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OFFERYNNAU STATUDOL CYMRU

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**2015 Rhif 140 (Cy. 8)**

**ADDYSG, CYMRU**

**Rheoliadau Cyngor y Gweithlu Addysg (Prif Swyddogaethau)  
(Cymru) 2015**

*Gwnaed*

*3 Chwefror 2015*

*Gosodwyd gerbron Cynulliad Cenedlaethol Cymru*

*6 Chwefror 2015*

*Yn dod i rym*

*1 Ebrill 2015*

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WELSH STATUTORY INSTRUMENTS

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**2015 No. 140 (W. 8)**

**EDUCATION, WALES**

**The Education Workforce Council (Main Functions) (Wales)  
Regulations 2015**

*Made*

*3 February 2015*

*Laid before the National Assembly for Wales*

*6 February 2015*

*Coming into force*

*1 April 2015*

**£10.00**





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CYMRU

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INSTRUMENTS

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Rheoliadau Cyngor y Gweithlu  
Addysg (Prif Swyddogaethau)  
(Cymru) 2015

The Education Workforce Council  
(Main Functions) (Wales)  
Regulations 2015

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

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

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

Cafodd Cyngor Addysgu Cyffredinol Cymru ei ail-enwi yn Gyngor y Gweithlu Addysg ("y Cyngor") gan adran 2 o Ddeddf Addysg (Cymru) 2014 ("Deddf 2014").

The General Teaching Council for Wales was re-named the Education Workforce Council ("the Council") by section 2 of the Education (Wales) Act 2014 ("the 2014 Act").

Mae Rhan 1 o'r Rheoliadau hyn yn nodi'r darpariaethau mewn perthynas â dehongli, dirymu Rheoliadau, arbedion a darpariaethau trosiannol.

Part 1 of these Regulations sets out the provisions in relation to interpretation, the revocation of Regulations and the savings and transitional provisions.

Mae Rhan 2 o'r Rheoliadau hyn yn cynnwys y darpariaethau mewn perthynas â chofrestru'r gweithlu addysg. Mae adran 9 o Ddeddf 2014 yn ei gwneud yn ofynnol i'r Cyngor sefydlu a chynnal cofrestr o'r categorïau o berson a nodir yn y tabl ym mharagraff 1 o Atodlen 2. Yn unol â hynny mae'r Rheoliadau hyn yn gwneud darpariaeth ynglŷn â'r ffurf a'r dull y mae'r gofrestr i gael ei chadw, a materion eraill sy'n ymwneud â chofrestru.

Part 2 of these Regulations contains the provisions in relation to registration of the education workforce. Section 9 of the 2014 Act requires the Council to establish and maintain a register of the categories of person set out in the table in paragraph 1 of Schedule 2. Accordingly these Regulations make provision as to the form and manner in which the register is to be kept, and other matters relating to registration.

Mae'r Rheoliadau hyn yn dirymu Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2010 ("Rheoliadau 2010"). Mae Rhan 2 o'r Rheoliadau hyn yn ail-wneud darpariaethau Rheoliadau 2010 gyda rhai mân newidiadau.

These Regulations revoke the Education (Specified Work and Registration) (Wales) Regulations 2010 ("the 2010 Regulations"). Part 2 of these Regulations re-make the provisions of the 2010 Regulations with some minor changes.

Mae Rhan 3 o'r Rheoliadau hyn yn pennu'r gwaith y caniateir ei wneud mewn ysgolion gan athrawon cymwysedig a phersonau sy'n bodloni gofynion penodedig. Nodir y gofynion sydd i'w bodloni yn Atodlen 3.

Part 3 of these Regulations specifies the work that may be carried out in schools by qualified teachers and persons who satisfy specified requirements. The requirements to be satisfied are specified in Schedule 3.

Mae'r Rheoliadau hyn hefyd yn gwneud darpariaeth er mwyn i athrawon cymwysedig sy'n gwneud gwaith penodedig mewn ysgolion gael eu cofrestru gyda'r Cyngor (rheoliad 18).

These Regulations also provide for qualified teachers carrying out specified work in schools to be registered with the Council (regulation 18).

Mae Rhan 4 o'r Rheoliadau hyn yn darparu na chaniateir i bersonau, oni bai eu bod yn bodloni unrhyw un o'r amodau a ragnodir yn y Rheoliadau hyn, ddarparu addysg bellach mewn nac ar gyfer sefydliad addysg bellach oni bai eu bod wedi cofrestru â'r Cyngor.

Mae Rhan 5 o'r Rheoliadau hyn yn gwneud darpariaeth mewn perthynas â swyddogaethau disgyblu'r Cyngor. Mae adrannau 26 i 32 o Ddeddf 2014 yn rhoi swyddogaethau disgyblu i'r Cyngor mewn perthynas â phersonau a gofrestrwyd ar y gofrestr ("personau cofrestredig").

Mae rheoliad 20 yn darparu ar gyfer sefydlu un neu fwy o Bwyllgorau Ymchwilio, a fydd yn ymchwilio i bersonau cofrestredig ac yn penderfynu pa un ai i ddwyn achos yn eu herbyn pan honnir bod yr athro neu'r athrawes yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, neu wedi ei gollfarnu neu ei cholffarnu (ar unrhyw adeg) am drosedd berthnasol; neu ei bod yn ymddangos iddynt y gallai person cofrestredig fod yn euog o hynny neu wedi ei gollfarnu am hynny. Mae rheoliad 21 yn gwneud darpariaeth bellach mewn perthynas â dirprwyo swyddogaethau'r pwyllgorau hynny i gyflogaion y Cyngor.

Mae rheoliad 22 yn darparu ar gyfer sefydlu Pwyllgorau Addasrwydd i Ymarfer, a fydd yn clywed achosion disgyblu ynghylch ymddygiad proffesiynol annerbyniol a throseddau perthnasol ac a fydd â'r pŵer i wneud gorchmynion disgyblu (gorchmynion gwahardd, gorchmynion atal dros dro, gorchmynion cofrestru amodol neu geryddon); a chlywed ceisiadau mewn perthynas â'r gorchmynion hynny ac eithrio ceryddon.

Mae adran 33 o Ddeddf 2014 yn caniatáu i Weinidogion Cymru wneud darpariaeth mewn perthynas â chynnal cofnodion gan y Cyngor. Yn unol â hynny, mae Rhan 6 o'r Rheoliadau hyn yn ei gwneud yn ofynnol i'r Cyngor gynnal cofnodion ar gyfer y personau a nodir yn Rhan 2 o Atodlen 4 i'r Rheoliadau hyn. Nodir yr wybodaeth y mae'n rhaid ei chynnwys yn y cofnodion hynny yn Rhan 3 o Atodlen 4 o'r Rheoliadau hyn ac mae'n debyg i'r wybodaeth a gofnodir yn y gofrestr a sefydlir ac a gynhelir gan y Cyngor o dan adran 9 o Ddeddf 2014.

Mae Rhan 7 yn ei gwneud yn ofynnol i gyflogwyr athrawon sydd wedi eu cofrestru â'r Cyngor ac asiantaethau cyflenwi hysbysu'r Cyngor am achosion o gamymddygiad ac anghymhwysedd. Mae'r wybodaeth y mae'n rhaid ei rhoi wedi ei nodi yn Atodlen 5 i'r Rheoliadau hyn.

Part 4 of these Regulations provides that unless a person meets any of the conditions prescribed in these Regulations they may not provide further education in or for a further education institution unless they are registered with the Council.

Part 5 of these Regulations makes provision in relation to the disciplinary functions of the Council. Sections 26 to 32 of the 2014 Act confer disciplinary functions on the Council in relation to persons registered in the register ("registered persons").

Regulation 20 provides for the establishment of one or more Investigating Committees, which will investigate, and determine whether to pursue proceedings against, registered persons 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 person may be so guilty or has been so convicted. Regulation 21 makes further provision in relation to the delegation of those committees' functions to employees of the Council.

Regulation 22 provides for the establishment of Fitness to Practice Committees, which will hear disciplinary proceedings concerning unacceptable professional conduct and relevant offences and have power to make disciplinary orders (prohibition orders, suspension orders, conditional registration orders or reprimands); and hear applications in relation to those orders with the exception of reprimands.

Section 33 of the 2014 Act allows the Welsh Ministers to make provision in relation to the maintenance of records by the Council. Accordingly Part 6 of these Regulations requires the Council to maintain records for the persons set out in Part 2 of Schedule 4 to these Regulations. The information that must be contained in those records is set out in Part 3 of Schedule 4 to these Regulations and is similar to the information that is recorded in the register established and maintained by the Council under section 9 of the 2014 Act.

Part 7 requires the employers of teachers registered with the Council and supply agencies to report cases of misconduct and incompetence to the Council. The information that must be supplied is set out in Schedule 5 to these Regulations.

Mae Rhan 8 yn ei gwneud yn ofynnol i'r Cyngor, pan fo'n derbyn cais, ddarparu copïau o wybodaeth a gedwir amdanynt i bersonau cofrestredig a phersonau eraill y cynhelir gwybodaeth amdanynt. Mae Rhan 8 hefyd yn ei gwneud yn ofynnol i'r Cyngor roi gwybodaeth i gyflogwyr a chyrrff eraill pan fo'n derbyn cais.

Mae Rhan 9 yn cynnwys darpariaeth mewn perthynas â chyflwyno hysbysiadau yn unol â'r Rheoliadau hyn.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Aseidiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ystyriwyd nad oedd yn angenrheidiol cynnal asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

Part 8 requires the Council to supply, on request, to registered persons and other persons about whom records are maintained, copies of the information held about them. Part 8 also requires the Council to supply information to employers and other bodies upon request.

Part 9 contains a provision in relation to service of notices pursuant to these Regulations.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

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**EDUCATION, WALES**

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(Cymru) 2015**

**The Education Workforce Council  
(Main Functions) (Wales)  
Regulations 2015**

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Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adrannau 10(2)(b), 13, 14, 15, 25, 26(6), 28, 33, 35(4), 36(2), 37(2) a 47(1) o Ddeddf Addysg (Cymru) 2014(1), a pharagraff 12 o Atodlen 2 i'r Ddeddf honno, yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers in exercise of the powers conferred on them by sections 10(2)(b), 13, 14, 15, 25, 26(6), 28, 33, 35(4), 36(2), 37(2) and 47(1) of, and paragraph 12 of Schedule 2 to, the Education (Wales) Act 2014(1) make the following Regulations:

# RHAN 1

## Cyflwyniad

### Enwi, cychwyn a chymhwyso

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Cyngor y Gweithlu Addysg (Prif Swyddogaethau) (Cymru) 2015 a deuant i rym ar 1 Ebrill 2015.

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

(3) Nid yw Rhan 7 o'r Rheoliadau hyn yn gymwys pan fo'n ofynnol i gyflogwr perthnasol neu asiant ddarparu gwybodaeth i'r Gwasanaeth Datgelu a Gwahardd o dan adrannau 35, 36 neu 39 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1) mewn perthynas ag achos person cofrestredig, y byddai'n ofynnol iddynt fel arall hysbysu ynglŷn â'i ffeithiau o dan reoliad 45(1) neu 46(1) yn Rhan 7 o'r Rheoliadau hyn.

### Dirymiadau, arbedion a darpariaethau trosiannol

2.—(1) Yn ddarostyngedig i baragraff (2), mae'r Rheoliadau yn Rhan 1 o Atodlen 1 wedi eu dirymu.

