



OFFERYNNAU STATUDOL
CYMRU

WELSH STATUTORY
INSTRUMENTS

2009 Rhif 2708 (Cy.226)

2009 No. 2708 (W.226)

ADDYSG CYMRU

EDUCATION WALES

Rheoliadau Staffio Ysgolion a
Gynhelir (Cymru) (Diwygio)
2009

The Staffing of Maintained Schools
(Wales) (Amendment) Regulations
2009

NODYN ESBONIADOL

EXPLANATORY NOTE

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

(This note is not part of the Regulations)

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006 drwy gydgrynhoi'r darpariaethau sydd eisoes yn bodoli a thrwy osod dyletswyddau newydd ar gyrff llywodraethu.

These Regulations make amendments to the Staffing of Maintained Schools (Wales) Regulations 2006 by consolidating existing provisions and imposing new duties on governing bodies.

Dirymir rheoliad 5 o Reoliadau Addysg (Adolygu Strwythur Staffio) (Cymru) 2005 a'i ailddatgan yn rheoliad 5A o rheoliadau 2006 gyda rhai diwygiadau. Gwelwyd Rheoliadau 2005 fel mesurau trosiannol a ddaeth i ben ar 31 Rhagfyr 2008 ac eithrio rheoliad 5. Yr oedd rheoliad 5 yn darparu bod yn rhaid i gorff llywodraethu wrth iddo reoli pennaeth roi sylw i'r dymunoldeb bod y pennaeth yn gallu cael cydbwysedd boddhaol rhwng gwaith a bywyd. Mae'r rheoliad 5A newydd yn sicrhau bod y ddyletswydd hon yn parhau.

Regulation 5 of the Education (Review of Staffing Structure) (Wales) Regulations 2005 is revoked and restated in regulation 5A of the 2006 regulations with some amendments. The 2005 Regulations were seen as transitory measures which came to an end on 31 December 2008 with the exception of regulation 5. Regulation 5 provided that in managing the head teacher the governing body must have regard to the desirability of the head teacher being able to achieve a satisfactory work/life balance. The new regulation 5A ensures that this duty continues.

Mae rheoliad 5A hefyd yn cynnwys dyletswydd newydd bod cyrff llywodraethu'n sicrhau bod penaethiaid yn cydymffurfio â'r dyletswyddau a osodir arnynt drwy orchmynion a wneir gan yr Ysgrifennydd Gwladol o dan adran 122 o Ddeddf Addysg 2002. Gwelir y dyletswyddau hyn yn Nogfen Cyflog ac Amodau Athrawon Ysgol.

Regulation 5A also includes a new duty on governing bodies to ensure that head teachers comply with duties imposed on them by orders made by the Secretary of State under section 122 of the Education Act 2002. These duties are to be seen in the School Teachers Pay and Conditions Document.

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ADDYSG CYMRU

**Rheoliadau Staffio Ysgolion a
Gynhelir (Cymru) (Diwygio)
2009**

<i>Gwnaed</i>	<i>5 Hydref 2009</i>
<i>Gosodwyd gerbron Cynulliad Cenedlaethol Cymru</i>	<i>7 Hydref 2009</i>
<i>Yn dod i rym</i>	<i>2 Tachwedd 2009</i>

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 72 a 138(7) o Ddeddf Safonau a Fframwaith Ysgolion 1998(1) a'r pwerau a roddwyd i Gynulliad Cenedlaethol Cymru gan adrannau 19(3), 21(3), 34(5), 35(4) a (5), 36(4) a (5) a 210(7) o Ddeddf Addysg 2002(2), ac sydd bellach wedi'u breinio ynddynt, yn gwneud y Rheoliadau canlynol:

Enwi, cychwyn a chymhwyso

1.–(1) Enw'r Rheoliadau hyn yw Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) (Diwygio) 2009 a deuant i rym ar 2 Tachwedd 2009.

