



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2006 Rhif 1277 (Cy.122)

2006 No. 1277 (W.122)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Gorchmynion Rhianta) (Cymru) 2006

The Education (Parenting Orders) (Wales) Regulations 2006

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 rhagnodi'r amodau sydd i'w bodloni cyn y caiff awdurdod addysg lleol wneud cais i lys ynadon am orchymyn rhianta o dan adran 20(1)(b) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003. Mae'r Rheoliadau hyn yn gymwys o ran disgyblion a waherddir o ysgolion yng Nghymru.

These Regulations prescribe the conditions to be met before a local education authority may apply to a magistrates' court for a parenting order under section 20(1)(b) of the Anti-social Behaviour Act 2003. The Regulations apply in relation to pupils excluded from schools in Wales.

Rhoddir yr amodau yn rheoliad 3. Yn achos disgybl a waherddir am gyfnod penodol, rhaid ei fod wedi'i wahardd o leiaf ddwywaith mewn cyfnod o ddeuddeg mis. Ym mhob achos, rhaid peidio â gwneud cais mwy na chwe mis ar ôl y tro diwethaf y gwaharddwyd disgybl a rhaid gwneud y cais cyn pen y "cyfnod perthnasol" a ddiffinnir yn rheoliad 4.

The conditions are set out in regulation 3. In the case of a pupil excluded for a fixed term, he or she must have been excluded at least twice in a twelve month period. In all cases, an application must not be made more than six months after the last occasion on which a pupil was excluded and must be made within the "relevant period", which is defined in regulation 4.

Mae rheoliad 5 yn darparu y bydd yr awdurdod addysg leol yn gyfrifol am gostau sy'n gysylltiedig â gofynion gorchymyn rhianta.

Regulation 5 provides that the costs associated with the requirements of a parenting order shall be borne by the local education authority.

2006 Rhif 1277 (Cy.122)**2006 No. 1277 (W.122)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Addysg (Gorchmynion Rhianta) (Cymru) 2006****The Education (Parenting Orders) (Wales) Regulations 2006***Wedi'u gwneud* 10 Mai 2006*Made* 10 May 2006*Yn dod i rym* 11 Mai 2006*Coming into force* 11 May 2006

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adran 20(1), 21(4) a 94(2) o Ddeddf Ymddygiad Gwrthgymdeithasol 2003(1), drwy hyn yn gwneud y Rheoliadau a ganlyn:

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 20(1), 21(4) and 94(2) of the Anti-social Behaviour Act 2003(1), hereby makes the following Regulations:

Enwi, cychwyn a chymhwyso**Title, commencement and application**

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Gorchmynion Rhianta) (Cymru) 2006 a deuant i rym ar 11 Mai 2006.

1.-(1) The title of these Regulations is the Education (Parenting Orders) (Wales) Regulations 2006 and they come into force on 11 May 2006.

(2) Mae'r Rheoliadau hyn yn gymwys o ran disgyblion a waherddir o ysgolion yng Nghymru.

(2) These Regulations apply in relation to pupils excluded from schools in Wales.

Dehongli**Interpretation****2. Yn y Rheoliadau hyn-****2. In these Regulations-**

mae i "cyfnod perthnasol" ("*relevant period*") yr ystyr a roddir i'r geiriau hynny gan reoliad 4;

"the Act" ("*y Ddeddf*") means the Anti-social Behaviour Act 2003;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Ymddygiad Gwrthgymdeithasol 2003;

"the 2002 Act" ("*Deddf 2002*") means the Education Act 2002(2);

ystyr "Deddf 2002" ("*the 2002 Act*") yw Deddf Addysg 2002(2); ac

"relevant period" ("*cyfnod perthnasol*") has the meaning given by regulation 4;

mae i "diwrnod ysgol" ("*school day*") yr ystyr a roddir i "school day" yn Neddf Addysg 1996.

"school day" ("*diwrnod ysgol*") has the same meaning as in the Education Act 1996.

Amodau Rhagnodedig**Prescribed Conditions**

3.-(1) Rhagnodir y materion canlynol at ddibenion adran 20(1)(b) o'r Ddeddf.

3.-(1) The following conditions are prescribed for the purposes of section 20(1)(b) of the Act.

(1) 2003 p.38. Rhoddir y pwerau i'r "appropriate person". Mae adran 24 yn diffinio'r "appropriate person" fel "in relation to Wales, the National Assembly for Wales"

(1) 2003 c.38. The powers are conferred upon the "appropriate person". Section 24 defines the appropriate person as "in relation to Wales, the National Assembly for Wales".

(2) 2002 p.32.

(2) 2002 c.32.

