OFFERYNNAU STATUDOL CYMRU

# 2009 Rhif 572 (Cy.54)

# ADDYSG, CYMRU

## Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2009

### NODYN ESBONIADOL

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

Mae adran 32 o Ddeddf Addysg 2002, fel y'i diwygiwyd gan Fesur Teithio gan Ddysgwyr (Cymru) 2008, yn gosod pwy sydd â'r cyfrifoldeb dros benderfynu dyddiadau tymhorau ysgolion, gwyliau ysgolion ac amserau sesiynau ysgolion. I ysgolion sefydledig, ysgolion gwirfoddol a gynorthwyir ac ysgolion arbennig sefydledig, y corff llywodraethu sy'n penderfynu'r tri pheth hyn, ac i ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir, y corff llywodraethu sy'n penderfynu amserau sesiynau'r ysgol (gyda'r awdurdod addysg lleol yn penderfynu dyddiadau tymhorau'r ysgol a'r gwyliau). Pan fo awdurdod addysg lleol o'r farn, fodd bynnag, fod newid yn amserau sesiynau unrhyw ysgol a gynhelir yn angenrheidiol neu'n hwylus er mwyn hyrwyddo defnyddio dulliau cynaliadwy o deithio neu er mwyn gwneud ei drefniadau teithio yn fwy effeithiol neu effeithlon, caiff yr awdurdod hwnnw benderfynu amser dechrau sesiwn gyntaf yr ysgol ac amser diweddu ei hail sesiwn (neu, os nad oes ond un sesiwn, amser ei dechrau a'i diwedd).

Mae rheoliad 2 o'r Rheoliadau hyn yn dirymu Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2000 sy'n gosod y gweithdrefnau y mae cyrff llywodraethu ysgolion cymunedol, ysgolion gwirfoddol a reolir, ysgolion arbennig cymunedol ac ysgolion meithrin a gynhelir i'w dilyn cyn newid amserau sesiynau ysgolion.

Mae rheoliad 3 yn gosod y gweithdrefnau sydd i'w dilyn gan awdurdod addysg lleol pan fydd yr awdurdod hwnnw yn bwriadu newid amser sesiwn ysgol gymunedol, ysgol wirfoddol a reolir, ysgol arbennig gymunedol, ysgol feithrin a gynhelir, ysgol sefydledig,

WELSH STATUTORY INSTRUMENTS

# 2009 No. 572 (W.54)

# EDUCATION, WALES

## The Changing of School Session Times (Wales) Regulations 2009

### EXPLANATORY NOTE

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

Section 32 of the Education Act 2002, as amended by the Learner Travel (Wales) Measure 2008, sets out who is responsible for determining the dates of school terms, school holidays and the times of school sessions. For foundation, voluntary aided and foundation special schools, the governing body determines all these, and for community, voluntary controlled, community special schools and maintained nursery schools, the governing body determines the times of school sessions (with the local education authority determining the dates of the school terms and holidays). However where a local education authority considers that a change in any maintained school's session times is necessary or expedient to promote the use of sustainable modes of travel or to improve the efficiency or effectiveness of its travel arrangements, it can determine the time the school's first session begins and its second session ends (or if there is only one session, its start and end).

Regulation 2 of these Regulations revoke the Changing of School Session Times (Wales) Regulations 2000 which set out the procedures to be taken by the governing body of community, voluntary controlled, community special schools and maintained nursery schools before changing schools session times.

Regulation 3 sets out the procedures to be taken by the local education authority when it proposes to change the session times of a community school, voluntary controlled school, community special school, maintained nursery school, foundation school,

ysgol wirfoddol a gynorthwyir neu ysgol arbennig sefydledig. Mae'r gweithdrefnau hyn yn cynnwys ymgynghori â'r corff llywodraethu, â phennaeth a staff arall yr ysgol, a chynnal cyfarfod â rhieni disgyblion yr ysgol. Rhaid i'r awdurdod roi o leiaf dri mis o hysbysiad o'r newid, a dim ond ar ddechrau'r flwyddyn ysgol y gellir dod â'r newid hwnnw i rym.