(2) Mae'r arbedion a'r darpariaethau trosiannol a grybwyllir yn Rhan 2 o Atodlen 1 yn cael effaith.

### Dehongli

3.—(1) Yn y Rheoliadau hyn—

ystyr “achos disgyblu” (*“disciplinary proceedings”*) mewn perthynas â pherson cofrestredig yng Nghymru yw achos disgyblu o dan adrannau 26 i 32 o Ddeddf 2014;

ystyr “anghymhwysedd proffesiynol difrifol” (*“serious professional incompetence”*) yw ymddygiad sy'n dangos anghymhwysedd ar lefel sy'n ddifrifol is na'r ymddygiad a ddisgwylir gan berson cofrestredig o ystyried yr holl amgylchiadau perthnasol;

ystyr “An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu” (*“An Chomhairle Mhúinteoireachta or the Teaching Council”*) yw'r Cyngor Addysgu a sefydlwyd o dan adran 5 o Ddeddf y Cyngor Addysgu 2001(2) (corff y mae ei swyddogaethau'n cyfateb i rai'r Cyngor yng Ngweriniaeth Iwerddon);

mae i “asiant” (*“agent”*) yr ystyr a roddir gan adran 37 o Ddeddf 2014;

# PART 1

## Introduction

### Title, commencement and application

1.—(1) The title of these Regulations is the Education Workforce Council (Main Functions) (Wales) Regulations 2015 and they come into force on 1 April 2015.

(2) These Regulations apply in relation to Wales.

(3) Part 7 of these Regulations does not apply where a relevant employer or an agent is required to provide information to the Disclosure and Barring Service under sections 35, 36 or 39 of the Safeguarding Vulnerable Groups Act 2006(1) in relation to a registered person's case, the facts of which they would otherwise be required to report under regulation 45(1) or 46(1) in Part 7 of these Regulations.

### Revocation, savings and transitional provisions

2.—(1) Subject to paragraph (2) the Regulations in Part 1 of Schedule 1 are revoked.

(2) The savings and transitional provisions mentioned in Part 2 of Schedule 1 have effect.

### Interpretation

3.—(1) In these Regulations—

“the 1996 Act” (*“Deddf 1996”*) means the Employment Rights Act 1996(2);

“the 1998 Act” (*“Deddf 1998”*) means the Teaching and Higher Education Act 1998(3);

“the 2002 Act” (*“Deddf 2002”*) means the Education Act 2002(4);

“the 2014 Act” (*“Deddf 2014”*) means the Education (Wales) Act 2014;

“the 1959 Regulations” (*“Rheoliadau 1959”*) means the Schools Regulations 1959(5);

“the 1982 Regulations” (*“Rheoliadau 1982”*) means the Education (Teachers) Regulations 1982(6);

(1) 2006 p. 47.

(2) Rhif 8 o 2001. Sefydlir An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu, o dan adran 5 o Ddeddf y Cyngor Addysgu 2001, ac mae ganddo swyddogaethau sy'n cyfateb i rai'r Cyngor yng Ngweriniaeth Iwerddon.

(1) 2006 c. 47.

(2) 1996 c. 18.

(3) 1998 c. 30.

(4) 2002 c. 32.

(5) S.I. 1959/364 as amended by S.I. 1968/1281, S.I. 1969/1777, S.I. 1971/342, S.I. 1973/2021 and S.I. 1978/1144. Now revoked by S.I. 1982/106.

(6) S.I. 1982/106 as amended by S.I. 1988/542 and S.I. 1989/329. Now revoked by S.I. 1989/1319.

ystyr “athro neu athrawes addysg bellach” (“*further education teacher*”) yw person sydd wedi cofrestru yn y categori cofrestru athro neu athrawes addysg bellach;

ystyr “athro neu athrawes gofrestredig” (“*registered teacher*”) yw person sydd wedi cofrestru yn y categori cofrestru athro neu athrawes ysgol;

mae i “athro neu athrawes gymwysedig” (“*qualified teacher*”) yr un ystyr a roddir yn adran 132(1) o Ddeddf 2002;

ystyr “athro neu athrawes ôl-drothwy” (“*post-threshold teacher*”) yw athro neu athrawes sy'n bodloni'r meini prawf a bennir gan yr Ysgrifennydd Gwladol ar gyfer y swydd honno ac a nodir mewn dogfen y rhoddir iddi effaith gyfreithiol gan orchymyn o dan adran 122 o Ddeddf 2002(1);

ystyr “athro neu athrawes uwch-sgiliau” (“*advanced skills teacher*”) yw athro neu athrawes yr ardstiwyd gan aseswr a benodwyd gan yr Ysgrifennydd Gwladol ei fod neu ei bod yn gymwys i gael ei benodi neu ei phenodi i swydd athro neu athrawes uwch-sgiliau;

ystyr “Cod Ymarfer” (“*Code of Practice*”) yw'r cod ymarfer a baratowyd ac a gyhoeddwyd o dan adran 24 o Ddeddf 2014;

mae i “corff priodol” (“*appropriate body*”) yr un ystyr a roddir yn Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2005(2);

ystyr “cyflogwr” (“*employer*”) yw person sy'n cyflogi person cofrestredig neu'n cymryd person cofrestredig ymlaen i ddarparu gwasanaethau perthnasol;

ystyr “cyfnod sefydlu” (“*induction period*”) yw cyfnod sefydlu sy'n cael ei gwblhau yn unol â rheoliadau a wnaed mewn perthynas â Chymru neu Loegr o dan—

(a) adran 19 o Ddeddf 1998;

(b) adran 135A o Ddeddf 2002; neu

(c) adran 17 o Ddeddf 2014;

“the 1989 Regulations” (“*Rheoliadau 1989*”) means the Education (Teachers) Regulations 1989(1);

“the 2002 Regulations” (“*Rheoliadau 2002*”) means the Further Education Teachers' Qualifications (Wales) Regulations 2002(2);

“the 2004 Regulations” (“*Rheoliadau 2004*”) means the Education (School Teachers' Qualifications) (Wales) Regulations 2004(3);

“advanced skills teacher” (“*athro neu athrawes uwch-sgiliau*”) means a teacher who has been certified by an assessor appointed by the Secretary of State as eligible for appointment to an advanced skills teacher post;

“agent” (“*asiant*”) has the meaning given by section 37 of the 2014 Act;

“An Chomhairle Mhúinteoireachta or the Teaching Council” (“*An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu*”) means the Teaching Council established under section 5 of the Teaching Council Act, 2001(4) (which body has functions corresponding to those of the Council in relation to the Republic of Ireland);

“appropriate body” (“*corff priodol*”) has the same meaning as in the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005(5);

“arrangements” (“*trefniadau*”) means arrangements of the kind referred to in section 37(1) of the 2014 Act for a person who is a registered person to provide relevant services in Wales;

“assistant head teacher” (“*pennaeth cynorthwyol*”) means a qualified teacher (within the meaning of section 132 of the 2002 Act) with leadership responsibilities across the whole school who is appointed to the post of assistant head teacher;

“Code of Practice” (“*Cod Ymarfer*”) means the code of practice prepared and published under section 24 of the 2014 Act;

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(1) Y gorchymyn presennol yw Gorchymyn Cyflog ac Amodau Athrawon Ysgol 2014 (O.S. 2014/2045) sy'n rhoi effaith gyfreithiol i ddogfen o'r enw “Dogfen Cyflog ac Amodau Athrawon Ysgol 2014 a Chanllawiau ar Gyflog ac Amodau Athrawon Ysgol” sydd wedi ei chyhoeddi ar wefan gov.uk.

(2) O.S. 2005/1818 (Cy. 146). Bydd y Rheoliadau hyn yn cael eu dirymu a'u hail-wneud o ganlyniad i gychwyn diddymiad y pwerau galluogi gan Ddeddf Addysg (Cymru) 2014, ond ar y dyddiad y gwneir y Rheoliadau pery Rheoliadau Addysg (Trefniadau Ymsefydlu ar gyfer Athrawon Ysgol) (Cymru) 2005 mewn grym.

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(1) S.I. 1989/1319 as amended by S.I. 1989/1541, S.I. 1990/1561, S.I. 1991/1134, S.I. 1991/1840, S.I. 1991/2240 and S.I. 1992/1809. Now revoked by S.I. 199/543.

(2) S.I. 2002/1663 as amended by S.I. 2003/1717 and S.I. 2004/1745.

(3) S.I. 2004/1729 as amended by S.I. 2007/2811 and S.I. 2008/215.

(4) Number 8 of 2001. An Chomhairle Mhúinteoireachta or the Teaching Council, is established under section 5 of the Teaching Council Act 2001, and has functions corresponding to those of the Council in relation to the Republic of Ireland.

(5) S.I. 2005/1818 (W. 146). These Regulations will be revoked and re-made as a consequence of the commencement of the repeal of the enabling powers by the Education (Wales) Act 2014, but at the date the Regulations are made the Education (Induction Arrangements for School Teachers) (Wales) Regulations 2005 remain in force.

ystyr “Deddf 1996” (“*the 1996 Act*”) yw Deddf Hawliau Cyflogaeth 1996(1);

ystyr “Deddf 1998” (“*the 1998 Act*”) yw Deddf Addysgu ac Addysg Uwch 1998(2);

ystyr “Deddf 2002” (“*the 2002 Act*”) yw Deddf Addysg 2002(3);

ystyr “Deddf 2014” (“*the 2014 Act*”) yw Deddf Addysg (Cymru) 2014;

ystyr “gwasanaethau” (“*services*”) yw gwasanaethau a ddarperir i gyflogwr perthnasol yng Nghymru ac mae’n cynnwys gwasanaethau proffesiynol a gwirfoddol;

ystyr “y Gofrestr” (“*the Register*”) yw’r gofrestr a sefydlir ac a gynhelir o dan adran 9 o Ddeddf 2014, ac ystyr “cofrestru” (“*registration*”) yw cofrestru ar y Gofrestr;

ystyr “pennaeth cynorthwyol” (“*assistant head teacher*”) yw athro neu athrawes gymwysedig (o fewn ystyr adran 132 o Ddeddf 2002) â chyfrifoldebau arweinyddiaeth ar draws yr ysgol gyfan sydd wedi ei benodi neu ei phenodi i swydd pennaeth cynorthwyol;

mae i “person cofrestredig” (“*registered person*”) yr ystyr a roddir iddo yn adran 41(1) o Ddeddf 2014;

ystyr “prif ystod cyflog” (“*main pay range*”) yw’r brif ystod cyflog a bennir gan yr Ysgrifennydd Gwladol ac a nodir mewn dogfen y rhoddir iddi effaith gyfreithiol o dan adran 122 o Ddeddf 2002(4);

ystyr “Pwyllgor Addasrwydd i Ymarfer” (“*Fitness to Practice Committee*”) yw pwyllgor a sefydlwyd o dan reoliad 22;

ystyr “Pwyllgor Ymchwilio” (“*Investigating Committee*”) yw pwyllgor a sefydlwyd o dan reoliad 20;

ystyr “Rheoliadau 1959” (“*the 1959 Regulations*”) yw Rheoliadau Ysgolion 1959(5);

ystyr “Rheoliadau 1982” (“*the 1982 Regulations*”) yw Rheoliadau Addysg (Athrawon) 1982(6);

“disciplinary proceedings” (“*achos disgyblu*”) in relation to a registered person in Wales means disciplinary proceedings under sections 26 to 32 of the 2014 Act;

“employer” (“*cyflogwr*”) means a person who employs or engages to provide a registered person to provide relevant services;

“Fitness to Practice Committee” (“*Pwyllgor Addasrwydd i Ymarfer*”) means a committee established under regulation 22;

“further education teacher” (“*athro neu athrawes addysg bellach*”) means a person registered in the further education teacher category of registration;

“independent school” (“*ysgol annibynnol*”) has the same meaning as in section 463 of the Education Act 1996(1);

“induction period” (“*cyfnod sefydlu*”) means an induction period served in accordance with regulations made in relation to England or Wales under—

(a) section 19 of the 1998 Act;

(b) section 135A of the 2002 Act; or

(c) section 17 of the 2014 Act;

“Induction Regulations” (“*Rheoliadau Sefydlu*”) means the regulations made under the powers set out in the definition of “induction period”;

“Investigating Committee” (“*Pwyllgor Ymchwilio*”) means a committee established under regulation 20;

“leading practitioner” (“*ymarferydd arweiniol*”) means a teacher who is paid on the leading practitioner pay range as determined by the Secretary of State and set out in a document given legal effect by order under section 122 of the 2002 Act(2);

“main pay range” (“*prif ystod cyflog*”) means the main pay range determined by the Secretary of State and set out in a document given legal effect under section 122 of the 2002 Act(3);

“post-threshold teacher” (“*athro neu athrawes ôl-drothwy*”) means a teacher who meets the criteria determined by the Secretary of State for that post

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(1) 1996 p. 18.

