



CYNULLIAD CENEDLAETHOL CYMRU

NATIONAL ASSEMBLY FOR WALES

OFFERYNNAU STATUDOL

STATUTORY INSTRUMENTS

2007 Rhif 944 (Cy.80)

2007 No. 944 (W.80)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Staffio Ysgolion a
Gynhelir (Diwygiadau Amrywiol)
(Cymru) 2007

The Staffing of Maintained Schools
(Miscellaneous Amendments)
(Wales) Regulations 2007

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 (Rheoliadau 2006).

These Regulations amend the Staffing of Maintained Schools (Wales) Regulations 2006 (the 2006 Regulations).

Mae rheoliad 2 yn cynnwys diwygiad i Reoliadau Gwerthuso Athrawon (Cymru) 2002 OS 2002/1394 (Cy.137).

Regulation 2 contains an amendment to the School Teacher Appraisal (Wales) Regulations 2002 SI 2002/1394 (W.137).

Mae rheoliad 3 yn cynnwys diwygiad i reoliadau 50(1) a 51(1) o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005 OS 2005/2914 (Cy.211).

Regulation 3 contains an amendment to regulations 50(1) and 51(1) of the Government of Maintained Schools (Wales) Regulations 2005 SI 2005/2914 (W.211).

Mae rheoliad 4(2) yn mewnosod diffiniad o 'corff llywodraethu' yn Rheoliadau 2006.

Regulation 4(2) inserts a definition of governing body into the 2006 Regulations.

Mae rheoliad 4(3) yn mewnosod diffiniad o 'rheoliadau' yn Rheoliadau 2006.

Regulation 4(3) inserts a definition of regulations into the 2006 Regulations.

Mae rheoliad 4(4) yn datgan i ba categorïau o ysgolion y bydd rheoliadau 4 i 7 o Reoliadau 2006 yn gymwys.

Regulation 4(4) states to which categories of schools regulations 4 to 7 of the 2006 Regulations will apply.

Mae rheoliad 4(5) ac (11) yn cynnwys diwygiadau i Reoliadau 2006 sy'n ei gwneud yn ofynnol i wirio pwy yw person a gwirio'i hawl i weithio yn y Deyrnas Unedig. Mae hefyd yn ei gwneud yn ofynnol, yn ddarostyngedig i eithriadau, bod person a benodwyd yn athro neu'n athrawes neu'n aelod o'r staff cymorth, cyn iddo gael ei benodi neu cyn gynted ag y bo'n ymarferol ar ôl iddo gael ei benodi, yn destun gwiriad manwl y Swyddfa Cofnodion Troseddol ("SCT") a wneir o dan Ddeddf yr Heddlu 1997.

Regulations 4(5) and (11) contain amendments to the 2006 Regulations which require a check to be made of a person's identity and of their right to work in the United Kingdom. It also requires that, subject to exceptions, a person appointed to be a teacher or a member of the support staff must, prior to or as soon as practicable after, his or her appointment be subject to an enhanced Criminal Records Bureau ("CRB") check made under the Police Act 1997.

Mae rheoliadau 4(7)(8)(12)(14)(15)(16)(18)(19) a (20) yn cynnwys diwygiadau i groesgyfeiriadau yn Rheoliadau 2006.

Mae rheoliadau 4(9) a (13) yn cynnwys diwygiadau i Reoliadau 2006 sy'n rhwystro athro neu athrawes neu aelod o'r staff cymorth a gyflenwir gan asiantaeth rhag gweithio mewn ysgol hyd nes y bydd yr asiantaeth wedi cadarnhau bod gwiriadau wedi cael eu gwneud, ac mae'n ofynnol i ysgolion yn eu trefniadau gydag asiantaethau i'w gosod o dan rwymedigaeth i ddarparu'r wybodaeth hon.

Mae rheoliadau 4(10) a (17) yn cynnwys diwygiadau i Reoliadau 2006 sy'n ei gwneud yn ofynnol bod aelod staff sy'n symud o swydd nad oedd yn ei ddwyn yn rheolaidd i gyswllt â phlant neu bobl ifanc i swydd sydd yn gwneud hynny yn yr un ysgol yn destun gwiriad manwl y SCT cyn bod y person yn dechrau yn ei swydd newydd neu cyn gynted ag sy'n rhesymol ymarferol ar ôl hynny.

Regulations 4(7)(8)(12)(14)(15)(16)(18)(19) and (20) contain amendments to cross references in the 2006 Regulations.

Regulations 4(9) and (13) contain amendments to the 2006 Regulations which prevent a teacher or member of support staff supplied by an agency from working at a school until the agency have confirmed that checks have been carried out, and schools are required in their arrangements with agencies to place them under an obligation to provide this information.

