfeirio achos at Bwyllgor Ymchwilio.

Gorchymynion disgyblu

18. -(1) Rhaid i orchymyn disgyblu gofnodi penderfyniad y Pwyllgor, y dyddiad y gwneir y gorchymyn, a'r dyddiad y mae effaith y gorchymyn yn dechrau.

Requirement for hearings to be held in public

14. - (1) A Committee shall announce their determination of the outcome of all hearings in public and subject to paragraphs (2) and (3) all hearings of a Committee shall take place in public.

(2) A Committee may deliberate in private at anytime and for any purpose during or after a hearing.

(3) A Committee may exclude the public from a hearing or any part of a hearing -

(a) where it appears to them necessary in the interests of justice to exclude the public;

(b) where the registered teacher against whom disciplinary proceedings are being taken makes a written request that the hearing should be in private, and the Committee do not consider it to be contrary to the public interest to hold the hearing in private; or

(c) where it is necessary to protect the interests of children.

Administration of oaths and affirmations

15. A Committee may require any witness at a hearing to give evidence on oath or affirmation and for that purpose there may be administered an oath or affirmation in due form.

Other provisions about Professional Conduct Committees' and Professional Competence Committees' procedure

16. The Council may make such other provision as to the procedure to be followed by a Committee in connection with their determinations and other proceedings as they see fit, and may from time to time revise any rules of procedure made under this paragraph.

Referring cases to other Committees

17. -(1) A Professional Conduct Committee may refer a case for determination by a Professional Competence Committee, and a Professional Competence Committee may refer a case for determination by a Professional Conduct Committee.

(2) A Professional Conduct Committee or a Professional Competence Committee may refer a case to an Investigating Committee.

Disciplinary orders

18. -(1) A disciplinary order shall record the decision of the Committee, the date on which the order is made, and the date on which the order takes effect.

(2) Yn ychwanegol at yr eitemau y cyfeirir atynt ym mharagraff (1), rhaid i orchymyn cofrestru amodol bennu'r holl amodau sy'n berthnasol i'w cyflogaeth fel athro neu athrawes y mae'n rhaid i'r athro neu'r athrawes gofrestredig gydymffurfio â hwy, ac mewn perthynas â phob amod o'r fath, naill ai'r cyfnod y mae'n effeithiol, neu ei fod yn effeithiol heb derfyn amser (yn ôl fel y digwydd).

(3) Yn ychwanegol at yr eitemau y cyfeirir atynt ym mharagraff (1), rhaid i orchymyn atal bennu ymhen pa gyfnod (heb fod yn fwy na dwy flynedd) y daw'r athro neu'r athrawes yn gymwys ar gyfer cofrestru eto.

(4) Yn ychwanegol at yr eitemau y cyfeirir atynt ym mharagraff (1), rhaid i orchymyn gwahardd bennu'r cyfnod (y mae'n rhaid iddo beidio â bod yn llai na dwy flynedd yn dechrau ar y dyddiad y bydd effaith y gorchymyn yn dechrau) pryd na chaiff cais gael ei wneud am ddyfarniad bod yr athro neu'r athrawes yn gymwys ar gyfer cofrestru.

(5) Ac eithrio lle bydd Pwyllgor yn penderfynu fel arall, bydd effaith gorchymyn disgyblu'n dechrau ar y dyddiad y caiff hysbysiad amdano ei gyflwyno i'r person y mae'n cael ei wneud mewn perthynas ag ef.