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

Dirymu

2. Dirymir rheoliad 5 o Reoliadau Addysg (Adolygu Strwythur Staffio) (Cymru) 2005(3).

(1) 1998 p. 31. Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 72, i'r graddau yr oeddent yn arferadwy o ran Cymru, i Gynulliad Cenedlaethol Cymru yn rhinwedd Gorchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p.32).

(2) 2002 p.32. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(3) O.S. 2005/1910 (Cy.153).

2009 No. 2708 (W.226)

EDUCATION, WALES

**The Staffing of Maintained Schools
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2009**

<i>Made</i>	<i>5 October 2009</i>
<i>Laid before the National Assembly for Wales</i>	<i>7 October 2009</i>
<i>Coming into force</i>	<i>2 November 2009</i>

The Welsh Ministers, 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 the powers conferred on the National Assembly for Wales by sections 19(3), 21(3), 34(5), 35(4) and (5), 36(4) and (5) and 210(7) of the Education Act 2002(2), and now vested in them, make the following Regulations:

Title, commencement and application

1.–(1) The title of these Regulations is the Staffing of Maintained Schools (Wales) (Amendment) Regulations 2009 and they come into force on 2 November 2009.

(2) These Regulations apply in relation to Wales.

Revocations

2. Regulation 5 of the Education (Review of Staffing Structure) (Wales) Regulations 2005(3) is revoked.

(1) 1998 c. 31. Functions of the Secretary of State under section 72, so far as exercisable in relation to Wales, were transferred to the National Assembly for Wales by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c.32).

(2) 2002 c.32. The functions of the National Assembly for Wales were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

(3) S.I. 2005/1910 (W.153).

Dehongli

3. Yn y Rheoliadau hyn—

ystyr "Deddf 2002" ("*2002 Act*") yw Deddf Addysg 2002.

Diwygio Rheoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006

4. Ar ôl rheoliad 5 o Reoliadau Staffio Ysgolion a Gynhelir (Cymru) 2006(1) mewnoder y testun canlynol:

"Dyletswyddau a hawlogaethau pennaeth

5A.—(1) Rhaid i'r corff llywodraethu sicrhau bod y pennaeth yn yr ysgol—

- (a) yn cydymffurfio â'r dyletswyddau a osodir ar y pennaeth; a
- (b) yn elwa ar unrhyw hawlogaeth a roddir i'r pennaeth

drwy unrhyw orchymyn o dan adran 122 o Ddeddf 2002 (cyflog ac amodau athrawon)(2).

(2) Wrth iddo gyflawni ei ddyletswydd o dan baragraff (1)(a), rhaid i'r corff llywodraethu roi sylw i'r dymunoldeb bod y pennaeth yn gallu cael cydbwysedd boddhaol rhwng yr amser y mae ei angen arno i gyflawni ei ddyletswyddau proffesiynol a'r amser y mae ei angen arno i ddilyn ei ddiddordebau personol y tu allan i'r gwaith."

Interpretation

3. In these Regulations—

"2002 Act" ("*Deddf 2002*") means the Education Act 2002.

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

4. After regulation 5 of the Staffing of Maintained Schools (Wales) Regulations 2006(1) insert the following text:

"Head teacher's duties and entitlements

5A.—(1) The governing body must ensure that the head teacher at the school –

- (a) complies with the duties imposed upon the head teacher; and
- (b) benefits from any entitlement conferred upon the head teacher

by any order under section 122 of the 2002 Act (teachers' pay and conditions)(2).

(2) In discharging its duty under paragraph (1)(a), the governing body must have regard to the desirability of the head teacher being able to achieve a satisfactory balance between the time spent discharging the professional duties of a head teacher and the time spent by the head teacher pursuing personal interests outside work."

Jane Hutt

Y Gweinidog dros Blant, Addysg, Dysgu Gydol Oes a Sgiliau, un o Weinidogion Cymru

Minister for Children, Education, Lifelong Learning and Skills, one of the Welsh Ministers

5 Hydref 2009

5 October 2009

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

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

(2) Caniateir i orchymyn o dan adran 122 gael ei wneud gan yr Ysgrifennydd Gwladol.

(2) An order under section 122 may be made by the Secretary of State.

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