Regulations 4(10) and (17) contain amendments to the 2006 regulations which requires a member of staff who moves from a post which did not bring him or her regularly into contact with children or young persons to one which does at the same school to be subject to an enhanced CRB check before he or she takes up their new post or as soon as reasonably practicable afterwards.

2007 Rhif 944 (Cy.80)**2007 No. 944 (W.80)****ADDYSG, CYMRU****EDUCATION, WALES****Rheoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007****The Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007***Wedi'u gwneud* 20 Mawrth 2007*Made* 20 March 2007*Yn dod i rym* 29 Mawrth 2007*Coming into force* 29 March 2007

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 72 a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) ac sydd bellach wedi'u breinio yng Nghynulliad Cenedlaethol Cymru a'r pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 19(3), 34(5), 35(4) a (5), 36(4) a (5), 210(7) a 214 o Ddeddf Addysg 2002(2):

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 72 and 138(7) of the School Standards and Framework Act 1998(1) and now vested in the National Assembly for Wales and the powers conferred on the National Assembly for Wales by sections 19(3), 34(5), 35(4) and (5), 36(4) and (5), 210(7) and 214 of the Education Act 2002(2):

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

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Staffio Ysgolion a Gynhelir (Diwygiadau Amrywiol) (Cymru) 2007 a deuant i rym ar 29 Mawrth 2007.

1.-(1) The title of these Regulations is the Staffing of Maintained Schools (Miscellaneous Amendments) (Wales) Regulations 2007 and they come into force on 29th March 2007.

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

(2) These Regulations apply in relation to Wales.

Diwygio Rheoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002**Amendment to the School Teacher Appraisal (Wales) Regulations 2002**

2. Yn rheoliad 17(2) o Reoliadau Gwerthuso Athrawon Ysgol (Cymru) 2002(3), yn lle "pharagraff 23 o Atodlen 16 a pharagraff 22 o Atodlen 17 i Ddeddf Safonau a Fframwaith Ysgolion 1998" rhodder "rheoliad 6 o Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006".

2. In regulation 17(2) of the School Teacher Appraisal (Wales) Regulations 2002(3), for "paragraph 23 of Schedule 16 and paragraph 22 of Schedule 17 to the School Standards and Framework Act 1998" there is substituted "regulation 6 of the Staffing of Maintained Schools (Wales) Regulations 2006".

(1) 1998 p.31. *Gweler* Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672).

(1) 1998 c.31. *See* the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672).

(2) 2002 p.32. *Gweler* adran 212 i gael y diffiniad o "regulations". Yn rhinwedd y diffiniad hwnnw mae'r rheoliadau hyn sy'n cael eu gwneud gan Gynulliad Cenedlaethol Cymru yn gymwys i Gymru yn unig.

(2) 2002 c.32. *See* section 212 for the definition of "regulations". By virtue of that definition these regulations made by the National Assembly for Wales apply only to Wales.

(3) O.S. 2002/1394 (Cy.137).

(3) S.I. 2002/1394 (W.137).

Diwygio Rheoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005

3.-(1) Yn rheoliad 50(1) o Reoliadau Llywodraethu Ysgolion a Gynhelir (Cymru) 2005(1), hepgorer y geiriau "a rheoliadau 12 a 21 o Reoliadau Staffio Ysgolion (Cymru) 2005".

(2) Yn rheoliad 51(1) yn lle "10 a 24" rhodder "10(9) i (20), 24(8) i (19) a 34".

Diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006

4.-(1) Diwygier Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(2) yn unol â'r rheoliad hwn.

(2) Yn rheoliad 3(1) mewnosoder y diffiniad canlynol yn y lle priodol yn ôl trefn yr wyddor-

"mae i'r term "busnes cyflogaeth" yr ystyr a roddir i "*employment business*" gan adran 13(3) o Ddeddf Asiantaethau Cyflogaeth 1973 ac mae'n cynnwys awdurdod lleol a pherson sy'n cynnal busnes cyflogaeth;

ystyr "corff llywodraethu" ("*governing body*") yw corff llywodraethu ysgol a gynhelir y mae'r rheoliad sy'n cynnwys yr ymadrodd hwnnw'n gymwys iddi;

mae i'r term "datganiad o addasrwydd plant" yr ystyr a roddir i "*children's suitability statement*" gan adran 113C(2) o Ddeddf yr Heddlu 1997."

(3) Ar ôl paragraff (4) yn rheoliad 3 mewnosoder -

"(5) Yn y Rheoliadau hyn mae unrhyw gyfeiriad at -

- (a) rheoliad â rhif yn gyfeiriad at y rheoliad sy'n dwyn y rhif hwnnw yn y Rheoliadau hyn;
- (b) paragraff â rhif yn gyfeiriad at y paragraff sy'n dwyn y rhif hwnnw yn y rheoliad yr ymddengys y cyfeiriad ynddo.