(6) Rhaid i Bwyllgor -

(a) cyflwyno hysbysiad am y gorchymyn disgyblu i'r person y mae'n cael ei wneud mewn perthynas ag ef gan gynnwys yr wybodaeth ganlynol:

- (i) testun y gorchymyn,
- (ii) disgrifiad o effaith y gorchymyn,
- (iii) rhesymau'r Pwyllgor dros wneud y gorchymyn,
- (iv) hysbysiad o hawl y person i wneud apêl i'r Uchel Lys yn erbyn y gorchymyn a'r cyfnod amser ar gyfer gwneud apêl o'r fath,

(v) os gorchymyn cofrestru amodol yw'r gorchymyn, esboniad o'r camau y mae gan y Pwyllgor bŵer i'w cymryd os bydd y person yn methu â chydymffurfio ag amod a bennir ynddo, ac esboniad o'i hawl i wneud cais am amrywio neu ddiddymu amod a bennir yn y gorchymyn a'r dull ar gyfer gwneud cais o'r fath, a

(vi) os gorchymyn gwahardd yw'r gorchymyn, esboniad o hawl y person i wneud cais am ddyfarniad ei fod yn gymwys i'w gofrestru a'r dull ar gyfer gwneud cais o'r fath;

(b) cyflwyno hysbysiad o'r gorchymyn i'w gyflogydd presennol neu ddiwethaf; ac

(c) anfon copi o'r gorchymyn i'r Cynulliad Cenedlaethol.

(2) A conditional registration order shall in addition to the items referred to in paragraph (1) specify all the conditions relevant to his or her employment as a teacher with which the registered teacher is required to comply, and in relation to each such condition, either the period for which it has effect, or that it has effect without limit of time (as the case may be).

(3) A suspension order shall in addition to the items referred to in paragraph (1) specify the period (not exceeding two years) at the end of which the registered teacher again becomes eligible for registration.

(4) A prohibition order shall in addition to the items referred to in paragraph (1) specify the period (which shall not be less than two years beginning with the date on which the order takes effect) before the end of which no application may be made for a determination that the teacher is eligible for registration.

(5) Except where a Committee otherwise decide, a disciplinary order shall take effect on the date on which notice of it is served on the person in relation to whom it is made.

(6) A Committee shall -

(a) serve a notice of the disciplinary order on the person in relation to whom it is made containing the following information:

- (i) the text of the order,
- (ii) a description of the effect of the order,
- (iii) the Committee's reasons for making the order,
- (iv) notification of the person's right to appeal to the High Court against the order and the time period for making such an appeal,

(v) where the order is a conditional registration order, an explanation of the steps a committee are empowered to take should the person fail to comply with a condition specified in it, and an explanation of his or her right to apply to vary or revoke a condition specified in the order and the method for making such an application, and

(vi) where the order is a prohibition order, an explanation of the person's right to apply for a determination that he or she is eligible for registration and the method for making such an application;

(b) serve notice of the order on his or her present or last employer; and

(c) send a copy of the order to the National Assembly.

(7) Ar ôl i Bwyllgor ddyfarnu ar achos, os penderfynant beidio â gwneud gorchymyn disgyblu mewn perthynas ag athro neu athrawes gofrestredig, rhaid i'r Pwyllgor roi gwybod am eu penderfyniad i'r athro neu'r athrawes gan gynnwys y rhesymau dros wneud y penderfyniad ac wrth wneud hynny rhaid iddynt roi gwybod iddynt ar yr un pryd a ydynt wedi penderfynu nad yw'r achos yn eu herbyn wedi'i brofi.

(8) Os nad ydynt yn dyfarnu bod yr achos yn erbyn athro neu athrawes gofrestredig wedi'i brofi, os yw'r athro neu'r athrawes gofrestredig yn gwneud cais, rhaid i'r Pwyllgor gyhoeddi datganiad i'r perwyl hwnnw.

Cyhoeddi gorchymynion disgyblu

19. - (1) Caiff y Cyngor gyhoeddi'r wybodaeth a nodir ym mharagraff (2) mewn perthynas â gorchymyn disgyblu-

- (a) ar wefan a gedwir ganddynt ar y rhyngwyd am gyfnod o dri mis yn dechrau ar y dyddiad y mae effaith y gorchymyn yn dechrau; neu
- (b) mewn unrhyw fodd arall a welant yn dda.