Mae rheoliad 4 yn ailddeddfu'r ddarpariaeth a wnaed gan Reoliadau 2000, sy'n ei gwneud yn ofynnol i gorff llywodraethu ysgol gymunedol, ysgol wirfoddol a reolir, ysgol arbennig gymunedol neu ysgol feithrin a gynhelir ymgynghori â'r awdurdod addysg lleol ac â staff yr ysgol ac i gynnal cyfarfod â rhieni disgyblion yr ysgol cyn gwneud newid. Nid yw'r rheoliad hwn yn gymwys i ysgolion sefydledig, ysgolion gwirfoddol a gynhelir ac ysgolion arbennig sefydledig. Os mai newid i'r amser y bydd sesiwn ysgol yn dechrau yn y bore neu'n diweddu yn y prynhawn yw'r newid, rhaid i'r corff llywodraethu roi o leiaf dri mis o hysbysiad o'r newid a dim ond ar ddechrau'r flwyddyn ysgol y gellir dod â'r newid i rym. Fel arall rhaid i'r corff llywodraethu roi o leiaf chwe wythnos o hysbysiad, a dim ond ar ddechrau tymor ysgol y gellir dod â'r newid i rym.

voluntary aided school or foundation special school. These procedures include consulting with the governing body, head teacher and other staff at the school, and holding a meeting with the parents of pupils at the school. The authority must give at least three months notice of the change, and that change can only take effect at the beginning of the school year.

Regulation 4 re-enacts the provision made by the 2000 Regulations, requiring a governing body of a community, voluntary controlled, community special school or maintained nursery school to consult with the local education authority and school staff and to hold a meeting with the parents of pupils at the school before making a change. This regulation does not apply to foundation, voluntary aided and foundation special schools. If the change is to the time that a school session begins in the morning or ends in the afternoon, the governing body must give at least three months' notice of the change and the change must only take effect at the beginning of a school year. Otherwise it must give at least six weeks' notice, and the change can only take effect at the beginning of a school term.

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# 2009 Rhif 572 (Cy.54)

# ADDYSG, CYMRU

## Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2009

| | |
|---|---|
| *Gwnaed* | *9 Mawrth 2009* |
| *Gosodwyd gerbron Cynulliad Cenedlaethol Cymru* | *10 Mawrth 2009* |
| *Yn dod i rym* | *1 Ebrill 2009* |

Drwy arfer y pwerau a roddwyd iddynt gan adrannau 32 a 210 o Ddeddf Addysg 2002(**1**), mae Gweinidogion Cymru yn gwneud y Rheoliadau canlynol:

**Enwi, cychwyn a chymhwyso**

**1**.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2009 a deuant i rym ar 1 Ebrill 2009.

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

**Dirymu**

**2**. Dirymir Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2000(**2**).

**Y weithdrefn ar gyfer newid amserau sesiynau ysgolion gan awdurdod addysg lleol**

**3**.—(1) Pan fo awdurdod addysg lleol yn bwriadu dyroddi hysbysiad o dan adran 32(6) o Ddeddf Addysg 2002 i gorff llywodraethu ysgol, rhaid iddo wneud y canlynol—

(a) cyn cymryd unrhyw un o'r camau a grybwyllir ym mharagraffau (b) i (dd), ymgynghori â'r corff llywodraethu, y pennaeth a holl staff arall yr ysgol;

(**1**) p.32. Diwygiwyd adrannau 32 a 210 gan adran 21 o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (2008 mccc 2).

(**2**) O.S. 2000/2030 (Cy.143).

WELSH STATUTORY INSTRUMENTS

# 2009 No. 572 (W.54)

# EDUCATION, WALES

## The Changing of School Session Times (Wales) Regulations 2009

| | |
|---|---|
| *Made* | *9 March 2009* |
| *Laid before the National Assembly for Wales* | *10 March 2009* |
| *Coming into force* | *1 April 2009* |

In exercise of the powers conferred on them by sections 32 and 210 of the Education Act 2002(**1**), the Welsh Ministers make the following Regulations:

**Title, commencement and application**

**1**.—(1) The title of these Regulations is the Changing of School Session Times (Wales) Regulations 2009 and they come into force on 1 April 2009.

(2) These Regulations apply in relation to Wales.

**Revocation**

**2**. The Changing of School Session Times (Wales) Regulations 2000(**2**) are revoked.

**Procedure for changing school session times by local education authority**

**3**.—(1) Where a local education authority propose to issue a notice under section 32(6) of the Education Act 2002 to the governing body of a school, it must—

(a) before taking any of the actions mentioned in paragraphs (b) to (f), consult the governing body, the head teacher and all the other staff of the school;

(**1**) c.32. Sections 32 and 210 were amended by section 21 of the Learner Travel (Wales) Measure 2008 (2008 nawm 2).

(**2**) S.I. 2000/2030 (W.143).