(6) Mae rheoliadau 4 i 7 yn gymwys i -

- (a) ysgolion cymunedol;
- (b) ysgolion gwirfoddol a reolir;
- (c) ysgolion gwirfoddol a gynorthwyr;
- (ch) ysgolion sefydledig;
- (d) ysgolion arbennig cymunedol;
- (dd) ysgolion arbennig sefydledig; a
- (e) ysgolion meithrin a gynhelir.

Amendments to the Government of Maintained Schools (Wales) Regulations 2005

3.-(1) In regulation 50(1) of the Government of Maintained Schools (Wales) Regulations 2005 (1), omit the words "and regulations 12 and 21 of the School Staffing (Wales) Regulations 2005".

(2) In regulation 51(1) for "10 and 24" there is to be substituted "10(9) to (20), 24(8) to (19) and 34".

Amendments to the Staffing of Maintained Schools (Wales) Regulations 2006

4.-(1) The Staffing of Maintained Schools (Wales) Regulations 2006(2) are amended in accordance with this regulation.

(2) In regulation 3(1) insert the following definition at the appropriate place in alphabetical order-

"governing body" ("*corff llywodraethu*") means the governing body of a maintained school to which the regulation including that expression applies;

"children's suitability statement" ("*datganiad o addasrwydd plant*") has the meaning given by section 113C(2) of the Police Act 1997;

"employment business" ("*busnes cyflogaeth*") has the meaning given by section 13(3) of the Employment Agencies Act 1973 and includes a local authority and a person carrying on an employment business."

(3) After paragraph (4) in regulation 3 there is inserted -

"(5) Any reference in these Regulations to -

- (a) a numbered regulation is a reference to the regulation bearing that number in these Regulations;
- (b) a numbered paragraph is a reference to the paragraph bearing that number in the regulation in which the reference appears.

(6) Regulations 4 to 7 apply to -

- (a) community schools;
- (b) voluntary controlled schools;
- (c) voluntary aided schools;
- (d) foundation schools;
- (e) community special schools;
- (f) foundation special schools; and
- (g) maintained nursery schools.

(1) O.S 2005/2914 (Cy.211).

(2) O.S. 2006/873 (Cy. 81).

(1) S.I 2005/2914 (W.211).

(2) S.I. 2006/873 (W. 81).

(7) At ddibenion y rheoliadau hyn mae person yn gwneud cais am dystysgrif fanwl o gofnod troseddol os bydd y person yn cydlofnodi cais am y dystysgrif fel person cofrestredig (o fewn ystyr adran 120 o Ddeddf yr Heddlu 1997) neu os cydlofnodir cais ar ei ran, a bod y cais yn cael ei gyflwyno i'r Ysgrifennydd Gwladol yn unol â Rhan V o'r Ddeddf honno."

(4) Yn rheoliad 4(1), yn lle "Mewn unrhyw ysgol mae'n rhaid cyflogi, neu gymryd ymlaen heblaw o dan gontractau cyflogaeth, staff sy'n addas" rhodder "Rhaid i gorff llywodraethu ac awdurdod addysg lleol arfer eu swyddogaethau perthnasol o dan y Rheoliadau hyn ac o dan unrhyw ddeddfiad arall er mwyn sicrhau bod staff yn cael eu cyflogi, neu eu cymryd ymlaen o dan gontractau cyflogaeth, sy'n addas".

(5) Ar ôl rheoliad 9 mewnosoder y canlynol-

"Gwirio cofnod troseddol ar aelodau staff

9A.-(1) Rhaid i'r awdurdod wirio pwy yw unrhyw berson a benodir o dan reoliadau 10, 12 neu 15 a rhaid i'r awdurdod wirio'i hawl i weithio yn y Deyrnas Unedig.

(2) Rhaid i'r awdurdod gael tystysgrif fanwl o gofnod troseddol a ddyroddwyd yn unol â Rhan V o Ddeddf yr Heddlu 1997 ynglŷn â phob person o'r fath cyn ei benodi neu cyn gynted ag y bo'n ymarferol ar ôl ei benodi, a rhaid anfon datganiad o addasrwydd plant gyda chais am dystysgrif o'r fath.

(3) Yn achos unrhyw berson o'r fath, am ei fod wedi byw y tu allan i'r Deyrnas Unedig, nad yw cael tystysgrif o'r fath ar ei gyfer yn ddigonol i gadarnhau ei addasrwydd i weithio mewn ysgol, rhaid i'r awdurdod wneud gwiriadau pellach y mae o'r farn eu bod yn briodol, gan roi sylw i unrhyw ganllawiau a ddyroddwyd gan Gynulliad Cenedlaethol Cymru.

(4) Rhaid cwblhau'r gwiriadau y cyfeirir atynt yn mharagraffau (1) a (3) cyn penodi person.