(2) Yr wybodaeth sydd i gael ei chyhoeddi yw -

- (a) enw'r person y gwneir y gorchymyn mewn perthynas ag ef ac enw'r ysgol neu'r sefydliad addysg yn y sector addysg uwch neu bellach y cafodd y person ei gyflogi ynddo ddiwethaf, neu os cafodd ei gyflogi ddiwethaf gan awdurdod addysg lleol i weithio fel athro neu athrawes heblaw mewn ysgol neu sefydliad addysg yn y sector addysg uwch neu bellach enw'r awdurdod addysg lleol a'i cyflogodd;
- (b) y math o orchymyn disgyblu;
- (c) ar ba ddyddiad y cafodd y gorchymyn disgyblu ei wneud a phryd y mae ei effaith yn dechrau;
- (ch) a ddyfarnwyd y person yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol neu ei gollfarnu o dramgwydd perthnasol;
- (d) os dyfarnwyd y person yn euog o dramgwydd perthnasol, natur a dyddiad y gollfarn o dan sylw; ac
- (dd) os dyfarnwyd y person yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, awgrym o natur yr ymddygiad a arweiniodd at wneud y gorchymyn.

Cais am amrywio amod mewn gorchymyn cofrestru amodol, neu am roi amod o'r neilltu

20. - (1) Caiff athro neu athrawes gofrestredig y mae gorchymyn cofrestru amodol wedi'i wneud mewn perthynas â hwy wneud cais i'r Cyngor am amrywio neu ddiddymu unrhyw amod a bennir yn y gorchymyn.

(7) Where following the determination of a case by a Committee they decide not to make a disciplinary order in relation to a registered teacher, the Committee shall notify the teacher of their decision, including the reasons for it, and when they do so they shall at the same time inform him or her if they decided that the case against him or her was not proved.

(8) Where they do not find the case against a registered teacher proved, a Committee shall at the teacher's request publish a statement to that effect.

Publication of disciplinary orders

19. - (1) The Council may publish the information set out in paragraph (2) in relation to a disciplinary order -

- (a) on a website which they maintain on the internet for a period of three months starting on the date on which the order takes effect; or
- (b) in such other manner as they see fit.

(2) The information to be published is -

- (a) the name of the person in relation to whom the order is made and the name of the school or institution within the further or higher education sector at which the person was last employed, or where the person was last employed by a local education authority as a teacher otherwise than at a school or institution within the further or higher education sector the name of the local education authority;
- (b) the type of disciplinary order;
- (c) the date on which the disciplinary order was made and takes effect;
- (d) whether the person was found to have been guilty of unacceptable professional conduct or serious professional incompetence or to have been convicted of a relevant offence;
- (e) where the person was found to have been convicted of a relevant offence, the nature and date of the conviction in question; and
- (f) where the person was found to have been guilty of unacceptable professional conduct or serious professional incompetence, an indication of the nature of the conduct which led to the making of the order.

Application to vary or set aside a condition in a conditional registration order

20. - (1) A registered teacher in relation to whom a conditional registration order has been made may apply to the Council for variation or revocation of any condition specified in the order.

(2) Rhaid i gais o dan baragraff (1) gael ei wneud yn ysgrifenedig a phennu ar ba sail y mae'r athro neu'r athrawes gofrestredig yn gofyn am amrywio neu ddiddymu unrhyw amod a bennir yn y gorchymyn, a chyda'r cais rhaid anfon pob dogfen y dibynnir arni i ategu'r cais.

(3) Os cafodd gorchymyn cofrestru amodol y gwneir cais mewn perthynas ag ef o dan baragraff (1) ei wneud gan Bwyllgor Ymddygiad Proffesiynol, rhaid i'r cais gael ei benderfynu gan Bwyllgor Ymddygiad Proffesiynol arall y mae'n rhaid iddo beidio â chynnwys fel aelod unrhyw berson a fu'n aelod o'r Pwyllgor a wnaeth y gorchymyn y cwynir yn ei erbyn.