(b) paratoi datganiad—

(i) yn dynodi ei fod yn bwriadu newid amserau sesiynau'r ysgol,

(ii) yn pennu'r newid arfaethedig a pha bryd y bwriedir iddo ddod i rym,

(iii) yn rhoi manylion dyddiad, amser a lle'r cyfarfod y mae'n ofynnol iddo ei gynnal yn rhinwedd paragraff (d) ac yn esbonio y caiff y sawl nad yw'n gallu bod yn bresennol yn y cyfarfod gyflwyno sylwadau ysgrifenedig ar y newid arfaethedig cyn i'r cyfarfod ddigwydd;

(c) cynhyrchu'r datganiad hwnnw ac unrhyw atodiad mewn unrhyw iaith neu ieithoedd (yn ychwanegol at Gymraeg neu Saesneg), os oes y cyfryw, ag y mae'n ei ystyried yn briodol;

(ch) cymryd unrhyw gamau sy'n rhesymol ymarferol i sicrhau—

(i) bod rhieni pob disgybl sydd wedi'i gofrestru yn yr ysgol yn cael copi o'r datganiad (yn rhad ac am ddim) o leiaf bythefnos cyn y cyfarfod y mae'n ofynnol iddo'i gynnal yn rhinwedd paragraff (d), a

(ii) bod copïau o'r datganiad ar gael i'w weld (ar bob adeg resymol ac yn rhad ac am ddim) yn yr ysgol yn ystod y pythefnos yn union cyn y cyfarfod hwnnw;

(d) rhoi cyfle i drafod yr hyn a fwriedir mewn cyfarfod sy'n agored i—

(i) pob rhiant i bob disgybl cofrestredig yn yr ysgol,

(ii) y pennaeth a holl staff arall yr ysgol,

(iii) aelodau'r corff llywodraethu,

(iv) unrhyw bersonau eraill y caiff yr awdurdod addysg lleol eu gwahodd;

(dd) ystyried unrhyw sylwadau ysgrifenedig a gyflwynwyd yn unol â pharagraff (b)(iii) ac unrhyw sylwadau a wnaed yn y cyfarfod ar yr hyn a fwriedir cyn penderfynu a ddylid newid yr amserau hynny o gwbl ac (os felly) a ddylid gweithredu'r bwriad gydag unrhyw addasiad neu heb ei addasu.

(2) Yn ddarostyngedig i baragraff (3), os bydd yr awdurdod addysg lleol yn penderfynu gweithredu'r newid arfaethedig (naill ai gydag addasiad neu heb ei addasu), rhaid iddo, o leiaf dri mis cyn y bydd unrhyw newid yn dod i rym—

(i) hysbysu'r corff llywodraethu a'r pennaeth o'r newid a pha bryd y bydd yn dod i rym, a

(b) prepare a statement—

(i) indicating that it proposes to make a change in the school's session times,

(ii) specifying the proposed change and when it is proposed that it should take effect,

(iii) giving details of the date, time and place of the meeting which it is required to hold by virtue of paragraph (e) and explaining that those unable to attend the meeting may submit written comments on the proposed change before the meeting takes place;

(c) produce that statement and any annex in such language or languages (in addition to Welsh or English), if any, as it considers appropriate;

(d) take such steps as are reasonably practicable to secure—

(i) that the parents of all registered pupils at the school are given (free of charge) a copy of the statement not less than two weeks before the meeting which it is required to hold by virtue of paragraph (e), and

(ii) that copies of the statement are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting;

(e) provide an opportunity for discussion of the proposal at a meeting which is open to—

(i) all parents of registered pupils at the school,

(ii) the head teacher and all the other staff of the school,

(iii) members of the governing body,

(iv) such other persons as the local education authority may invite;

(f) consider any written comments submitted in accordance with paragraph (b)(iii) and any comments made at the meeting on the proposal before determining whether any change in those times should be made and (if so) whether the proposal should be implemented with or without any modification.

(2) Subject to paragraph (3), if the local education authority determines to implement the proposed change (with or without modification), it must, not less than three months before any change is to take effect—

(i) inform the governing body and head teacher of the change and of when it is to take effect, and

(ii) cymryd unrhyw gamau sy'n rhesymol ymarferol i sicrhau bod rhieni pob disgybl a gofrestrwyd yn yr ysgol yn cael eu hysbysu o hynny.

(3) Rhaid gweithredu newid i amserau sesiwn ysgol fel mai ar ddechrau blwyddyn ysgol yn unig y bydd yn dod i rym.