(5) Nid yw paragraffau (2) a (3) yn gymwys i berson sydd wedi gweithio-

- (a) mewn ysgol yng Nghymru mewn swydd a ddaeth ag ef i gyswllt rheolaidd â phlant neu bobl ifanc, neu
- (b) mewn sefydliad yn y sector addysg bellach yng Nghymru yr oedd ei swydd yn golygu darparu addysg a oedd yn dod ag ef yn rheolaidd i gyswllt â phlant neu bobl ifanc,

yn ystod cyfnod a ddaeth i ben heb fod yn fwy na thri mis cyn ei benodiad."

(6) Ar ôl rheoliad 9A mewnosoder y canlynol-

(7) For the purposes of these regulations a person applies for an enhanced criminal record certificate if he or she countersigns an application for the certificate as a registered person (within the meaning of section 120 of the Police Act 1997) or if an application is countersigned on his or her behalf, and the application is submitted to the Secretary of State in accordance with Part V of that Act."

(4) In regulation 4(1), for "At any school there must be" there is substituted "A governing body and a local education authority must exercise their respective functions under these Regulations and any other enactment with a view to ensuring that there is".

(5) After regulation 9 insert the following -

"Criminal record check for members of staff

9A.-(1) The identity of any person appointed under regulations 10, 12 or 15 must be checked by the authority and a check must be made by the authority of his or her right to work in the United Kingdom.

(2) An enhanced criminal record certificate issued pursuant to Part V of the Police Act 1997 must be obtained by the authority in respect of any such person before or as soon as practicable after his or her appointment, and the application for such a certificate must be accompanied by a children's suitability statement.

(3) In the case of any such person for whom, by reason of his or her having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish his or her suitability to work in a school, such further checks as the authority considers appropriate, having regard to any guidance issued by the National Assembly for Wales, must be made by the authority.

(4) The checks referred to in paragraphs (1) and (3) must be completed before a person's appointment.

(5) Paragraphs (2) and (3) do not apply to a person who has worked in -

- (a) a school in Wales in a post which brought him or her regularly into contact with children or young persons, or
- (b) an institution within the further education sector in Wales in which his or her post involved the provision of education which brought him or her regularly into contact with children or young persons,

during a period which ended not more than three months before his or her appointment."

(6) After regulation 9A insert the following -

"Gwirio cofnod troseddol aelodau staff a benodwyd gan yr awdurdod -

9B. Mae rheoliad 9A hefyd yn gymwys o ran unrhyw berson a benodir gan yr awdurdod er mwyn gweithio mewn ysgol y mae'r Rhan hon neu Ran 3 yn gymwys iddi."

(7) Yn rheoliadau 12(1) a 12(2) yn lle "(3) i (7)" rhodder "(6) to (14)".

(8) Yn rheoliad 12(6) yn lle "paragraffau (7) i (16)" rhodder "paragraffau (7) i (14)".

(9) Ar ôl rheoliad 14 mewnosoder y canlynol-

"Staff cyflenwi

15A.-(1) Ni chaiff unrhyw berson sy'n cael ei gyflenwi gan fusnes cyflogaeth i ysgol ddechrau gweithio fel athro neu athrawes neu aelod o staff cymorth yn yr ysgol oni fydd yr awdurdod neu (yn ôl y digwydd) y corff llywodraethu wedi cael-

(a) hysbysiad ysgrifenedig oddi wrth y busnes cyflogaeth ynghlŷn â'r person hwnnw-

(i) bod y gwiriadau y cyfeirir atynt ym mharagraff (6) wedi cael eu gwneud;

(ii) bod cais am dystysgrif fanwl o gofnod troseddol ynghyd â datganiad o addasrwydd plant wedi cael ei wneud, neu fod dystysgrif o'r fath wedi dod i law mewn ymateb i gais a wnaed gan y busnes cyflogaeth hwnnw neu gan fusnes cyflogaeth arall; a

(iii) p'un a oedd yn datgelu, os cafodd y busnes cyflogaeth dystysgrif o'r fath cyn bod y person i ddechrau gweithio yn yr ysgol, unrhyw fater neu wybodaeth, neu a roddwyd unrhyw wybodaeth i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997; a

(b) os cafodd y busnes cyflogaeth dystysgrif fanwl o gofnod troseddol cyn bod y person i ddechrau gweithio yn yr ysgol, a bod honno'n datgelu unrhyw fater neu wybodaeth, neu os rhoddwyd unrhyw wybodaeth i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997, copi o'r dystysgrif.

(2) Ac eithrio yn achos person y mae paragraff (3) yn gymwys iddo rhaid bod y dystysgrif y cyfeirir ati ym mharagraff (1)(a)(ii) wedi dod i law ddim llai na thri mis cyn y dyddiad y mae'r person i ddechrau gweithio yn yr ysgol.