(4) Os cafodd gorchymyn cofrestru amodol y gwneir cais mewn perthynas ag ef o dan baragraff (1) ei wneud gan Bwyllgor Cymhwysedd Proffesiynol, rhaid i'r cais gael ei benderfynu gan Bwyllgor Cymhwysedd Proffesiynol arall y mae'n rhaid iddo beidio â chynnwys fel aelod unrhyw berson a fu'n aelod o'r Pwyllgor a wnaeth y gorchymyn y cwynir yn ei erbyn.

Canlyniadau methu â chydymffurfio â gorchymyn cofrestru amodol

21. Os yw Pwyllgor Ymddygiad Proffesiynol neu Bwyllgor Cymhwysedd Proffesiynol wedi'u bodloni bod athro neu athrawes gofrestredig y mae gorchymyn cofrestru amodol wedi'i wneud yn eu herbyn wedi methu â chydymffurfio ag unrhyw amod ynddo, gallant wneud gorchymyn gwahardd neu atal mewn perthynas â'r athro neu'r athrawes.

Gorchymynion gwahardd

22. - (1) Caiff person y mae gorchymyn gwahardd wedi'i wneud mewn perthynas ag ef wneud cais i'r Cyngor am ddyfarniad ei fod yn gymwys i'w gofrestru.

(2) Rhaid i gais o dan baragraff (1) gael ei wneud yn ysgrifenedig a phennu ar ba sail y mae'r person yn gofyn am y dyfarniad, a chyda'r cais rhaid anfon pob dogfen y dibynnir arni i ategu'r cais.

(3) Os cafodd gorchymyn gwahardd y gwneir cais mewn perthynas ag ef o dan baragraff (1) ei wneud gan Bwyllgor Ymddygiad Proffesiynol, rhaid i'r cais gael ei benderfynu gan Bwyllgor Ymddygiad Proffesiynol arall y mae'n rhaid iddo beidio â chynnwys fel aelod unrhyw berson a fu'n aelod o'r Pwyllgor a wnaeth y gorchymyn y cwynir yn ei erbyn.

(4) Os cafodd gorchymyn gwahardd y gwneir cais mewn perthynas ag ef o dan baragraff (1) ei wneud gan Bwyllgor Cymhwysedd Proffesiynol, rhaid i'r cais gael ei benderfynu gan Bwyllgor Cymhwysedd Proffesiynol arall y mae'n rhaid iddo beidio â chynnwys fel aelod unrhyw berson a fu'n aelod o'r Pwyllgor a wnaeth y gorchymyn y cwynir yn ei erbyn.

(2) An application under paragraph (1) shall be made in writing and shall specify the grounds on which the registered teacher seeks to have any condition specified in the order varied or revoked, and it shall be accompanied by every document relied upon in support of the application.

(3) Where a conditional registration order in respect of which an application is made under paragraph (1) was made by a Professional Conduct Committee, the application shall be determined by another Professional Conduct Committee which shall not include as a member any person who was a member of the Committee which made the order complained of.

(4) Where a conditional registration order in respect of which an application is made under paragraph (1) was made by a Professional Competence Committee, the application shall be determined by another Professional Competence Committee which shall not include as a member any person who was a member of the Committee which made the order complained of.

Consequences of failure to comply with a conditional registration order

21. Where a Professional Conduct Committee or a Professional Competence Committee are satisfied that a registered teacher against whom a conditional registration order has been made has failed to comply with any condition of it, they may make a suspension or prohibition order in relation to the teacher.

Prohibition orders

22. - (1) A person in relation to whom a prohibition order has been made may apply to the Council for a determination that he or she is eligible for registration.