(2) 1998 p. 30.

(3) 2002 p. 32.

(4) Y gorchymyn presennol yw Gorchymyn Cyflog ac Amodau Athrawon Ysgol 2014 (O.S. 2014/2045) sy’n rhoi effaith gyfreithiol i ddogfen o’r enw “Dogfen Cyflog ac Amodau Athrawon Ysgol 2014 a Chanllawiau ar Gyflog ac Amodau Athrawon Ysgol” sydd wedi ei chyhoeddi ar wefan gov.uk.

(5) O.S. 1959/364 fel y’i diwygiwyd gan O.S. 1968/1281, O.S. 1969/1777, O.S. 1971/342, O.S. 1973/2021 ac O.S. 1978/1144. Bellach wedi ei ddirymu gan O.S. 1982/106.

(6) O.S. 1982/106 fel y’i diwygiwyd gan O.S. 1988/542 ac O.S. 1989/329. Bellach wedi ei ddirymu gan O.S. 1989/1319.

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(1) 1996 c. 56.

(2) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

(3) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

ystyr “Rheoliadau 1989” (“*the 1989 Regulations*”) yw Rheoliadau Addysg (Athrawon) 1989(1);

ystyr “Rheoliadau 2002” (“*the 2002 Regulations*”) yw Rheoliadau Cymwysterau Athrawon Addysg Bellach (Cymru) 2002(2);

ystyr “Rheoliadau 2004” (“*the 2004 Regulations*”) yw Rheoliadau Addysg (Cymwysterau Athrawon Ysgol) 2004(3);

ystyr “Rheoliadau Sefydlu” (“*Induction Regulations*”) yw’r rheoliadau a wnaed o dan y pwerau a nodir yn y diffiniad o “cyfnod sefydlu”;

mae i “trosedd berthnasol” (“*relevant offence*”) o ran Cymru yr un ystyr a roddir iddo yn adran 27(1) o Ddeddf 2014 ac o ran Lloegr, yr un ystyr a roddir iddo yn adran 141B(4) o Ddeddf Addysg 2002;

ystyr “trefniadau” (“*arrangements*”) yw’r math o drefniadau y cyfeirir atynt yn adran 37(1) o Ddeddf 2014 ar gyfer person sy’n berson cofrestredig i ddarparu gwasanaethau perthnasol yng Nghymru;

ystyr “ymarferydd arweiniol” (“*leading practitioner*”) yw athro neu athrawes sy’n cael ei dalu o fewn ystod cyflog ymarferydd arweiniol fel y’i pennir gan yr Ysgrifennydd Gwladol ac a nodir mewn dogfen y rhoddir iddi effaith gyfreithiol gan orchymyn o dan adran 122 o Ddeddf 2002(4);

ystyr “ymddygiad proffesiynol annerbyniol” (“*unacceptable professional conduct*”) yw ymddygiad nad yw’n cyrraedd y safon a ddisgwylir gan berson cofrestredig;

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

mae i “ysgol annibynnol” yr un ystyr a roddir i “independent school” yn adran 463 o Ddeddf Addysg 1996(5);

mae i “ysgol arbennig” yr un ystyr a roddir i “special school” yn adran 337 o Ddeddf Addysg 1996; ac

and set out in a document given legal effect by order under section 122 of the 2002 Act(1);

“qualified teacher” (“*athro neu athrawes gymwysedig*”) has the same meaning as in section 132(1) of the 2002 Act;

“the Register” (“*y Gofrestr*”) means the register established and maintained under section 9 of the 2014 Act, and “registration” (“*cofrestru*”) means registration on the Register;

“registered teacher” (“*athro neu athrawes gofrestredig*”) means a person registered in the school teacher category of registration;

“registered person” (“*person cofrestredig*”) has the meaning given to it in section 41(1) of the 2014 Act;

“relevant offence” (“*trosedd berthnasol*”) in relation to Wales has the same meaning as in section 27(1) of the 2014 Act and in relation to England has the same meaning as in section 141B(4) of the Education Act 2002;

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

“serious professional incompetence” (“*anghymhwysedd proffesiynol difrifol*”) means conduct which demonstrates a level of incompetence which falls seriously below that expected of a registered person taking into account all the relevant circumstances;

“services” (“*gwasanaethau*”) means services provided to a relevant employer in Wales and includes professional and voluntary services;

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

“unacceptable professional conduct” (“*ymddygiad proffesiynol annerbyniol*”) means conduct which falls short of the standard expected of a registered person; and

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(1) O.S. 1989/1319 fel y’i diwygiwyd gan O.S. 1989/1541, O.S. 1990/1561, O.S. 1991/1134, O.S. 1991/1840, O.S. 1991/2240 ac O.S. 1992/1809. Bellach wedi ei ddirymu gan O.S. 1999/543.

(2) O.S. 2002/1663 fel y’i diwygiwyd gan O.S. 2003/1717 ac O.S. 2004/1745.

(3) O.S. 2004/1729 fel y’i diwygiwyd gan O.S. 2007/2811 ac O.S. 2008/215.

(4) Y gorchymyn presennol yw Gorchymyn Cyflog ac Amodau Athrawon Ysgol 2014 (O.S. 2014/2045) sy’n rhoi effaith gyfreithiol i ddogfen o’r enw “Dogfen Cyflog ac Amodau Athrawon Ysgol 2014 a Chanllawiau ar Gyflog ac Amodau Athrawon Ysgol” sydd wedi ei chyhoeddi ar wefan gov.uk.

(5) 1996 p. 56.

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(1) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

ystyr “ystod cyflog uwch” (“*upper pay range*”) yw’r ystod cyflog uwch a bennir gan yr Ysgrifennydd Gwladol ac a nodir mewn dogfen y rhoddir iddi effaith gyfreithiol o dan adran 122 o Ddeddf 2002(1).

(2) Yn y Rheoliadau hyn mae cyfeiriad at bennaeth yn cynnwys cyfeiriad at berson a benodir i gyflawni swyddogaethau pennaeth yr ysgol—

- (a) hyd nes y penodir pennaeth, neu
- (b) yn absenoldeb y pennaeth.

(3) Yn y Rheoliadau hyn mae cyfeiriad at ddirprwy bennaeth yn cynnwys cyfeiriad at berson a benodir i gyflawni swyddogaethau dirprwy bennaeth yr ysgol—

- (a) hyd nes y penodir dirprwy bennaeth, neu
- (b) yn absenoldeb y dirprwy bennaeth.

## RHAN 2

### Cofrestru

#### Cymhwysra ar gyfer cofrestru: cyfnod sefydlu

4.—(1) Mae’r rheoliad hwn yn gymwys i berson sydd, ar ôl gweithio cyfnod sefydlu, wedi methu â’i gwblhau’n foddhaol at ddibenion y Rheoliadau Sefydlu.

(2) Mae person o’r fath yn gymwys i gofrestru—

- (a) yn ystod y cyfnod ar gyfer gwneud apêl o dan y Rheoliadau Sefydlu yn erbyn y penderfyniad ei fod wedi methu â chwblhau cyfnod sefydlu’n foddhaol; a
- (b) pan fo apêl o’r fath yn cael ei gwneud, wrth ddisgwyl canlyniad yr apêl.

#### Ceisiadau cofrestru

5. Caiff y Cyngor wneud darpariaeth o ran—

- (a) y ffurf a’r dull y mae ceisiadau cofrestru i gael eu gwneud; a
- (b) y dystiolaeth ddogfennol a thystiolaeth arall sydd i gyd-fynd â’r ceisiadau cofrestru.

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(1) Y gorchymyn presennol yw Gorchymyn Cyflog ac Amodau Athrawon Ysgol 2014 (O.S. 2014/2045) sy’n rhoi grym cyfreithiol i’r ddogfen o’r enw "Dogfen Cyflog ac Amodau Athrawon 2014 a Chanllawiau ar Gyflog ac Amodau Athrawon Ysgol" a gyhoeddwyd ar wefan gov.uk.

“upper pay range” (“*ystod cyflog uwch*”) means the upper pay range determined by the Secretary of State and set out in a document given legal effect under section 122 of the 2002 Act(1).

(2) In these Regulations a reference to a head teacher includes to a reference a person appointed to carry out the functions of the head teacher of the school—

- (a) pending the appointment of a head teacher, or
- (b) in the absence of the head teacher.

(3) In these Regulations a reference to a deputy head teacher includes a reference a person appointed to carry out the functions of the deputy head teacher of the school—

- (a) pending the appointment of a deputy head teacher, or
- (b) in the absence of the deputy head teacher.

## PART 2

### Registration

#### Eligibility for registration: induction period

4.—(1) This regulation applies to a person who, having served an induction period has failed to complete it satisfactorily for the purposes of the Induction Regulations.

(2) Such a person is eligible for registration—

- (a) during the time for making an appeal under the Induction Regulations against the decision that they have failed satisfactorily to complete an induction period; and
- (b) where such an appeal is made, pending the outcome of the appeal.

#### Applications for registration

5. The Council may make provision as to—

- (a) the form and manner in which applications for registration are to be made; and
- (b) the documentary and other evidence which is to accompany applications for registration.

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(1) The current order is the School Teachers’ Pay and Conditions Order 2014 (S.I. 2014/2045) which gives legal effect to the document entitled “Teachers’ Pay and Conditions Document 2014 and Guidance on School Teachers’ Pay and Conditions” published on the gov.uk website.

### **Hysbysiad o benderfyniad**

6.—(1) Rhaid i'r Cyngor gyflwyno hysbysiad o'i benderfyniad i ganiatáu neu i wrthod y cais i'r—

- (a) sawl sy'n ymgeisio i gael ei gofrestru; a'r
- (b) cyflogwr (pan fo'n gymwys).

(2) Mewn achos o wrthod cofrestru, rhaid i'r hysbysiad a gyflwynir o dan baragraff (1) nodi—

- (a) ar ba sail y gwnaed y penderfyniad; a
- (b) pan wrthodwyd cofrestru ar y sail nad oedd y Cyngor yn fodlon ynglŷn ag addasrwydd yr ymgeisydd i gofrestru, rhaid iddo hysbysu'r ymgeisydd am—
  - (i) ei hawl i apelio i'r Uchel Lys yn erbyn y penderfyniad a wnaed, a
  - (ii) y cyfnod o amser a nodir yn adran 11(2) o Ddeddf 2014 ar gyfer gwneud apêl o'r fath.