(3) Mae'r paragraff hwn yn gymwys i berson sydd wedi gweithio-

(a) mewn ysgol yng Nghymru mewn swydd a ddaeth ag ef i gyswllt rheolaidd â phlant

"Criminal record check for members of staff appointed by the authority -

9B. Regulation 9A also applies in relation to any person appointed by the authority for the purpose of working at a school to which this Part or Part 3 applies."

(7) In regulations 12(1) and 12(2) for "(3) to (7)" there is substituted "(6) to (14)".

(8) In regulation 12(6) for "paragraphs (7) to (16)" there is substituted "paragraphs (7) to (14)".

(9) After regulation 14 insert the following -

"Supply staff

15A.-(1) No person supplied by an employment business to a school may begin work as a teacher or member of support staff at the school unless the authority or (as the case may be) the governing body have received -

(a) written notification from the employment business in relation to that person -

(i) that the checks referred to in paragraph (6) have been made;

(ii) that an application for an enhanced criminal record certificate accompanied by a children's suitability statement has been made, or such a certificate has been obtained in response to an application made by that or another employment business; and

(iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the school, it disclosed any matter or information, or any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997; and

(b) where the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the school, and it discloses any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of the Police Act 1997, a copy of the certificate.

(2) Except in the case of a person to whom paragraph (3) applies the certificate referred to in paragraph (1)(a)(ii) must have been obtained not less than three months before the date on which the person is due to begin work at the school.

(3) This paragraph applies to a person who has worked in -

(a) a school in Wales in a post which brought him or her regularly into contact

neu bobl ifanc, neu

- (b) mewn sefydliad yn y sector addysg bellach yng Nghymru yr oedd ei swydd yn golygu darparu addysg a oedd yn dod ag ef yn rheolaidd i gyswllt â phlant neu bobl ifanc,

yn ystod cyfnod a ddaeth i ben heb fod yn fwy na thri mis cyn y dyddiad y mae i ddechrau gweithio yn yr ysgol.

(4) Cyn y caiff person a gynigir ar gyfer gwaith cyflenwi gan fusnes cyflogaeth ddechrau gweithio yn yr ysgol rhaid i'r corff llywodraethu yn yr ysgol wirio pwy ydyw (p'un a wnaed gwiriad o'r fath gan y busnes cyflogaeth cyn cynnig y person am waith cyflenwi ai peidio).

(5) Rhaid i'r awdurdod neu (yn ôl y digwydd) y corff llywodraethu yn y contract neu mewn unrhyw drefniadau eraill y mae'n ei wneud neu eu gwneud gydag unrhyw fusnes cyflogaeth ei gwneud yn ofynnol iddo, o ran unrhyw berson y mae'r busnes cyflogaeth yn ei gyflenwi ar gyfer yr ysgol-

- (a) darparu'r hysbysrwydd y cyfeirir ato ym mharagraff (1), a
- (b) os bydd unrhyw dystysgrif fanwl o gofnod troseddol y bydd y busnes cyflogaeth yn ei chael yn cynnwys unrhyw fater neu wybodaeth, neu os cafodd unrhyw wybodaeth ei rhoi i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997, ddarparu copi o'r dystysgrif.

(6) At ddibenion paragraff (1)(a)(i) ystyr "gwiriadau" yw-

- (a) gwirio pwy yw rhywun;
- (b) gwiriad i gadarnhau os yw person yn destun cyfarwyddyd a wnaed o dan adran 142 o Ddeddf Addysg 2002 neu unrhyw waharddiad, cyfyngiad neu orchymyn sy'n cael effaith fel cyfarwyddyd o'r fath;
- (c) gwiriad i gadarnhau a yw'n bodloni'r gofynion ynglyn â gofynion cymhwyster unrhyw staff;
- (ch) gwiriad yn unol â rheoliad 9A(3);
- (d) bod tystysgrif fanwl o gofnod troseddol yn ei gylch wedi dod i law; a
- (dd) gwiriad o'i hawl i weithio yn y Deyrnas Unedig."

(10) Ar ôl rheoliad 18 mewnosoder y canlynol-

"Gwiriadau wrth newid swydd

18A. Pan fydd aelod o staff ysgol yn symud o swydd nad oedd yn ei ddwyn i gyswllt yn rheolaidd â phlant neu bobl ifanc i swydd sydd yn gwneud hynny, rhaid i'r awdurdod gael tystysgrif fanwl o gofnod troseddol ynglyn ag ef cyn iddo symud i'w swydd newydd neu cyn gynted ag y bo'n

with children or young persons, or

- (b) an institution within the further education sector in Wales in which his or her post involved the provision of education which brought him or her regularly into contact with children or young persons,

during a period which ended not more than three months before the date on which he or she is due to begin work at the school.