(2) An application under paragraph (1) shall be made in writing and shall specify the grounds on which the person seeks the determination, and it shall be accompanied by every document relied upon in support of the application.

(3) Where a prohibition order in respect of which an application is made under paragraph (1) was made by a Professional Conduct Committee, the application shall be determined by another Professional Conduct Committee which shall not include as a member any person who was a member of the Committee which made the order complained of.

(4) Where a prohibition order in respect of which an application is made under paragraph (1) was made by a Professional Competence Committee, the application shall be determined by another Professional Competence Committee which shall not include as a member any person who was a member of the Committee which made the order complained of.

Adolygu gorchmynion disgyblu

23. Caiff Pwyllgor benderfynu eu hunain ar unrhyw adeg i ddiddymu gorchymyn disgyblu a wnaed ganddynt -

- (a) os cafodd y gorchymyn ei wneud yn unig neu yn bennaf am fod y person y gwnaed y gorchymyn mewn perthynas ag ef wedi'i gollfarnu o dramgwydd perthnasol, a bod y gollfarn o dan sylw wedi'i dileu ar ôl i'r gorchymyn gael ei wneud; neu
- (b) os caiff y Pwyllgor dystiolaeth, ar ôl i'r gorchymyn gael ei wneud, nad ystyriwyd mohoni ganddynt cyn iddynt wneud y gorchymyn, a'u bod yn fodlon na fyddent wedi gwneud y gorchymyn pe buasent yn ymwybodol o'r dystiolaeth honno cyn iddynt ei wneud.

Apelau

24. Bydd gan unrhyw berson a dramgwyddir gan orchymyn disgyblu sydd wedi'i wneud mewn perthynas ag ef hawl i apelio yn erbyn y gorchymyn i'r Uchel Lys o fewn 28 diwrnod o'r dyddiad y caiff hysbysiad y gorchymyn ei gyflwyno iddo.

Gorchmynion disgyblu a wneir gan Gyngor Addysgu Cyffredinol Lloegr

25. Bydd gorchymyn disgyblu a wneir gan Gyngor Addysgu Cyffredinol Lloegr neu gan un o bwyllgorau'r Cyngor hwnnw yn gymwys mewn perthynas â Chymru fel y mae'n gymwys mewn perthynas â Lloegr.

Cyflwyno hysbysiadau a gorchmynion

26. -(1) Gall unrhyw beth y mae'n ofynnol ei gyflwyno i berson at ddibenion achos disgyblu-

- (a) cael ei roi i'r person hwnnw'n bersonol; neu
- (b) cael ei anfon at y person hwnnw drwy'r post i'r cyfeiriad sydd wedi'i gofnodi yn y Gofrestr, neu gael ei adael yn y cyfeiriad hwnnw; neu
- (c) os yw'r person hwnnw'n gwneud cais ysgrifenedig i ddogfennau gael eu cyflwyno iddo drwy'r dull hwnnw, cael ei anfon ato drwy gyfrwng cyflunydd neu bost electronig neu ddull tebyg sy'n gallu cynhyrchu dogfen sy'n cynnwys testun yr ohebiaeth, ac os felly bernir bod y ddogfen wedi'i hanfon pan yw'n dod i law'r person hwnnw mewn ffurf ddarllenadwy.

(2) At ddibenion rheoliadau 18(5) a 24 cymerir bod hysbysiadau gorchymyn disgyblu wedi'u cyflwyno i'r person y cafodd ei wneud mewn

Review of disciplinary orders

23. A Committee may of their own motion at any time revoke a disciplinary order made by them where-

- (a) the only or main reason for making the order was that the person in relation to whom the order was made had been convicted of a relevant offence, and after the date the order was made the conviction in question was quashed; or
- (b) after the order was made the Committee obtain evidence not considered by them before they made the order, and they are satisfied that had they been aware of that evidence before they made the order they would not have made it.