(3) Caniateir cyflwyno hysbysiad y mae'n ofynnol ei gyflwyno i berson o dan y rheoliad hwn yn unol â rheoliad 54.

### **Cofrestru dros dro**

7.—(1) Mae person yn gymwys i gofrestru dros dro os yw'r person hwnnw yn bodloni un neu fwy o'r amodau yn y rheoliad hwn am y tro.

(2) Yr amod cyntaf yw bod y person—

- (a) yn athro neu'n athrawes gymwysedig; a
- (b) eto heb gwblhau cyfnod sefydlu yn llwyddiannus.

(3) Yr ail amod yw bod y person yn gofrestredig gan y Cyngor yn y categori cofrestru athro neu athrawes ysgol yn unol â Rheoliadau Cyngor Addysgu Cyffredinol (Cofrestru Athrawon Dros Dro o Wladwriaethau Ewropeaidd Perthnasol) (Cymru a Lloegr) 2009(1).

### **Cofrestru ar ôl sefydlu'r Gofrestr**

8.—(1) Caiff y Cyngor gofrestru personau nad ydynt wedi gwneud ceisiadau i gael eu cofrestru ond sy'n gymwys i gofrestru am y tro cyntaf.

(2) Rhaid i'r Cyngor anfon hysbysiad ysgrifenedig o'u cofrestriad at yr holl bersonau sydd wedi eu cofrestru o dan baragraff (1).

### **Notice of decision**

6.—(1) The Council must serve notice of its decision to grant or refuse the application on the—

- (a) applicant for registration; and
- (b) employer (where applicable).

(2) In the case of a refusal to register, the notice served under paragraph (1) must state—

- (a) the grounds on which the decision was taken, and
- (b) where the refusal was on the ground that the Council was not satisfied on the applicant's suitability for registration it must notify the applicant of—
  - (i) their right to appeal to the High Court against the decision made, and
  - (ii) the time period set out in section 11(2) of the 2014 Act for making such an appeal.

(3) A notice required to be served on a person under this regulation may be served in accordance with regulation 54.

### **Provisional registration**

7.—(1) A person is eligible for provisional registration if for the time being that person meets one or more of the conditions in this regulation.

(2) The first condition is that the person is—

- (a) a qualified teacher; and
- (b) yet to satisfactorily complete an induction period.

(3) The second condition is that the person is registered by the Council in the school teacher category of registration in accordance with the General Teaching Council (Registration of Temporary Teachers from Relevant European States) (England and Wales) Regulations 2009(1).

### **Registration on establishment of the Register**

8.—(1) The Council may register persons who have not made applications for registration but who are eligible for registration for the first time.

(2) The Council must send written notice of their registration to all persons registered under paragraph (1).

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(1) O.S. 2009/3200. Dirymwyd y Rheoliadau hyn o ran Lloegr gan O.S. 2012/1153.

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(1) S.I. 2009/3200. These Regulations were revoked in relation to England by S.I. 2012/1153.

(3) Rhaid i'r Cyngor ddarparu copi am ddim o'r wybodaeth a gofnodwyd ar y Gofrestr yn erbyn enw person sydd wedi ei gofrestru o dan baragraff (1) os bydd y person hwnnw'n gwneud cais.

(4) Rhaid i hysbysiad y mae'n ofynnol ei gyflwyno i berson o dan y rheoliad hwn gael ei gyflwyno yn unol â rheoliad 54.

### **Cynnwys y Gofrestr**

9.—(1) Rhaid i'r Cyngor gofnodi yn y Gofrestr yr wybodaeth a nodir yn Rhan 1 o Atodlen 2 yn erbyn enwau'r holl bersonau cofrestredig.

(2) Rhaid i'r Cyngor gofnodi yn y Gofrestr yr wybodaeth a nodir yn Rhan 2 o Atodlen 2 yn erbyn enwau'r personau hynny a gofrestrwyd yn y categori athro neu athrawes ysgol.

(3) Caiff y Cyngor gofnodi yn y Gofrestr yr wybodaeth a nodir yn Rhan 2 o Atodlen 2 yn erbyn enwau'r personau hynny a gofrestrwyd mewn categori cofrestru ar wahân i gategori athro neu athrawes ysgol.

(4) Caiff y Cyngor wneud darpariaeth ynglŷn â materion ychwanegol i'w cofnodi yn y Gofrestr.

### **Rhannu'r Gofrestr yn rhannau ar wahân**

10. Caiff y Cyngor wneud darpariaethau ynglŷn â rhannu'r Gofrestr yn rhannau ar wahân.

### **Diwygio cofnodion ar y Gofrestr**

11. Caiff y Cyngor wneud darpariaeth ynglŷn ag adfer ac addasu cofnodion ar y Gofrestr, a throsglwyddo cofnodion rhwng gwahanol rannau o'r Gofrestr.

### **Tynnu cofnodion oddi ar y Gofrestr**

12. Caiff y Cyngor wneud darpariaeth—

- (a) ar gyfer gwrthod cais i gofrestru hyd oni fydd y ffi gofrestru briodol wedi ei thalu; a
- (b) ynglŷn â thynnu cofnodion oddi ar y Gofrestr pan fo'r personau dan sylw wedi peidio â bod yn gymwys i'w cofrestru, wedi methu â thalu ffi gofrestru, neu fel arall.

### **Cyhoeddi tystysgrifau cofrestru, a'u ffurf**

13. Caiff y Cyngor wneud darpariaeth ynglŷn â chyhoeddi tystysgrifau cofrestru i bersonau cofrestredig, ac ynglŷn â ffurf y tystysgrifau hynny.

(3) The Council must provide free of charge a copy of the information recorded on the Register against the name of a person registered under paragraph (1), if that person so requests.

(4) A notice required to be served on a person under this regulation must be served in accordance with regulation 54.

### **Content of the Register**

9.—(1) The Council must record in the Register the information set out in Part 1 of Schedule 2 against the names of all registered persons.

(2) The Council must record in the Register the information set out in Part 2 of Schedule 2 against the names of those persons registered in the category of school teacher.

(3) The Council may record in the Register the information set out in Part 2 of Schedule 2 against the names of those persons registered in a category of registration other than that of school teacher.

(4) The Council may make provision as to additional matters to be recorded in the Register.

### **Division of the Register into separate parts**

10. The Council may make provision as to the division of the Register into separate parts.

### **Amending entries on the Register**

11. The Council may make provision as to the restoration and alteration of entries on the Register, and the transfer of entries between different parts of the Register.

### **Removal of entries from the Register**

12. The Council may make provision—

- (a) for it to refuse an application for registration until the appropriate registration fee has been paid; and
- (b) as to the removal of entries from the Register where the persons concerned have ceased to be eligible for registration, have failed to pay a registration fee, or otherwise.

### **Issue and form of certificates of registration**

13. The Council may make provision as to the issuing of certificates of registration to registered persons, and as to the form of such certificates.



## Mynediad cyhoeddus at y Gofrestr

**14.—**(1) Rhaid i'r cyngor, ar ôl derbyn cais gan aelod o'r cyhoedd, roi gwybod i'r aelod hwnnw o'r cyhoedd a yw person yn berson cofrestredig ai peidio.

(2) Rhaid i ymateb gan y Cyngor i gais o dan baragraff (1) gynnwys yr wybodaeth a ganlyn—

- (a) enw'r person cofrestredig;
- (b) y categori cofrestru y mae'r person hwnnw wedi ei gofrestru ynddo;
- (c) yr ysgol neu'r sefydliad lle y mae'r person yn cael ei gyflogi neu wedi ei gymryd ymlaen fel arall (os yn gymwys); a
- (d) manylion eraill y mae'r Cyngor yn penderfynu arnynt.

(3) Caiff y Cyngor drefnu bod enwau'r personau ar y Gofrestr ar gael yn y fath fodd ag y mae'r Cyngor yn penderfynu arno.

## RHAN 3

### Y gofyniad i fod yn gofrestredig: athrawon ysgol

#### Y gofyniad i fod yn gymwysedig

**15.** Ni chaniateir i neb gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol oni bai ei fod—

- (a) yn athro neu'n athrawes gymwysedig; neu
- (b) yn bodloni'r gofynion a bennir mewn o leiaf un o'r paragraffau yn Atodlen 3.

#### Estyn y cyfnod penodedig

**16.** Pan ganiateir i unrhyw berson gyflawni'r gwaith a bennir yn rheoliad 17 am gyfnod penodedig yn rhinwedd unrhyw un o ddarpariaethau Atodlen 3, bydd y cyfnod hwnnw yn cael ei estyn drwy ychwanegu ato gyfnod sy'n hafal i agregiad o unrhyw gyfnod neu gyfnodau pan fydd y person dan sylw'n absennol o'r gwaith—

- (a) wrth i'r person hwnnw arfer—
  - (i) ei hawl i absenoldeb mamolaeth a roddir gan adran 71 neu 73 o Ddeddf 1996(1) neu gontract cyflogaeth a phan fydd gan y person hwnnw yr hawl i ddychwelyd

## Public access to the Register

**14.—**(1) The Council must on receipt of a request from a member of the public inform that member of the public whether or not a person is a registered person.

(2) A reply by the Council to a request under paragraph (1) must contain the following information—

- (a) the name of the registered person;
- (b) the category of registration in which that person is registered;
- (c) the school or institution in which they are currently employed or otherwise engaged (if applicable); and
- (d) such other particulars as the Council may determine.

(3) The Council may make available the names of persons on the Register in such manner as the Council determines.

## PART 3

### Requirement to be registered: school teachers

#### Requirement to be qualified

**15.** No person may carry out work specified in regulation 17 in a school unless they—

- (a) are a qualified teacher; or
- (b) satisfy the requirements specified in at least one of the paragraphs of Schedule 3.

#### Extension of specified period

**16.** Where any person is permitted to carry out work specified in regulation 17 for a specified period by virtue of any of the provisions of Schedule 3, that period will be extended by a period equal to the aggregate of any period or periods during which the person concerned is absent from work—

- (a) in exercise of that person's—
  - (i) right to maternity leave conferred by section 71 or 73 of the 1996 Act(1) or a contract of employment and has the right to return to work by virtue of either of

(1) Diwygiwyd adran 71 gan baragraff 31, ac adran 73 gan baragraff 32, o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 (p. 18) a diwygiwyd y ddwy adran gan adran 17 o Ddeddf Cyflogaeth 2002 (p. 22). Diwygiwyd adran 71 ymhellach gan adran 118(1), (2)(a) a (b) o Ddeddf Plant a Theuluoedd 2014 (p. 6). Diwygiwyd adran 73 ymhellach gan adran 118(1), (3)(a), (b) ac (c) o Ddeddf Plant a Theuluoedd 2014.

(1) Section 71 was amended by paragraph 31, and section 73 by paragraph 32, of Schedule 1 to the Work and Families Act 2006 (c. 18) and both sections were amended by section 17 of the Employment Act 2002 (c. 22). Section 71 was further amended by section 118(1), (2)(a) and (b) of the Children and Families Act 2014 (c. 6). Section 73 was further amended by section 118(1), (3)(a), (b) and (c) of the Children and Families Act 2014.

i'r gwaith yn rhinwedd y naill neu'r llall o'r adrannau hyn neu gontract cyflogaeth;

- (ii) ei hawl i absenoldeb rhiant a roddir gan adran 76 o Ddeddf 1996;
  - (iii) ei hawl i absenoldeb tadolaeth a roddir gan adran 80A neu 80B o Ddeddf 1996(1); neu
  - (iv) ei hawl i absenoldeb mabwysiadu a roddir gan adran 75A neu 75B o Ddeddf 1996(2); neu
- (b) oherwydd beichiogrwydd.