(4) Before a person offered for supply by an employment business may begin work at the school his or her identity must be checked by the governing body at the school (irrespective of any such check carried out by the employment business before the person was offered for supply).

(5) The authority or (as the case may be) the governing body must in the contract or other arrangements which they make with any employment business require it, in respect of any person whom the employment business supplies to the school -

- (a) to provide the notification referred to in paragraph (1), and
- (b) if any enhanced criminal record certificate which the employment business obtains contains any matter or information, or if any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997, to provide a copy of the certificate.

(6) For the purposes of paragraph (1)(a)(i) "checks" means -

- (a) a check of his or her identity;
- (b) a check to establish whether he or she is subject to any direction made under section 142 of the Education Act 2002 or any prohibition, restriction or order having effect as such a direction;
- (c) a check to establish whether he or she meets the requirements with respect to any staff qualification requirements;
- (d) a check pursuant to regulation 9A(3);
- (e) an enhanced criminal record certificate was obtained in respect of him or her; and
- (f) a check of his or her right to work in the United Kingdom."

(10) After regulation 18 insert the following -

"Checks on change of post

18A. Where a member of the school staff moves from a post which did not bring him or her regularly into contact with children or young persons to a post which does, an enhanced criminal record certificate must be obtained by the authority in respect of him or her before or as soon as

ymarferol ar ôl hynny, a rhaid anfon datganiad o addasrwydd plant gyda chais am dystysgrif o'r fath."

(11) Ar ôl rheoliad 20 mewnosoder y canlynol-

"Gwiriadau cofnod troseddol ar gyfer aelodau staff

20A.-(1) Rhaid i'r corff llywodraethu wirio pwy yw unrhyw berson a benodir o dan reoliadau 24, 26 a 27 a rhaid i'r corff llywodraethu wirio'i hawl i weithio yn y Deyrnas Unedig.

(2) Rhaid i'r corff llywodraethu gael tystysgrif fanwl o gofnod troseddol a ddyroddwyd yn unol â Rhan V o Ddeddf yr Heddlu 1997 ynglŷn â phob person o'r fath cyn ei benodi neu cyn gynted ag y bo'n ymarferol ar ôl ei benodi, a rhaid anfon datganiad o addasrwydd plant gyda chais am dystysgrif o'r fath.

(3) Yn achos unrhyw berson o'r fath, am ei fod wedi byw y tu allan i'r Deyrnas Unedig, nad yw cael tystysgrif o'r fath ar ei gyfer yn ddigonol i gadarnhau ei addasrwydd i weithio mewn ysgol, rhaid i'r corff llywodraethu wneud gwiriadau pellach y mae o'r farn eu bod yn briodol, gan roi sylw i unrhyw ganllawiau a ddyroddwyd gan Gynulliad Cenedlaethol Cymru.

(4) Rhaid cwblhau'r gwiriadau y cyfeirir atynt ym mharagraffau (1) a (3) cyn penodi person.

(5) Nid yw paragraffau (2) a (3) yn gymwys i berson sydd wedi gweithio-

(a) mewn ysgol yng Nghymru mewn swydd a ddaeth ag ef i gyswllt rheolaidd â phlant neu bobl ifanc, neu

(b) mewn sefydliad yn y sector addysg bellach yng Nghymru yr oedd ei swydd yn golygu darparu addysg a oedd yn dod ag ef yn rheolaidd i gyswllt â phlant neu bobl ifanc,

yn ystod cyfnod a ddaeth i ben heb fod yn fwy na thri mis cyn ei benodiad."

(12) Yn rheoliad 21(1)(a) yn lle "24 neu 26(12) i (16)" rhodder "24 i 25 neu 33 a 34".

(13) Ar ôl rheoliad 24 mewnosoder y canlynol-

"Staff cyflenwi

24A.-(1) Ni chaiff unrhyw berson sy'n cael ei gyflenwi gan fusnes cyflogaeth i ysgol ddechrau gweithio fel athro neu athrawes neu aelod o staff cymorth yn yr ysgol oni fydd y corff llywodraethu wedi cael-

(a) hysbysiad ysgrifenedig oddi wrth y busnes cyflogaeth ynglŷn â'r person hwnnw-

practicable after he or she moves to his or her new post, and the application for such a certificate must be accompanied by a children's suitability certificate."

(11) After regulation 20 insert the following -

"Criminal record checks for members of staff

20A.-(1) The identity of any person appointed under regulations 24, 26 and 27 must be checked by the governing body and a check must be made by the governing body of his or her right to work in the United Kingdom.

(2) An enhanced criminal record certificate issued pursuant to Part V of the Police Act 1997 must be obtained by the governing body in respect of any such person before or as soon as practicable after his or her appointment, and the application for such a certificate must be accompanied by a children's suitability statement.