(2) Yn achos disgybl a waherddir am gyfnod penodol, rhaid i'r gwaharddiad fod yn ail waharddiad neu'n waharddiad olynol a waharddodd y disgybl o unrhyw ysgol cyn pen deuddeg mis ar ôl y diwrnod pan ddechreuodd y gwaharddiad blaenorol.

(3) Ym mhob achos, ni ellir gwneud cais ond cyn pen y cyfnod perthnasol ac ar yr amod-

- (a) yn achos disgybl a waherddir yn barhaol, bod y cais yn cael ei wneud heb fod yn hwyrach na chwe mis ar ôl y dyddiad pan waharddwyd y disgybl; a
- (b) yn achos disgybl a waherddir am gyfnod penodol, bod y cais yn cael ei wneud heb fod yn hwyrach na chwe mis ar ôl y gwaharddiad diwethaf y cyfeiriwyd ato ym mharagraff (2) uchod.

Cyfnod Perthnasol

4.-(1) Yn achos disgybl a waherddir am gyfnod penodedig, y "cyfnod perthnasol" yw p'un bynnag o'r canlynol sy'n gymwys, ac os yw'r ddau yn gymwys p'un bynnag o ohonynt sy'n dod i ben hwyrach-

- (a) y cyfnod o 40 niwrnod ysgol sy'n dechrau ar y diwrnod ysgol nesaf ar ôl y diwrnod pan ystyriwyd y gwaharddiad gan y corff llywodraethu (neu yn achos gwahardd disgybl o uned cyfeirio disgyblion, yr awdurdod addysg lleol) neu, os nad ystyriwyd y gwaharddiad felly, y diwrnod pan ddechreuodd;
- (b) y cyfnod o chwe mis sy'n dechrau ar y diwrnod pan ymrwymodd unrhyw un o rieni'r disgybl i gontract rhianta.

(2) Yn achos disgybl a waherddir yn barhaol, y "cyfnod perthnasol" yw p'un bynnag o'r canlynol sy'n gymwys, ac os yw'r ddau yn gymwys, p'un bynnag ohonynt sy'n dod i ben hwyrach-

- (a) y cyfnod o 40 niwrnod ysgol sy'n dechrau ar y diwrnod ysgol nesaf ar ôl-
 - (i) y diwrnod pan benderfynodd panel apêl a gyfansoddwyd o dan reoliadau a wnaed o dan adran 52 o Ddeddf 2002 gadarnhau'r gwaharddiad, neu
 - (ii) os nad oedd apêl, y diwrnod olaf pan fuasai'n bosibl gwneud apêl; neu
- (b) y cyfnod o chwe mis sy'n dechrau ar y diwrnod pan ymrwymodd unrhyw un o rieni'r disgybl i gontract rhianta.

Costau gorchymyn rhianta

5. Bydd yr awdurdod addysg lleol yn gyfrifol am y costau sy'n gysylltiedig â gofynion gorchymynion rhianta o dan adran 20 o'r Ddeddf, gan gynnwys costau darparu rhaglenni cwnsela neu gyfarwydddy.

(2) In the case of a pupil excluded for a fixed period, the exclusion must be the second or subsequent exclusion of the pupil from any school within twelve months from the day on which the previous exclusion began.

(3) In all cases, an application can only be made within the relevant period and provided that-

- (a) in the case of a pupil excluded permanently, the application is made no later than six months after the date on which the pupil was excluded; and
- (b) in the case of a pupil excluded for a fixed period, the application is made no later than six months after the last exclusion referred to in paragraph (2) above.

Relevant Period

4.-(1) In the case of a pupil excluded for a fixed period, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later-

- (a) the period of 40 school days beginning with the next school day after the day on which the exclusion was considered by the governing body (or in the case of an exclusion from a pupil referral unit, the local education authority) or, if the exclusion was not so considered, the day on which it began;
- (b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

(2) In the case of a pupil excluded permanently, the "relevant period" is whichever of the following is applicable, and if both are applicable whichever expires the later-

- (a) the period of 40 school days beginning with the next school day after-
 - (i) the day on which an appeal panel constituted under regulations made under section 52 of the 2002 Act decided to uphold the exclusion, or
 - (ii) if there was no appeal, the last day on which an appeal could have been made; or
- (b) the period of six months beginning with the day on which a parent of the pupil entered into a parenting contract.

Costs of parenting order

5. The costs associated with the requirements of parenting orders under section 20 of the Act, including the costs of providing counselling or guidance programmes, shall be borne by the local education authority.

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

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

10 Mai 2006

10 May 2006

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

(1) 1998 p.38.

(1) 1998 c.38.

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