(4) Mae dull gweithredu unrhyw gyfarfod a gynhelir yn rhinwedd paragraff (1)(d) i fod dan reolaeth yr awdurdod addysg lleol.

**Y weithdrefn ar gyfer newid amserau sesiynau ysgolion gan gorff llywodraethu**

**4**.—(1) Pan fo corff llywodraethu ysgol gymunedol, ysgol wirfoddol a reolir neu ysgol arbennig gymunedol neu ysgol feithrin a gynhelir yn bwriadu gwneud unrhyw newid i amserau sesiynau'r ysgol (neu os mai un yn unig sydd, i sesiwn ysgol), rhaid iddo wneud y canlynol —

(a) cyn cymryd unrhyw un o'r camau a grybwyllir ym mharagraff (b) i (e), ymgynghori â'r awdurdod addysg lleol, y pennaeth a holl staff arall yr ysgol;

(b) paratoi datganiad—

(i) yn dynodi ei fod yn bwriadu newid yr amserau hynny,

(ii) yn pennu'r newid arfaethedig a pha bryd y bwriedir iddo ddod i rym,

(iii) yn tynnu sylw at unrhyw sylwadau ar yr hyn a fwriedir fel y'i rhoddir yn yr atodiad i'r datganiad yn rhinwedd paragraff (c) a chynnwys unrhyw ymateb i'r sylwadau ag y mae'n ei ystyried yn briodol, a

(iv) yn rhoi manylion dyddiad, amser a lleoliad y cyfarfod y mae'n ofynnol iddo'i gynnal yn rhinwedd paragraff (dd) ac yn esbonio y caiff y sawl nad yw'n gallu bod yn bresennol yn y cyfarfod gyflwyno sylwadau ysgrifenedig ar y newid arfaethedig cyn i'r cyfarfod ddigwydd;

(c) os yw'r awdurdod addysg lleol yn gwneud hynny'n ofynnol ganddo, cynnwys fel atodiad i'r datganiad hwnnw unrhyw sylw ysgrifenedig y caiff yr awdurdod ei ddarparu at y diben hwnnw;

(ch) cynhyrchu'r datganiad hwnnw ac unrhyw atodiad mewn unrhyw iaith neu ieithoedd (yn ychwanegol at Gymraeg neu Saesneg), os oes y cyfryw, ag y mae'n ei ystyried yn briodol neu yn ôl fel y caiff yr awdurdod addysg lleol gyfarwyddo;

(d) cymryd unrhyw gamau sy'n rhesymol ymarferol i sicrhau—

(i) bod rhieni pob disgybl sydd wedi'i gofrestru yn yr ysgol yn cael copi o'r

(ii) take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.

(3) A change in the times of a school session must only be made so as to take effect at the beginning of a school year.

(4) The proceedings of any meeting held by virtue of paragraph (1)(e) are to be under the control of the local education authority.

**Procedure for changing school session times by governing body**

**4**.—(1) Where the governing body of a community, voluntary controlled or community special school or maintained nursery school propose to make any change in the times of the school sessions (or, if there is only one, the school session), it must—

(a) before taking any of the actions mentioned in paragraphs (b) to (g), consult the local education authority, the head teacher and all the other staff of the school;

(b) prepare a statement—

(i) indicating that it proposes to make a change in those times,

(ii) specifying the proposed change and when it is proposed that it should take effect,

(iii) drawing attention to any comment on the proposal included as an annex to the statement by virtue of paragraph (c) and including such response to the comment as it may consider appropriate, and

(iv) giving details of the date, time and place of the meeting which it is required to hold by virtue of paragraph (f) and explaining that those unable to attend the meeting may submit written comments on the proposed change before the meeting takes place;

(c) if so required by the local education authority, include as an annex to that statement such written comment on the proposal as the authority may provide for that purpose;

(d) produce that statement and any annex in such language or languages (in addition to Welsh or English), if any, as it considers appropriate or as the local education authority may direct;

(e) take such steps as are reasonably practicable to secure—

(i) that the parents of all registered pupils at the school are given (free of charge) a copy

datganiad ac unrhyw atodiad (yn rhad ac am ddim) o leiaf bythefnos cyn y cyfarfod y mae'n ofynnol iddo'i gynnal yn rhinwedd paragraff (dd), a

(ii) bod copïau o'r datganiad ac unrhyw atodiad ar gael i'w gweld (ar bob adeg resymol ac yn rhad ac am ddim) yn yr ysgol yn ystod y pythefnos yn union cyn y cyfarfod hwnnw;