(3) In the case of any such person for whom, by reason of his or her having lived outside the United Kingdom, obtaining such a certificate is not sufficient to establish his or her suitability to work in a school, such further checks as the governing body consider appropriate, having regard to any guidance issued by the National Assembly for Wales, must be made by the governing body.

(4) The checks referred to in paragraphs (1) and (3) must be completed prior to a person's appointment.

(5) Paragraphs (2) and (3) do not apply to a person who has worked in -

(a) a school in Wales in a post which brought him or her regularly into contact with children or young persons, or

(b) an institution within the further education sector in Wales in which his or her post involved the provision of education which brought him or her regularly into contact with children or young persons,

during a period which ended not more than three months before his or her appointment."

(12) In regulation 21(1)(a) for "24 or 26(12) to (16)" there is substituted "24 to 25 or 33 and 34".

(13) After regulation 24 insert the following -

"Supply staff

24A.-(1) No person supplied by an employment business to a school may begin work as a teacher or member of support staff at the school unless the governing body have received -

(a) written notification from the employment business in relation to that person -

- (i) bod y gwiriadau y cyfeirir atynt ym mharagraff 15A(6) wedi cael eu gwneud;
 - (ii) bod cais am dystysgrif fanwl o gofnod troseddol ynghyd â datganiad o addasrwydd plant wedi cael ei wneud, neu fod dystysgrif o'r fath wedi dod i law mewn ymateb i gais a wnaed gan y busnes cyflogaeth hwnnw neu gan fusnes cyflogaeth arall; a
 - (iii) p'un a oedd yn datgelu, os cafodd y busnes cyflogaeth dystysgrif o'r fath cyn bod y person i ddechrau gweithio yn yr ysgol, unrhyw fater neu wybodaeth, neu a roddwyd unrhyw wybodaeth i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997; a
- (b) os cafodd y busnes cyflogaeth dystysgrif fanwl o gofnod troseddol cyn bod y person i ddechrau gweithio yn yr ysgol, a bod honno'n datgelu unrhyw fater neu wybodaeth, neu os rhoddwyd unrhyw wybodaeth i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997, copi o'r dystysgrif.

(2) Ac eithrio yn achos person y mae paragraff (3) yn gymwys iddo rhaid bod y dystysgrif y cyfeirir ati ym mharagraff (1)(a)(ii) wedi dod i law ddim llai na thri mis cyn y dyddiad y mae'r person i ddechrau gweithio yn yr ysgol.

(3) Mae'r paragraff hwn yn gymwys i berson sydd wedi gweithio-

- (a) mewn ysgol yng Nghymru mewn swydd a ddaeth ag ef i gyswllt rheolaidd â phlant neu bobl ifanc, neu
- (b) mewn sefydliad yn y sector addysg bellach yng Nghymru yr oedd ei swydd yn golygu darparu addysg a oedd yn dod ag ef yn rheolaidd i gyswllt â phlant neu bobl ifanc,

yn ystod cyfnod a ddaeth i ben heb fod yn fwy na thri mis cyn y dyddiad y mae i ddechrau gweithio yn yr ysgol.

(4) Cyn y caiff person a gynigir ar gyfer gwaith cyflenwi gan fusnes cyflogaeth ddechrau gweithio yn yr ysgol rhaid i'r corff llywodraethu yn yr ysgol wirio pwy ydyw (p'un a wnaed gwiriad o'r fath gan y busnes cyflogaeth cyn cynnig y person am waith cyflenwi ai peidio).

(5) Rhaid i'r corff llywodraethu yn y contract neu mewn unrhyw drefniadau eraill y mae'n ei wneud neu eu gwneud gydag unrhyw fusnes cyflogaeth ei gwneud yn ofynnol iddo, o ran unrhyw berson y mae'r busnes cyflogaeth yn ei gyflenwi ar gyfer yr ysgol-

- (i) that the checks referred to in regulation 15A(6) have been made;
 - (ii) that an application for an enhanced criminal record certificate accompanied by a children's suitability statement has been made, or such a certificate has been obtained in response to an application by that or another employment business; and
 - (iii) whether, if the employment business has obtained such a certificate before the person is due to begin work at the school, it disclosed any matter or information, or any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997; and
- (b) where the employment business has obtained an enhanced criminal record certificate before the person is due to begin work at the school, and it discloses any matter or information, or any information was provided to the employment business in accordance with section 113B(6) of the Police Act 1997, a copy of the certificate.

(2) Except in the case of a person to whom paragraph (3) applies the certificate referred to in paragraph (1)(a)(ii) must have been obtained not less than three months before the date on which the person is due to begin work at the school.