### Gwaith penodedig

17.—(1) Mae pob un o'r gweithgareddau a ganlyn yn waith penodedig at ddibenion y Rheoliadau hyn—

- (a) cynllunio a pharatoi gwersi a chyrisiau ar gyfer disgyblion;
- (b) cyflwyno gwersi i ddisgyblion;
- (c) asesu datblygiad, cynnydd a chyrhaeddiad disgyblion; a
- (d) adrodd ar ddatblygiad, cynnydd a chyrhaeddiad disgyblion.

(2) Ym mharagraff (1)(b) mae “cyflwyno” yn cynnwys cyflwyno drwy ddulliau dysgu o bell neu ddulliau dysgu â chymorth cyfrifiadur.

### Y gofyniad i fod yn gofrestrredig: athrawon ysgol

18. Dim ond os ydynt wedi eu cofrestru o dan adran 9 o Ddeddf 2014 (cofrestr a gynhelir gan y Cyngor) y caiff athrawon cymwysedig gyflawni gwaith a bennwyd yn rheoliad 17 mewn ysgol.

these sections or a contract of employment;

- (ii) right to parental leave conferred by section 76 of the 1996 Act;
  - (iii) right to paternity leave conferred by section 80A or 80B of the 1996 Act(1); or
  - (iv) right to adoption leave conferred by section 75A or 75B of the 1996 Act(2); or
- (b) because of pregnancy.

### Specified work

17.—(1) Each of the following activities is specified work for the purposes of these Regulations—

- (a) planning and preparing lessons and courses for pupils;
- (b) delivering lessons to pupils;
- (c) assessing the development, progress and attainment of pupils; and
- (d) reporting on the development, progress and attainment of pupils.

(2) In paragraph (1)(b) “delivering” includes delivery via distance learning or computer aided techniques.

### Requirement to be registered: school teachers

18. Qualified teachers may carry out work specified in regulation 17 in a school only if they are registered under section 9 of the 2014 Act (register maintained by the Council).

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(1) Mewnosodwyd adrannau 80A ac 80B gan adran 1 o Ddeddf Cyflogaeth 2002 (p. 22), ac adrannau 80AA ac 80BB gan adrannau 3 a 4 yn y drefn honno o Ddeddf Gwaith a Theuluoedd 2006 (p. 18). Diwygiwyd adran 80A ymhellach gan adran 118(1) a (6) o Ddeddf Plant a Theuluoedd 2014, a pharagraffau 29 a 32 o Atodlen 7 i'r Ddeddf honno. Diwygiwyd adran 80B ymhellach gan adrannau 118(1) a (7), 121(2)(a) a (b), 122(4) a 128(2)(b) o Ddeddf Plant a Theuluoedd 2014 a pharagraffau 29 a 33 o Atodlen 7 i'r Ddeddf honno.

(2) Mewnosodwyd adrannau 75A a 75B gan adran 3 o Ddeddf Cyflogaeth 2002 (p. 22). Diwygiwyd adran 75A gan baragraff 33 o Atodlen 1 i Ddeddf Gwaith a Theuluoedd 2006 (p. 18) a gan adrannau 118(1), (4)(b) ac (c) a 122(1) o Ddeddf Plant a Theuluoedd 2014. Diwygiwyd adran 75B ymhellach gan adran 118(1), (5)(b) ac (c) o Ddeddf Plant a Theuluoedd 2014.

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(1) Sections 80A and 80B were inserted by section 1 of the Employment Act 2002 (c. 22), and sections 80AA and 80BB were inserted by sections 3 and 4 respectively of the Work and Families Act 2006 (c. 18). Section 80A was further amended by section 118(1) and (6) of, and paragraphs 29 and 32 of Schedule 7 to, the Children and Families Act 2014. Section 80B was further amended by sections 118(1) and (7), 121(2)(a) and (b), 122(4) and 128(2)(b) of, and paragraphs 29 and 33 of Schedule 7 to, the Children and Families Act 2014.

(2) Sections 75A and 75B were inserted by section 3 of the Employment Act 2002 (c. 22). Section 75A was amended by paragraph 33 of Schedule 1 to the Work and Families Act 2006 (c. 18) and by sections 118(1), (4)(b) and (c) and 122(1) of the Children and Families Act 2014. Section 75B was further amended by section 118(1), (5)(b) and (c) of the Children and Families Act 2014.

## RHAN 4

Y gofyniad i fod yn gofrestredig: athrawon addysg bellach

### Y gofyniad i fod yn gofrestredig: athrawon addysg bellach

19.—(1) Yn ddarostyngedig i baragraff (2) ni chaiff person ddarparu addysg mewn nac ar gyfer sefydliad addysg bellach oni bai ei fod wedi ei gofrestru yn y categori athro neu athrawes addysg bellach gyda'r Cyngor.

(2) Nid yw paragraff (1) yn gymwys i berson pan nad yw'r person hwnnw ond—

- (a) yn addysgu addysg uwch mewn neu ar gyfer sefydliad addysg bellach;
- (b) yn darparu diweddariadau hyfforddi dros dro neu yn achlysurol ar gyfer—
  - (i) diwydiant,
  - (ii) masnach, neu
  - (iii) ymarfer proffesiynol;
- (c) yn llogi safle gan sefydliad addysg bellach neu fel arall yn defnyddio safle sefydliad addysg bellach gyda chaniatâd y sefydliad; neu
- (d) yn darparu hyfforddiant ar gais corff neu sefydliad allanol ac er mwyn diwallu ei anghenion penodol.

## RHAN 5

Swyddogaethau disgyblu

### Sefydlu Pwyllgorau Ymchwilio

20. Rhaid i'r Cyngor sefydlu un neu fwy o bwyllgorau i gael eu hadnabod fel Pwyllgorau Ymchwilio at ddibenion cyflawni'r swyddogaethau yn adran 26(1) a (2) o Ddeddf 2014.

### Dirprwyo swyddogaethau Pwyllgorau Ymchwilio

21.—(1) Caiff Pwyllgor Ymchwilio ddirprwyo'r swyddogaethau a ganlyn i un o gyflogeion y Cyngor—

- (a) penderfynu pa un ai i ymchwilio, ac ymchwilio, i honiadau o nodwedd neu ddisgrifiad penodol, neu honiadau penodol—
  - (i) yn erbyn person cofrestredig; neu
  - (ii) bod person cofrestredig wedi ei gollfarnu am drosedd berthnasol;

## PART 4

Requirement to be registered: further education teachers

### Requirement to be registered: further education teachers

19.—(1) Subject to paragraph (2) a person may not provide education in or for a further education institution unless they are registered in the category of further education teacher with the Council.

(2) Paragraph (1) does not apply to a person where that person only—

- (a) teaches higher education in or for a further education institution;
- (b) provides on a temporary or occasional basis training updates for—
  - (i) industry,
  - (ii) commerce, or
  - (iii) professional practice;
- (c) hires premises from a further education institute or otherwise makes use of a further education institution's premises with its consent; or
- (d) provides training at the request and specific to the requirements of an external body or organisation.

## PART 5

Disciplinary functions

### Establishment of Investigating Committees

20. The Council must establish one or more committees to be known as Investigating Committees for the purposes of carrying out the functions in section 26(1) and (2) of the 2014 Act.

### Delegation of Investigating Committees' functions

21.—(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 person; or
  - (ii) that a registered person has been convicted of a relevant offence;

- (b) penderfynu a oes gan berson cofrestredig achos i'w ateb mewn perthynas â mater yr ymchwiliwyd iddo o dan is-baragraff (a); ac
- (c) terfynu achos yn erbyn person cofrestredig pan fo'r cyflogai wedi penderfynu o dan is-baragraff (b) nad oes achos i'w ateb.

(2) Mae Rhan 5 o'r Rheoliadau hyn yn gymwys i arfer swyddogaeth gan un o gyflogeion y Cyngor yn yr un modd ag y byddent yn gymwys i arfer y swyddogaeth honno gan Bwyllgor Ymchwilio.

### Sefydlu Addasrwydd i Ymarfer

**22.**—(1) Rhaid i'r Cyngor sefydlu un neu fwy o bwyllgorau i gael eu hadnabod fel Pwyllgorau Addasrwydd i Ymarfer at ddibenion cyflawni'r swyddogaethau y cyfeirir atynt ym mharagraff (2).

(2) Mae swyddogaethau Pwyllgor Addasrwydd i Ymarfer fel a ganlyn—

- (a) penderfynu ar achosion a gyfeirir ato gan Bwyllgor Ymchwilio pan ymddengys i'r Pwyllgor Ymchwilio fod gan y person cofrestredig achos i'w ateb ynglŷn ag—
  - (i) ymddygiad proffesiynol annerbyniol;
  - (ii) anghymhwysedd proffesiynol difrifol; neu
  - (iii) collfarn am drosedd berthnasol;
- (b) ystyried pa un ai i wneud gorchymyn disgyblu mewn perthynas â'r person cofrestredig hwnnw ac os bydd yn ystyried y dylid gwneud gorchymyn o'r fath, gwneud gorchymyn o'r fath pan fo Pwyllgor Addasrwydd i Ymarfer yn canfod bod person cofrestredig—
  - (i) yn euog o ymddygiad proffesiynol annerbyniol;
  - (ii) yn euog o anghymhwysedd proffesiynol difrifol; neu
  - (iii) wedi ei gael yn euog o drosedd berthnasol; ac
- (c) penderfynu ar geisiadau o dan reoliadau 37, 39 neu 40, neu faterion yn codi mewn perthynas â gorchymynion disgyblu o dan reoliadau 38 neu 41.

### Ffurfi a chynnwys y cod ymddygiad ac ymarfer

**23.** Rhaid i'r cod ymddygiad ac ymarfer gynnwys y materion a ganlyn fel darpariaeth sylfaenol—

- (a) seilio'r berthynas rhwng dysgwyr a phersonau cofrestredig ar ymddiriedaeth a pharch o'r ddwy ochr;
- (b) bod yn ystyriol o ddiogelwch a lles dysgwyr;

- (b) deciding whether a registered person has a case to answer in relation to a matter investigated under sub-paragraph (a);
- (c) discontinuing a case against a registered person where the employee has decided under sub-paragraph (b) that there is no case to answer.

(2) Part 5 of these Regulations applies 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 Fitness to Practice

**22.**—(1) The Council must establish one or more committees to be known as Fitness to Practice Committees for the purposes of carrying out the functions referred to in paragraph (2).

(2) The functions of a Fitness to Practice Committee are to—

- (a) determine cases referred to it by an Investigating Committee where it appeared to the Investigating Committee that the registered person has a case to answer in relation to—
  - (i) unacceptable professional conduct;
  - (ii) serious professional incompetence; or
  - (iii) conviction of a relevant offence;
- (b) consider whether to make a disciplinary order in relation to that registered person and if it considers that such an order should be made, to make such an order where a Fitness to Practice Committee finds a registered person—
  - (i) guilty of unacceptable professional conduct;
  - (ii) guilty of serious professional incompetence; or
  - (iii) to have been convicted of a relevant offence; and
- (c) determine applications under regulations 37, 39 or 40, or matters arising in relation to disciplinary orders under regulations 38 or 41.