(dd) rhoi cyfle i drafod yr hyn a fwriedir mewn cyfarfod sy'n agored i—

(i) pob rhiant i bob disgybl cofrestredig yn yr ysgol,

(ii) y pennaeth a holl staff arall yr ysgol, a

(iii) unrhyw bersonau eraill y caiff y corff llywodraethu eu gwahodd;

(e) ystyried unrhyw sylwadau ysgrifenedig a gyflwynwyd yn unol â pharagraff (b)(iv) ac unrhyw sylwadau a wnaed yn y cyfarfod ar yr hyn a fwriedir cyn penderfynu a ddylid newid yr amserau hynny o gwbl ac (os felly) a ddylid gweithredu'r bwriad gydag unrhyw addasiad neu heb ei addasu.

(2) Yn ddarostyngedig i baragraff (3), os bydd y corff llywodraethu yn penderfynu gweithredu'r newid arfaethedig (naill ai gydag addasiad neu heb ei addasu), rhaid iddo, o leiaf chwe wythnos cyn y bydd unrhyw newid yn yr amserau hynny yn dod i rym—

(i) hysbysu'r awdurdod lleol addysg o'r newid a pha bryd y bydd yn dod i rym, a

(ii) cymryd unrhyw gamau sy'n rhesymol ymarferol i sicrhau bod rhieni pob disgybl a gofrestrwyd yn yr ysgol yn cael eu hysbysu o hynny.

(3) Pan fo'r newid yn ymwneud â—

(a) yr amserau pan yw'r sesiwn ysgol gyntaf i ddechrau neu pan yw'r ail sesiwn ysgol i ddiweddu (neu'r ddau), neu

(b) os mae un sesiwn yn unig sydd, yr amser pan yw i ddechrau neu ddiweddu (neu'r ddau),

rhaid i'r cyfnod y cyfeirir ato ym mharagraff (2) beidio â bod yn llai na thri mis.

(4) Rhaid gweithredu newid i amserau sesiwn ysgol fel y bydd yn dod i rym—

(a) pan fo paragraff (3) yn gymwys, ar ddechrau blwyddyn ysgol; a

(b) ym mhob achos arall, ar ddechrau tymor ysgol.

(5) Mae dull gweithredu unrhyw gyfarfod a gynhelir yn rhinwedd paragraff (1)(dd) i fod dan reolaeth y corff llywodraethu.

of the statement and any annex not less than two weeks before the meeting which the governing body is required to hold by virtue of paragraph (f), and

(ii) that copies of the statement and any annex are available for inspection (at all reasonable times and free of charge) at the school during the two week period immediately preceding that meeting;

(f) provide an opportunity for discussion of the proposal at a meeting which is open to—

(i) all parents of registered pupils at the school,

(ii) the head teacher and all the other staff of the school, and

(iii) such other persons as the governing body may invite;

(g) consider any written comments submitted in accordance with paragraph (b)(iv) and any comments made at the meeting on the proposal before determining whether any change in those times should be made and (if so) whether the proposal should be implemented with or without any modification.

(2) Subject to paragraph (3), if the governing body determine to implement the proposed change (with or without modification), it must, not less than six weeks before any change in those times is to take effect—

(i) inform the local education authority of the change and of when it is to take effect, and

(ii) take such steps as are reasonably practicable to secure that the parents of all registered pupils at the school are so informed.

(3) Where the change concerns —

(a) the times at which the first school session is to begin or the second school session is to end (or both), or

(b) if there is only one school session, the time it is to begin or end (or both),

the period referred to in paragraph (2) must not be less than three months.

(4) A change in the times of a school session must only be made so as to take effect—

(a) where paragraph (3) applies, at the beginning of a school year; and

(b) in all other cases, at the beginning of a school term.

(5) The proceedings of any meeting held by virtue of paragraph (1)(f) are to be under the control of the governing body.

*Ieuan Wyn Jones*

Y Gweinidog dros yr Economi a Thrafnidiaeth, un o Weinidogion Cymru.

9 Mawrth 2009

Minister for Economy and Transport, one of the Welsh Ministers.

9 March 2009

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OFFERYNNAU STATUDOL
CYMRU

**2009 Rhif 572 (Cy.54)**

**ADDYSG, CYMRU**

Rheoliadau Newid Amserau Sesiynau Ysgolion (Cymru) 2009

WELSH
STATUTORY INSTRUMENTS

**2009 No. 572 (W54)**

**EDUCATION, WALES**

The Changing of School Session Times (Wales) Regulations 2009

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