(3) This paragraph applies to a person who has worked in -

- (a) a school in Wales in a post which brought him or her regularly into contact with children or young persons, or
- (b) an institution within the further education sector in Wales in which his or her post involved the provision of education which brought him or her regularly into contact with children or young persons,

during a period which ended not more than three months before the date on which he or she is due to begin work at the school.

(4) Before a person offered for supply by an employment business may begin work at the school his or her identity must be checked by the governing body at the school (irrespective of any such check carried out by the employment business before the person was offered for supply).

(5) The governing body must in the contract or other arrangements which they make with any employment business require it, in respect of any person whom the employment business supplies to the school -

- (a) darparu'r hysbysrwydd y cyfeirir ato ym mharagraff (1), a
- (b) os bydd unrhyw dystysgrif fanwl o gofnod troseddol y bydd y busnes cyflogaeth yn ei chael yn cynnwys unrhyw fater neu wybodaeth, neu os cafodd unrhyw wybodaeth ei rhoi i'r busnes cyflogaeth yn unol ag adran 113B(6) o Ddeddf yr Heddlu 1997, ddarparu copi o'r dystysgrif.

(14) Yn rheoliad 26(1) a 26(2) yn lle "(16)" rhodder "(14)".

(15) Yn rheoliad 26(7) yn lle "paragraffau (8) i (16)" rhodder "paragraffau (8) i (14)".

(16) Yn rheoliad 26(14) yn lle "y paragraff hwn" rhodder "paragraff (12)".

(17) Ar ôl rheoliad 26 mewnosoder y canlynol-

"Gwiriadau wrth newid swydd

26A. Pan fydd aelod o staff ysgol yn symud o swydd nad oedd yn ei ddwyn i gyswllt yn rheolaidd â phlant neu bobl ifanc i swydd sydd yn gwneud hynny, rhaid i'r corff llywodraethu gael dystysgrif fanwl o gofnod troseddol ynglyn ag ef cyn iddo symud i'w swydd newydd neu cyn gynted ag y bo'n ymarferol ar ôl hynny, a rhaid anfon datganiad o addasrwydd plant gyda chais am dystysgrif o'r fath."

(18) Yn rheoliad 33 -

- (a) yn lle paragraff (2) rhodder y paragraff canlynol-

"(2) Yn ddarostyngedig i baragraff (6), mae paragraffau (3) i (5) yn effeithiol o ran llenwi swydd wag pan fo honno'n swydd pennaeth yr ysgol, yn hytrach na rheoliad 24(7) i (18).";

- (b) ym mharagraff (6) yn lle "(12)" rhodder "(18)".

(19) Yn rheoliad 34(1) -

- (a) yn lle "(6)" rhodder "(5)";
- (b) yn lle "(12)" rhodder "(18)".

(20) Yn rheoliad 34(2)(b) yn lle "(9)" rhodder "(15)".

- (a) to provide the notification referred to in paragraph (1), and

- (b) if any enhanced criminal record certificate which the employment business obtains contains any matter or information, or if any information was supplied to the employment business in accordance with section 113B(6) of the Police Act 1997, to provide a copy of the certificate."

(14) In regulation 26(1) and 26(2) for "(16)" there is substituted "(14)".

(15) In regulation 26(7) for "paragraphs (8) to (16)" there is substituted "paragraphs (8) to (14)".

(16) In regulation 26(14) for "this paragraph" there is substituted "paragraph (12)".

(17) After regulation 26 insert the following -

"Checks on change of post

26A. Where a member of the school staff moves from a post which did not bring him or her regularly into contact with children or young persons to a post which does, an enhanced criminal record certificate must be obtained by the governing body in respect of him or her before or as soon as practicable after he moves to his or her new post, and the application for such a certificate must be accompanied by a children's suitability certificate."

(18) In regulation 33 -

- (a) for paragraph (2) there is to be substituted the following paragraph -

"(2) Subject to paragraph (6), paragraphs (3) to (5) have effect in relation to the filling of a vacancy in the post of head teacher of the school, in place of regulation 24(7) to (18).";

- (b) in paragraph (6) for "(12)" there is to be substituted "(18)".

(19) In regulation 34(1) -

- (a) for "(6)" there is to be substituted "(5)";
- (b) for "(12)" there is to be substituted "(18)".

(20) In regulation 34(2)(b) for "(9)" there is to be substituted "(15)".

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).

20 Mawrth 2007

20 March 2007

D. Elis-Thomas

Llywydd y Cynulliad Cenedlaethol

The Presiding Officer of the National Assembly

OFFERYNNAU STATUDOL

2007 Rhif 944 (Cy.80)

ADDYSG, CYMRU

Rheoliadau Staffio Ysgolion a
Gynhelir (Diwygiadau Amrywiol)
(Cymru) 2007

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(Miscellaneous Amendments)
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