### Form and content of code of conduct and practice

**23.** The code of conduct and practice must contain as a minimum provision dealing with the following matters—

- (a) basing relationships between learners and registered persons on mutual trust and respect;
- (b) having regard to the safety and well-being of learners;

- (c) gweithio mewn modd cydweithredol gyda chydweithwyr a gweithwyr proffesiynol eraill;
- (d) datblygu a chynnal perthynas dda â rhieni, gwarcheidwaid a gofalwyr;
- (e) gweithredu â gonestrwydd ac unplygrwydd;
- (f) bod yn sensitif i'r angen am gyfrinachedd, pan fo'n briodol;
- (g) cymryd cyfrifoldeb dros gynnal ansawdd ymarfer proffesiynol; ac
- (h) cynnal ymddiriedaeth a hyder y cyhoedd yn y gweithlu addysg.

- (c) working in a collaborative manner with colleagues and other professionals;
- (d) developing and maintaining good relationships with parents, guardians and carers;
- (e) acting with honesty and integrity;
- (f) being sensitive to the need for confidentiality, where appropriate;
- (g) taking responsibility for maintaining the quality of professional practice; and
- (h) upholding public trust and confidence in the education workforce.

### **Defnyddio'r cod ymddygiad ac ymarfer mewn materion disgyblu**

24. Rhaid i Bwyllgor Ymchwilio neu Bwyllgor Addasrwydd i Ymarfer roi ystyriaeth i unrhyw fethiant gan berson cofrestredig i gydymffurfio â'r cod ymddygiad ac ymarfer mewn unrhyw achos disgyblu yn erbyn y person hwnnw.

### **Darparu copïau o'r cod ymddygiad ac ymarfer**

25.—(1) Rhaid i'r Cyngor sicrhau bod copïau o'r cod ymddygiad ac ymarfer ar gael am ddim i bob person cofrestredig—

- (a) pan fo'r cod ymddygiad ac ymarfer yn cael ei gyhoeddi am y tro cyntaf neu pan fydd person yn cofrestru am y tro cyntaf (os nad oedd y person yn berson cofrestredig pan gyhoeddwyd y cod ymddygiad ac ymarfer am y tro cyntaf); a
- (b) pan fo'r cod ymddygiad ac ymarfer yn cael ei adolygu.

(2) Rhaid i'r Cyngor sicrhau bod copi o'r cod ymddygiad ac ymarfer ar gael ar unrhyw wefan y mae'n ei chynnal ar y rhyngwyd.

(3) Yn ddarostyngedig i baragraff (1) rhaid i'r Cyngor, pan fo'n derbyn cais, ddarparu copïau o'r cod ymddygiad ac ymarfer ar ôl talu pa bynnag ffi resymol y caiff benderfynu arni.

### **Aelodaeth a gweithdrefn Pwyllgorau**

26.—(1) Ar Bwyllgor Ymchwilio neu Bwyllgor Addasrwydd i Ymarfer ("Pwyllgor") rhaid i'r Cyngor gynnwys—

- (a) un neu fwy aelod lleig; a
- (b) un neu fwy aelod sy'n berson cofrestredig.

(2) Y cworwm ar gyfer cyfarfod Pwyllgor yw tri aelod, gan gynnwys un aelod lleig ac un aelod sy'n berson cofrestredig.

### **Use of the code of conduct and practice in disciplinary matters**

24. An Investigating Committee or a Fitness to Practice Committee must take into account any failure by a registered person to comply with the code of conduct and practice in any disciplinary proceedings against that person.

### **Provision of copies of the code of conduct and practice**

25.—(1) The Council must make copies of the code of conduct and practice available free of charge to all registered persons—

- (a) when the code of conduct and practice is first issued or on a person's first registration (if the person was not a registered person when the code of conduct and practice was first issued); and
- (b) when the code of conduct and practice is revised.

(2) The Council must make available a copy of the code of conduct and practice at any website maintained by it on the internet.

(3) Subject to paragraph (1) the Council must on request provide copies of the code of conduct and practice on payment of such reasonable charge as it may decide.

### **Membership and procedure of Committees**

26.—(1) The Council must include on an Investigating Committee or a Fitness to Practice Committee ("a Committee")—

- (a) one or more lay members; and
- (b) one or more registered person member.

(2) The quorum for a meeting of a Committee is three members, including one lay member and one registered person member.

(3) Ni chaniateir i berson sy'n aelod o'r Cyngor gael ei benodi'n aelod o Bwyllgor.

(4) Ni chaniateir i berson sy'n aelod o'r Pwyllgor Ymchwilio sy'n ymchwilio i achos gael ei benodi'n aelod o'r Pwyllgor Addasrwydd i Ymarfer sy'n penderfynu ar yr achos hwnnw.

(5) Yn ddarostyngedig i baragraffau (1) i (4) a rheoliadau 37, 39 a 40, caiff y Cyngor wneud darpariaeth fel y gwêl yn addas ar gyfer—

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

(6) Yn y rheoliad hwn—

(a) ystyr “aelod lleyg” (“*lay member*”) yw aelod o'r Pwyllgor nad ydyw—

- (i) yn berson cofrestredig;
- (ii) yn gyflogedig, nac wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol o fewn y cyfnod o 5 mlynedd a fydd yn dod i ben ar ddyddiad penodi'r person hwnnw ar y Pwyllgor;
- (iii) wedi ei wahardd rhag cyflawni gweithgaredd a reoleiddir yn ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1));
- (iv) yn destun gorchymyn disgyblu a wnaed o dan Ddeddf 2014 ac yn rhinwedd y gorchymyn hwnnw bod y person yn anghymwys i gofrestru; neu
- (v) wedi ei anghymhwysu rhag gweithio mewn swydd sy'n gyfystyr â chategori cofrestru;

(b) ystyr “aelod sy'n berson cofrestredig” (“*registered person member*”) yw person—

- (i) sy'n berson cofrestredig o'r un categori cofrestru â'r person cofrestredig sy'n destun yr achos disgyblu; a
- (ii) sy'n gyflogedig, neu sydd wedi ei gymryd ymlaen ac eithrio o dan gontract cyflogaeth, yn un o'r swyddi a ddisgrifir yn y categorïau cofrestru ar y dyddiad y penodir yr aelod hwnnw sy'n berson cofrestredig i'r Pwyllgor.

(7) Rhaid i aelod sy'n berson cofrestredig ac sy'n peidio â bod yn berson cofrestredig neu sy'n peidio â bod yn gyflogedig neu wedi ei gymryd ymlaen yn un o'r swyddi a ddisgrifir yn y categorïau cofrestru beidio â bod yn aelod sy'n berson cofrestredig.

(3) A person who is a member of the Council must not be appointed as a member of a Committee.

(4) A person who is a member of the Investigating Committee investigating a case must not be appointed as a member of the Fitness to Practice Committee which determines that case.

(5) Subject to paragraphs (1) to (4) and regulations 37, 39 and 40, the Council may make such provision as it 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” (“*aelod lleyg*”) means a member of the Committee who is not—

- (i) a registered person;
- (ii) employed, or engaged to provide relevant services within the period of 5 years ending with the date of that person's appointment to the Committee;
- (iii) barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006(1));
- (iv) subject to a disciplinary order made under the 2014 Act by virtue of which the person is ineligible to register; or

(v) disqualified from working in a post equivalent to a category of registration;

(b) “registered person member” (“*aelod sy'n berson cofrestredig*”) means a person who is—

- (i) a registered person from the same category of registration as the registered person who is the subject of the disciplinary proceedings; and
- (ii) employed, or engaged otherwise than under a contract of employment, in one of the posts described in the categories of registration on the date of that registered person member's appointment to the Committee.

(7) A registered person member who ceases to be registered person or who ceases to be employed or engaged in one of the posts described in the categories of registration must cease to be a registered person member.

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(1) 2012 p. 9.

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(1) 2006 c. 47.

(8) Mae aelod lleyg sy'n dod yn berson cofrestredig yn peidio â chael ei ystyried yn aelod lleyg.

### **Hepgor neu gyfyngu ar bwerau Pwyllgorau**

**27.—**(1) Hepgorir swyddogaethau Pwyllgor Ymchwilio o dan Ran 5 o'r Rheoliadau hyn mewn achos—

- (a) pan honnir bod person cofrestredig yn euog o ymddygiad proffesiynol annerbyniol neu wedi ei gollfarnu (ar unrhyw adeg) am drosedd berthnasol, neu pan ymddengys iddo y gallai person cofrestredig fod yn euog o hynny neu wedi ei gollfarnu am hynny; a
- (b) pan fo'r Ysgrifennydd Gwladol yn ystyried bod yr achos yn ymwneud â diogelwch a lles personau nad ydynt eto'n 18 oed a'i fod yn dymuno ystyried yr achos gyda'r bwriad o arfer ei bwerau o dan adran 141B o Ddeddf Addysg 2002—
  - (i) ar y sail bod person yn anaddas i weithio gyda phlant, neu
  - (ii) ar sail sy'n ymwneud â chamymddygiad neu iechyd person; neu
- (c) pan fo'r Gwasanaeth Datgelu a Gwahardd, a sefydlwyd gan adran 87(1) o Ddeddf Diogelu Rhyddidau 2012(1), wedi cynnwys, neu yn ystyried pa un ai i gynnwys, person cofrestredig yn y naill neu'r llall o'r rhestrau gwahardd a gynhelir o dan adran 2 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1).

(2) Hepgorir swyddogaethau Pwyllgor Ymchwilio o dan Ran 5 o'r Rheoliadau hyn mewn achos—

- (a) pan honnir bod person cofrestredig yn euog o anghymhwysedd proffesiynol difrifol neu pan ymddengys iddo y gallai person cofrestredig fod yn euog o hynny; a
- (b) pan na ddarparwyd i'r Cyngor yn unol â Rhan 7 o'r Rheoliadau hyn wybodaeth y mae'r Pwyllgor Ymchwilio yn ei hystyried yn angenrheidiol er mwyn ei alluogi i gyflawni ei swyddogaethau o dan Ran 5 o'r Rheoliadau hyn.

### **Achosion Pwyllgorau Ymchwilio**

**28.—**(1) Pan fydd Pwyllgor Ymchwilio yn penderfynu cynnal ymchwiliad mewn perthynas â pherson cofrestredig, ar adeg yn ystod yr ymchwiliad y mae'n ei ystyried yn briodol, mae'n rhaid iddo—

(8) A lay member who becomes a registered person ceases to be regarded as a lay member.

### **Exclusion or restriction of Committees' powers**

**27.—**(1) An Investigating Committee's functions under Part 5 of these Regulations are excluded in a case where—

- (a) it is alleged that a registered person is guilty of unacceptable professional conduct or has been convicted (at any time) of a relevant offence, or it appears to it that a registered person may be so guilty or have been so convicted; and
- (b) the Secretary of State considers that the case concerns the safety and welfare of persons who have not attained the age of 18 and wishes to consider the case with a view to exercising their powers under section 141B of the Education Act 2002 on the grounds—
  - (i) that a person is unsuitable to work with children, or
  - (ii) relating to a person's misconduct or health, or
- (c) the Disclosure and Barring Service, established by section 87(1) of the Protection of Freedoms Act 2012(1), has included, or is considering whether to include, a registered person in either of the barred lists maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006(2).