Appeals

24. Any person aggrieved by a disciplinary order made in relation to him or her shall have the right to appeal against the order to the High Court within 28 days from the date on which notice of the order is served on him or her.

Disciplinary orders made by the General Teaching Council for England

25. A disciplinary order made by the General Teaching Council for England or a committee of that Council shall apply in relation to Wales as it applies in relation to England.

Service of notices and orders

26. -(1) Anything required to be served on a person for the purposes of disciplinary proceedings may be-

- (a) delivered to that person personally; or
- (b) sent to that person by post to the address recorded on the Register, or left at that address; or
- (c) where that person requests in writing that documents be served on him or her by such method, sent to him or her by facsimile or electronic mail or similar means which are capable of producing a document containing the text of the communication, in which case the document shall be regarded as sent when it is received by that person in a legible form.

(2) For the purposes of regulations 18(5) and 24 notice of a disciplinary order shall be taken to have been served on the person in relation to whom it was

perthynas ag ef -

- (a) os cafodd ei roi i'r person hwnnw'n bersonol, ar y diwrnod y cafodd ei roi;
- (b) os cafodd ei anfon at y person hwnnw i'r cyfeiriad sydd wedi'i gofnodi yn y Gofrestr drwy wasanaeth post sy'n ceisio dosbarthu dogfennau drwy'r post erbyn y diwrnod gwaith nesaf fan bellaf bob tro neu ran amlaf, neu ei adael yn y cyfeiriad hwnnw, ar yr ail ddiwrnod ar ôl iddo gael ei anfon neu ei adael;
- (c) os cafodd ei anfon at y person hwnnw i'r cyfeiriad sydd wedi'i gofnodi yn y Gofrestr drwy wasanaeth post heblaw un sy'n ceisio dosbarthu dogfennau drwy'r post erbyn y diwrnod gwaith nesaf fan bellaf bob tro neu ran amlaf, ar y pedwerydd diwrnod ar ôl iddo gael ei anfon; neu
- (ch) os yw'r person hwnnw'n gwneud cais ysgrifenedig i ddogfennau gael eu cyflwyno iddo drwy ddull o'r fath, ac os cafodd ei anfon at y person hwnnw drwy gyfrwng cyflunydd neu bost electronig neu ddull tebyg sy'n gallu cynhyrchu dogfen sy'n cynnwys testun yr ohebiaeth, ar yr ail ddiwrnod ar ôl iddo gael ei drosglwyddo.

Cyhoeddi dogfennau a darparu copïau ohonynt

- 27.** - (1) Rhaid i'r Cyngor gyhoeddi -
- (a) ar wefan a gedwir ganddynt ar y rhyngwrwyd; a
 - (b) mewn unrhyw fodd arall a welant yn dda,

unrhyw reolau am y gweithdrefnau a wneir o dan reoliadau 10(6) neu 16 ac unrhyw ddarpariaeth a wneir o dan reoliad 8(5), ac os bydd unrhyw athro neu athrawes gofrestredig yn gofyn, rhaid iddynt roi copi iddynt o'r rheolau hynny neu'r ddarpariaeth honno yn ddi-dâl.

(2) Rhaid i'r Cyngor gyhoeddi unrhyw ddatganiad y mae'n ofynnol iddynt ei gyhoeddi o dan reoliad 10(5), 11(5) neu 18(8) ar wefan a gedwir ganddynt ar y rhyngwrwyd, ac os dymunant cânt gyhoeddi'r datganiad mewn unrhyw fodd arall a welant yn dda.

RHAN III

DARPARU GWYBODAETH GAN GYFLOGWYR

Darparu gwybodaeth i'r Cyngor gan gyflogwyr

28. -(1) O dan yr amgylchiadau a bennir ym mharagraff (2), rhaid i gyflogydd athro neu athrawes gofrestredig roi i'r Cyngor gopïau o'r holl ddogfennau

made -

- (a) where it was delivered to that person personally, on the day of delivery;
- (b) where it was sent to that person to the address recorded on the Register by a postal service which seeks to deliver documents by post no later than the next working day in all or the majority of cases, or left at that address, on the second day after the day on which it was sent or left;
- (c) where it was sent to that person to the address recorded on the Register by a postal service other than one which seeks to deliver documents by post no later than the next working day in all or the majority of cases, on the fourth day after the day on which it was sent; or
- (d) where that person requests in writing that documents be served on him or her by such method, and where it was sent to that person by facsimile or electronic mail or similar means which are capable of producing a document containing the text of the communication, on the second day after the day on which it was transmitted.

Publication and provision of copies of documents

- 27.** - (1) The Council shall publish -
- (a) on a website which they maintain on the internet; and
 - (b) in such other manner as they see fit,

any rules of procedure made under regulation 10(6) or 16 and any provision made under regulation 8(5), and shall at the request of any registered teacher provide him or her with a copy of such rules or provision free of charge.

(2) The Council shall publish any statement they are required to publish under regulation 10(5), 11(5) or 18(8) on a website which they maintain on the internet, and if they so wish they may publish the statement in such other manner as they see fit.

PART III

PROVISION OF INFORMATION BY EMPLOYERS

Provision of information by employers to the Council

28. -(1) The employer of a registered teacher shall in the circumstances specified in paragraph (2) provide the Council with copies of all the documents

ac eitemau sydd wedi'u rhestru yn yr Atodlen sydd ar gael i'r cyfogydd mewn perthynas â'r athro hwnnw neu'r athrawes honno.

(2) Yr amgylchiadau a bennir yn y paragraff hwn yw -

- (a) bod y cyfogydd wedi diswyddo'r athro neu'r athrawes ar sail anghymhwysedd; neu
- (b) bod yr athro neu'r athrawes wedi ymddiswyddo mewn amgylchiadau lle y byddai'r cyfogydd wedi diswyddo neu wedi ystyried diswyddo yr athro neu'r athrawes, pe na bai wedi ymddiswyddo, ar sail o'r fath.

(3) Rhaid i'r Cyngor drefnu bod yr holl wybodaeth a roddir iddynt o dan y rheoliad hwn ar gael i Bwyllgor Ymchwilio.

(4) Yn y rheoliad hwn, mae "cyfogydd" yn cynnwys cyn-gyfogydd.

Llofnodwyd ar ran y Cynulliad Cenedlaethol o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(a).

5 Ebrill 2001

D. Elis Thomas

Llywydd y Cynulliad Cenedlaethol

ATODLEN

Rheoliad 28

Yr wybodaeth sydd i'w rhoi i'r Cyngor gan gyfogydd athro neu athrawes gofrestredig

1. Llythyr neu hysbysiad yn terfynu cyflogaeth athro neu athrawes gofrestredig.

2. Datganiad o'r rhesymau dros y diswyddo.

3. Cofnodion y cyfogydd ynghylch y diswyddo neu unrhyw ddiswyddo a ystyriwyd, gan gynnwys nodiadau a chofnodion cyfarfodydd, nodiadau cyfweiliadau, a thystiolaeth a roddwyd i'r cyfogydd neu a sicrhawyd ganddynt.

4. Cofnodion y cyfogydd ynghylch ymddygiad a arweiniodd yn y pen draw at ddiswyddo athro neu athrawes gofrestredig neu a fyddai wedi arwain y cyfogydd i ddiswyddo'r athro neu'r athrawes neu i ystyried eu diswyddo oni bai bod yr athro neu'r athrawes wedi ymddiswyddo, gan gynnwys nodiadau a chofnodion cyfarfodydd, nodiadau cyfweiliadau, a thystiolaeth a roddwyd i'r cyfogydd neu a sicrhawyd ganddynt.

(a) 1998 p. 38.

and items listed in the Schedule that are available to the employer in relation to such teacher.