(2) An Investigating Committee's functions under Part 5 of these Regulations are excluded in a case where—

- (a) it is alleged that a registered person is guilty of serious professional incompetence or it appears to it that a registered person may be so guilty; and
- (b) information has not been provided to the Council pursuant to Part 7 of these Regulations which the Investigating Committee considers is necessary to enable it to carry out its functions under Part 5 of these Regulations.

### **Proceedings of Investigating Committees**

**28.—**(1) Where an Investigating Committee decides to carry out an investigation in relation to a registered person, it must at such stage in the investigation as they consider appropriate—

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(1) 2006 p. 47.

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(1) 2012 c. 9.  
(2) 2006 c. 47.

- (a) hysbysu'r person cofrestredig o natur yr honiad neu'r achos yn ei erbyn, a'i hawliau o dan reoliad 30;
- (b) rhoi'r cyfle i'r person cofrestredig gyflwyno tystiolaeth a chyflwyno sylwadau ysgrifenedig; ac
- (c) ystyried tystiolaeth a sylwadau o'r fath ac unrhyw dystiolaeth a deunydd arall sydd ar gael iddo.

(2) Caiff Pwyllgor Ymchwilio benderfynu peidio â pharhau ag ymchwiliad ar unrhyw adeg cyn i'r achos gael ei atgyfeirio i Bwyllgor Addasrwydd i Ymarfer benderfynu arno.

(3) Ar ôl cwblhau ei ymchwiliad rhaid i'r Pwyllgor Ymchwilio gymryd un o'r camau a ganlyn—

- (a) atgyfeirio'r achos i Bwyllgor Addasrwydd i Ymarfer benderfynu arno; neu
- (b) peidio â pharhau â'r achos.

(4) Pan fo Pwyllgor Ymchwilio yn penderfynu peidio â pharhau ag ymchwiliad neu achos mae'n rhaid iddo hysbysu'r person cofrestredig dan sylw a'i gyflogwr—

- (a) ei fod yn peidio â pharhau â'r achos; a
- (b) nad oes gan y person cofrestredig dan sylw achos i'w ateb.

(5) Pan fo Pwyllgor Ymchwilio yn penderfynu nad oes gan berson cofrestredig achos i'w ateb, rhaid iddo gyhoeddi datganiad i'r perwyl hwnnw ar gais y person dan sylw.

(6) Caiff y Cyngor wneud darpariaethau eraill ynghylch y weithdrefn i'w dilyn gan Bwyllgor Ymchwilio mewn cysylltiad ag ymchwiliadau'r Pwyllgor Ymchwilio ac achosion eraill fel y gwêl yn addas, a chaiff adolygu unrhyw reolau gweithredu a wneir o dan y paragraff hwn o bryd i'w gilydd.

### **Achosion Pwyllgorau Addasrwydd i Ymarfer**

**29.—**(1) Rhaid i Bwyllgor Addasrwydd i Ymarfer benderfynu ar achosion yn erbyn personau cofrestredig a atgyfeirir ato gan Bwyllgor Ymchwilio yn unol â'r Rheoliadau hyn a rheolau a wneir gan y Cyngor o dan reoliad 34.

(2) Pan fo Pwyllgor Addasrwydd i Ymarfer yn penderfynu peidio â pharhau ag achos ar unrhyw adeg ar ôl i'r achos hwnnw gael ei atgyfeirio ato gan Bwyllgor Ymchwilio, rhaid iddo hysbysu'r person cofrestredig dan sylw a'i gyflogwr—

- (a) ei fod yn peidio â pharhau â'r ymchwiliad; a
- (b) nad oes gan y person cofrestredig dan sylw achos i'w ateb.

- (a) inform the registered person of the nature of the allegation or case against them, and their rights under regulation 30;
- (b) afford the registered person an opportunity to submit evidence and make written representations; and
- (c) consider such evidence and representations and any other evidence and material available to it.

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

(3) When its investigation is complete the Investigating Committee must take one of the following steps—

- (a) refer the case for determination by a Fitness to Practice Committee; or
- (b) discontinue the case.

(4) Where an Investigating Committee decides to discontinue an investigation or a case it must inform the registered person concerned and their employer that—

- (a) the investigation has been discontinued; and
- (b) the registered person concerned had no case to answer.

(5) Where an Investigating Committee decides that a registered person has no case to answer, it must at that person's 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 the Investigating Committees' investigations and other proceedings as it sees fit, and may from time to time revise any rules of procedure made under this paragraph.

### **Proceedings of Fitness to Practice Committees**

**29.—**(1) A Fitness to Practice Committee must determine cases against registered persons referred to it by an Investigating Committee in accordance with these Regulations and rules made by the Council under regulation 34.

(2) Where a Fitness to Practice Committee decides at any time after a case is referred to them by an Investigating Committee to discontinue that case, it must inform the registered person concerned and their employer that the—

- (a) investigation has been discontinued; and
- (b) registered person concerned had no case to answer.



(3) Pan fo Pwyllgor Addasrwydd i Ymarfer yn penderfynu nad oes gan berson cofrestredig achos i'w ateb, rhaid iddo gyhoeddi datganiad i'r perwyl hwnnw ar gais y person dan sylw.

(4) Caiff Pwyllgor Addasrwydd i Ymarfer atgyfeirio achos at Bwyllgor Ymchwilio.

### **Hawl i ymddangos a chael cynrychiolaeth mewn gwrandawiadau**

**30.**—(1) Mae gan berson cofrestredig hawl i ymddangos a chyflwyno sylwadau ar lafar a chael ei gynrychioli, gan ba bynnag berson neu bersonau a ddymuna, mewn unrhyw wrandawriad Pwyllgor Addasrwydd i Ymarfer lle y caiff ei achos ei ystyried.

(2) Pan nad yw person cofrestredig yn ymddangos mewn gwrandawriad Pwyllgor Addasrwydd i Ymarfer lle y caiff ei achos ei ystyried, mae gan y person cofrestredig yr hawl i gyflwyno sylwadau ysgrifenedig.

### **Presenoldeb tystion**

**31.** Caiff Pwyllgor Addasrwydd i Ymarfer ei gwneud yn ofynnol i unrhyw berson fynychu a rhoi tystiolaeth neu gyflwyno dogfennau neu dystiolaeth berthnasol arall mewn unrhyw wrandawriad.

### **Gofyniad i wrandawiadau gael eu cynnal yn gyhoeddus**

**32.**—(1) Rhaid i Bwyllgor Addasrwydd i Ymarfer gyhoeddi ei benderfyniad ynglŷn â chanlyniad pob gwrandawriad yn gyhoeddus ac yn ddarostyngedig i baragraffau (2) a (3) rhaid i holl wrandawiadau Pwyllgor Addasrwydd i Ymarfer gael eu cynnal yn gyhoeddus.

(2) Caiff Pwyllgor Addasrwydd i Ymarfer drafod yn breifat ar unrhyw adeg ac at unrhyw ddiben yn ystod neu ar ôl gwrandawriad.

(3) Caiff Pwyllgor Addasrwydd i Ymarfer wahardd y cyhoedd o wrandawriad neu unrhyw ran o wrandawriad—

- (a) pan ymddengys i'r pwyllgor ei bod yn angenrheidiol gwahardd y cyhoedd er lles cyfiawnder;
- (b) pan fo'r person cofrestredig y mae'r achos disgyblu yn cael ei weithredu yn ei erbyn yn gwneud cais ysgrifenedig y dylid cynnal y gwrandawriad yn breifat, ac nad yw'r Pwyllgor Addasrwydd i Ymarfer yn ystyried ei bod yn groes i les y cyhoedd i gynnal y gwrandawriad yn breifat; neu
- (c) pan fo hynny'n angenrheidiol er mwyn amddiffyn lles plant.

(3) Where a Fitness to Practice Committee decides that a registered person has no case to answer, it must at that person's request publish a statement to that effect.

(4) A Fitness to Practice Committee may refer a case to an Investigating Committee.

### **Entitlement to appear and be represented at hearings**

**30.**—(1) A registered person is entitled to appear and make oral representations and to be represented, by any person or persons whom they desire, at any hearing of a Fitness to Practice Committee at which their case is considered.

(2) Where a registered person does not appear at a hearing of a Fitness to Practice Committee at which their case is considered, the registered person is entitled to make written representations.

### **Attendance of witnesses**

**31.** A Fitness to Practice Committee may require any person to attend and give evidence or to produce documents or other material evidence at any hearing.

### **Requirement for hearings to be held in public**

**32.**—(1) A Fitness to Practice Committee must announce its determination of the outcome of all hearings in public and subject to paragraphs (2) and (3) all hearings of a Fitness to Practice Committee must take place in public.

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

(3) A Fitness to Practice Committee may exclude the public from a hearing or any part of a hearing—

- (a) where it appears to the committee that it is necessary in the interests of justice to exclude the public;
- (b) where the registered person against whom disciplinary proceedings are being taken makes a written request that the hearing should be in private, and the Fitness to Practice Committee does 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.

### **Gweinyddu llwon a chadarnhadau**

**33.** Caiff Pwyllgor Addasrwydd i Ymarfer ei gwneud yn ofynnol i unrhyw dyst mewn gwrandawriad roi tystiolaeth ar lw neu gadarnhad ac i'r diben hwnnw gellid gweinyddu llw neu gadarnhad yn y man.

### **Darpariaethau eraill ynglŷn â Phwyllgorau Addasrwydd i Ymarfer**

**34.** Caiff y Cyngor wneud darpariaethau eraill ynghylch y weithdrefn i'w dilyn gan Bwyllgor Addasrwydd i Ymarfer mewn cysylltiad â phenderfyniadau'r pwyllgor a gweithdrefnau eraill fel y gwêl yn addas, ac o bryd i'w gilydd caiff adolygu unrhyw reolau gweithredu a wneir o dan y paragraff hwn.

### **Gorchymynion disgyblu**

**35.—(1)** Rhaid i orchymyn disgyblu gofnodi penderfyniad y Pwyllgor Addasrwydd i Ymarfer, y dyddiad y gwneir y gorchymyn, a'r dyddiad y mae'r gorchymyn yn cael effaith.

(2) Daw gorchymyn disgyblu i rym ar y dyddiad y caiff hysbysiad ohono ei gyflwyno i'r person y caiff y gorchymyn disgyblu ei wneud mewn perthynas ag ef ac eithrio pan fo Pwyllgor Addasrwydd i Ymarfer yn penderfynu fel arall.

(3) Rhaid i Bwyllgor Addasrwydd i Ymarfer gyflwyno i'r person y gwneir y gorchymyn disgyblu mewn perthynas ag ef hysbysiad o'r gorchymyn disgyblu sy'n cynnwys yr wybodaeth a ganlyn—

- (a) testun y gorchymyn;
- (b) disgrifiad o effaith y gorchymyn;
- (c) rhesymau'r Pwyllgor Addasrwydd i Ymarfer dros wneud y gorchymyn;
- (d) hysbysiad o hawl y person cofrestredig i apelio i'r Uchel Lys yn erbyn y gorchymyn a'r cyfnod amser ar gyfer gwneud apêl o'r fath;
- (e) pan fo'r gorchymyn yn orchymyn cofrestru amodol, eglurhad—
  - (i) o'r camau y mae gan Bwyllgor Addasrwydd i Ymarfer yr awdurdod i'w cymryd pe byddai'r person cofrestredig yn methu â chydymffurfio ag amod a nodir ynddo, a
  - (ii) o hawl y person i wneud cais i amrywio neu ddirymu amod a bennir yn y gorchymyn a'r dull o wneud cais o'r fath;

### **Administration of oaths and affirmations**

**33.** A Fitness to Practice 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 course.

### **Other provisions about Fitness to Practice Committees**

**34.** The Council may make such other provision as to the procedure to be followed by a Fitness to Practice Committee in connection with the committee's determinations and other proceedings as it sees fit, and may from time to time revise any rules of procedure made under this paragraph.