(2) The circumstances specified in this paragraph are that -

- (a) the employer dismissed the teacher on the grounds of incompetence; or
- (b) the teacher resigned in circumstances where the employer would have dismissed or considered dismissing the teacher, had he or she not resigned, on such grounds.

(3) The Council shall make all information provided to them under this regulation available to an Investigating Committee.

(4) In this regulation, "employer" includes a former employer.

Signed on behalf of the National Assembly under section 66(1) of the Government of Wales Act 1998(a).

5th April 2001

The Presiding Officer of the National Assembly

SCHEDULE

Regulation 28

Information to be supplied by a registered teacher's employer to the Council

1. Letter or notice terminating a registered teacher's employment.

2. Statement of reasons for dismissal.

3. Employer's records relating to the dismissal or any contemplated dismissal, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the employer.

4. Employer's records relating to conduct which eventually led to a registered teacher's dismissal or would but for the teacher's resignation have led the employer to dismiss or consider dismissing him or her, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the employer.

5. Employer's letters, warnings or notices issued

(a) 1998 c. 38.

5. Llythrau, rhybuddion neu hysbysiadau'r cyflogydd a roddwyd i athro neu athrawes gofrestredig mewn perthynas â diswyddo'r athro neu'r athrawes neu mewn perthynas ag ystyried eu diswyddo, neu mewn perthynas â'r ymddygiad a arweiniodd yn y pen draw at ddiswyddo'r athro neu'r athrawes neu a fyddai wedi arwain y cyflogydd i'w diswyddo neu i ystyried eu diswyddo, oni bai eu bod wedi ymddiswyddo, ac atebion neu sylwadau'r athro neu'r athrawes mewn perthynas â hwy.

6. Unrhyw ddatganiadau, sylwadau a thystiolaeth arall a gyflwynwyd gan athro neu athrawes gofrestredig i'r cyflogydd mewn perthynas â diswyddo'r athro neu'r athrawes neu mewn perthynas ag ystyried eu diswyddo, neu mewn perthynas â'r ymddygiad a arweiniodd yn y pen draw at ddiswyddo'r athro neu'r athrawes neu a fyddai wedi arwain y cyflogydd i'w diswyddo neu i ystyried eu diswyddo oni bai eu bod wedi ymddiswyddo.

7. Llythyr ymddiswyddo.

8. Unrhyw ddogfen neu wybodaeth arall sydd ym marn y cyflogydd yn berthnasol i unrhyw ymchwiliad y gallai Pwyllgor Ymchwilio ei gynnal neu unrhyw achos y gallai Bwyllgor ei ddwyn yn erbyn athro neu athrawes gofrestredig.

to a registered teacher in relation to the teacher's dismissal or contemplated dismissal, or the conduct which eventually led to the teacher's dismissal or would but for his or her resignation have led the employer to dismiss or consider dismissing the teacher and the teacher's replies or representations in relation thereto.

6. Any other statements, representations and evidence submitted by a registered teacher to the employer in relation to the teacher's dismissal or contemplated dismissal, or the conduct which eventually led to the teacher's dismissal or would but for his or her resignation have led the employer to dismiss or consider dismissing the teacher.

7. Letter of resignation.

8. Any other document or information which the employer considers is relevant to any investigation which may be carried out by an Investigating Committee or any proceedings which may be taken by a Committee against a registered teacher.

CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2001 Rhif 1424 (Cy.99)

ADDYSG, CYMRU

Rheoliadau Cyngor Addysgu
Cyffredinol Cymru
(Swyddogaethau Disgyblu) 2001

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2001 No. 1424 (W.99)

EDUCATION, WALES

The General Teaching Council for
Wales (Disciplinary Functions)
Regulations 2001

© Hawlfraint y Goron 2001

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.

£4.00

W/218/07/01

ON

© Crown copyright 2001

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.

ISBN 0-11-090252-1



9 780110 902524