### **Disciplinary orders**

**35.—(1)** A disciplinary order must record the decision of the Fitness to Practice Committee, the date on which the order is made, and the date on which the order takes effect.

(2) A disciplinary order takes effect on the date on which notice of it is served on the person in relation to whom it is made except where a Fitness to Practice Committee otherwise decide.

(3) A Fitness to Practice Committee must serve a notice of the disciplinary order on the person in relation to whom it is made containing the following information—

- (a) the text of the order;
- (b) a description of the effect of the order;
- (c) the Fitness to Practice Committee's reasons for making the order;
- (d) notification of the registered person's right to appeal to the High Court against the order and the time period for making such an appeal;
- (e) where the order is a conditional registration order, an explanation of—
  - (i) the steps a Fitness to Practice Committee are empowered to take should the registered person fail to comply with a condition specified in it; and
  - (ii) that person's right to apply to vary or revoke a condition specified in the order and the method for making such an application;

(f) pan fo'r gorchymyn yn orchymyn atal dros dro sy'n pennu amodau, eglurhad o hawl y person cofrestredig i wneud cais i amrywio neu ddirymu amod a bennir yn y gorchymyn hwnnw a'r dull o wneud cais o'r fath; ac

(g) pan fo'r gorchymyn yn orchymyn gwahardd, eglurhad o hawl y person cofrestredig i wneud cais am benderfyniad ei fod yn gymwys i gael ei gofrestru a'r dull o wneud cais o'r fath.

(4) Rhaid i Bwyllgor Addasrwydd i Ymarfer gyflwyno hysbysiad o'r gorchymyn i'r personau cofrestredig sy'n bresennol neu i'r cyflogwr diwethaf a, phan fo'n berthnasol, i'r asiant.

(5) Pan fydd Pwyllgor Addasrwydd i Ymarfer, ar ôl penderfynu ar achos, yn penderfynu peidio â gwneud gorchymyn disgyblu mewn perthynas â pherson cofrestredig, rhaid i'r pwyllgor hysbysu'r person cofrestredig dan sylw a'i gyflogwr—

(a) am ei benderfyniad a'r rhesymau drosto; a

(b) a benderfynodd nad oedd yr achos yn ei erbyn wedi ei brofi.

(6) Pan nad yw'n canfod bod yr achos yn erbyn person cofrestredig wedi ei brofi, rhaid i Bwyllgor Addasrwydd i Ymarfer gyhoeddi datganiad i'r perwyl hwnnw ar gais y person cofrestredig.

### Cyhoeddi gorchymynion disgyblu

**36.**—(1) Yn unol â pharagraff (2) rhaid i'r Cyngor gyhoeddi'r wybodaeth a nodir ym mharagraff (3) mewn cysylltiad â gorchymyn disgyblu—

(a) ar wefan y mae'n ei chynnal ar y rhyngwryd am y cyfnod y bydd y gorchymyn mewn grym neu am gyfnod o chwe mis yn cychwyn ar y dyddiad y mae'r gorchymyn i gael effaith (pa un bynnag yw'r diweddaraf); neu

(b) mewn modd arall fel y gwêl yn addas.

(2) Nid yw'r ddyletswydd i gyhoeddi'r wybodaeth ym mharagraff (3) yn gymwys pan ymddengys ym marn y Cyngor ei bod yn angenrheidiol peidio â chyhoeddi—

(a) er lles cyfiawnder; neu

(b) er mwyn amddiffyn lles plant.

(3) Yr wybodaeth i gael ei chyhoeddi yw—

(a) enw'r person y gwneir y gorchymyn mewn perthynas ag ef ac enw—

(i) yr ysgol yr oedd y person yn gyflogedig ynddi yn fwyaf diweddar;

(ii) y sefydliad addysg bellach neu'r sefydliad addysg uwch yr oedd y person yn gyflogedig ynddi yn fwyaf diweddar, neu

(f) where the order is a suspension order which specifies conditions, an explanation of the registered person's right to apply to vary or revoke a condition specified in the order and the method for making such an application; and

(g) where the order is a prohibition order, an explanation of the registered person's right to apply for a determination that they are eligible for registration and the method for making such an application.

(4) A Fitness to Practice Committee must serve notice of the order on the registered persons present or last employer and, where relevant, agent.

(5) Where following the determination of a case by a Fitness to Practice Committee it decides not to make a disciplinary order in relation to a registered person, the committee must notify the registered person concerned and their employer—

(a) of its decision and the reasons for it; and

(b) whether it decided that the case against them was not proved.

(6) Where it does not find the case against a registered person proved, a Fitness to Practice Committee must at the registered person's request publish a statement to that effect.

### Publication of disciplinary orders

**36.**—(1) Subject to paragraph (2) the Council must publish the information set out in paragraph (3) in relation to a disciplinary order—

(a) on a website which it maintains on the internet for the period for which the order is to have effect or for a period of six months starting on the date on which the order takes effect (whichever is the later); or

(b) in such other manner as it sees fit.

(2) The duty to publish the information in paragraph (3) does not apply where in the opinion of the Council not publishing appears necessary—

(a) in the interests of justice; or

(b) to protect the interests of children.

(3) 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—

(i) school at which the person was last employed;

(ii) further education institution or higher education institution at which the person was last employed, or

- (iii) yr awdurdod lleol pan oedd y person wedi ei gyflogi yn fwyaf diweddar gan awdurdod lleol heblaw mewn ysgol neu sefydliad addysg bellach neu addysg uwch;
- (b) y math o orchymyn disgyblu;
- (c) y dyddiad y gwnaed y gorchymyn a'r dyddiad y mae'n cael effaith;
- (d) y cyfnod y mae'r gorchymyn disgyblu yn cael effaith ar ei gyfer (pan bennir hynny);
- (e) pa un ai cafwyd y person yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol neu ei gollfarnu am drosedd berthnasol;
- (f) pan ganfyddir bod y person wedi ei gollfarnu am drosedd berthnasol, natur a dyddiad y gollfarn dan sylw; ac
- (g) pan ganfyddir bod y person yn euog o ymddygiad proffesiynol annerbyniol neu anghymhwysedd proffesiynol difrifol, mynegiant o natur yr ymddygiad a arweiniodd at wneud y gorchymyn.

- (iii) local authority where the person was last employed by a local authority otherwise than at a school or further education or higher education institution;
- (b) the type of disciplinary order;
- (c) the date on which the disciplinary order was made and takes effect;
- (d) the period for which the disciplinary order has effect (where specified);
- (e) 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;
- (f) where the person was found to have been convicted of a relevant offence, the nature and date of the conviction in question; and
- (g) 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.

#### **Cais i amrywio amod mewn gorchymyn cofrestru amodol neu i'w roi o'r naill du**

37.—(1) Rhaid i gais gan berson cofrestredig sydd wedi derbyn gorchymyn cofrestru amodol i amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn—

- (a) cael ei wneud yn ysgrifenedig;
- (b) pennu ar ba sail y mae'r person cofrestredig yn ceisio cael amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn; ac
- (c) cael ei gyflwyno gyda phob dogfen y dibynnir arni er mwyn cefnogi'r cais.

(2) Pan fo cais yn cael ei wneud o dan baragraff (1) rhaid i'r Pwyllgor Addasrwydd i Ymarfer sy'n ystyried y cais hwnnw beidio â chynnwys fel aelod unrhyw berson a oedd yn aelod o'r pwyllgor a wnaeth y gorchymyn y mae'r cais yn ymwneud ag ef.

#### **Canlyniadau methiant i gydymffurfio â gorchymyn cofrestru amodol**

38. Pan fo Pwyllgor Addasrwydd i Ymarfer yn fodlon bod person cofrestredig y gwnaed gorchymyn cofrestru amodol yn ei erbyn wedi methu â chydymffurfio ag unrhyw amod ynddo, caiff weithredu gorchymyn atal dros dro neu wahardd mewn perthynas â'r person cofrestredig.

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

37.—(1) An application by a registered person who has received a conditional registration order to vary or revoke any condition in the order must—

- (a) be made in writing;
- (b) specify the grounds on which the registered person seeks to have any condition specified in the order varied or revoked, and
- (c) be accompanied by every document relied upon in support of the application.

(2) Where an application is made under paragraph (1) the Fitness to Practice Committee considering that application must not include as a member any person who was a member of the committee which made the order to which the application relates.

#### **Consequences of failure to comply with a conditional registration order**

38. Where a Fitness to Practice Committee is satisfied that a registered person against whom a conditional registration order has been made has failed to comply with any condition of it, it may make a suspension or prohibition order in relation to the registered person.

### **Cais i amrywio amod mewn gorchymyn atal dros dro neu i'w roi o'r naill du**

**39.**—(1) Rhaid i gais gan berson cofrestredig sydd wedi derbyn gorchymyn atal dros dro i amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn—

- (a) cael ei wneud yn ysgrifenedig;
- (b) pennu ar ba sail y mae'r person cofrestredig yn ceisio cael amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn; ac
- (c) cael ei gyflwyno gyda phob dogfen y dibynnir arni er mwyn cefnogi'r cais.

(2) Pan fo cais yn cael ei wneud o dan baragraff (1) rhaid i'r Pwyllgor Addasrwydd i Ymarfer sy'n ystyried y cais hwnnw beidio â chynnwys fel aelod unrhyw berson a oedd yn aelod o'r pwyllgor a wnaeth y gorchymyn y mae'r cais yn ymwneud ag ef.

### **Cais i adolygu gorchymyn gwahardd**

**40.**—(1) Rhaid i gais gan berson sydd wedi derbyn gorchymyn gwahardd gan y Cyngor i benderfynu a yw'n gymwys i gofrestru—

- (a) cael ei wneud yn ysgrifenedig;
- (b) pennu ar ba sail y mae'r person cofrestredig yn ceisio cael amrywio neu ddirymu unrhyw amod a bennir yn y gorchymyn; ac
- (c) cael ei gyflwyno gyda phob dogfen y dibynnir arni er mwyn cefnogi'r cais.

(2) Pan fo cais yn cael ei wneud o dan baragraff (1) rhaid i'r Pwyllgor Addasrwydd i Ymarfer sy'n ystyried y cais hwnnw beidio â chynnwys fel aelod unrhyw berson a oedd yn aelod o'r pwyllgor a wnaeth y gorchymyn y mae'r cais yn ymwneud ag ef.

### **Adolygu gorchymynion disgyblu**

**41.** Caiff Pwyllgor Addasrwydd i Ymarfer ddirymu gorchymyn disgyblu a wnaed ganddo ar unrhyw adeg—

- (a) pan mai'r unig neu'r prif reswm dros wneud y gorchymyn oedd bod y person y gwnaed y gorchymyn mewn perthynas ag ef wedi ei gollfarnu am drosedd berthnasol, a bod y gollfarn gan sylw wedi ei diddymu ar ôl y dyddiad y gwnaed y gorchymyn; neu
- (b) pan fo'r Pwyllgor Addasrwydd i Ymarfer, ar ôl i'r gorchymyn gael ei wneud, yn cael tystiolaeth na chafodd ei hystyried ganddo cyn iddo wneud y gorchymyn, a'i fod yn fodlon na fyddai wedi gwneud y gorchymyn pe byddai'n ymwybodol o'r dystiolaeth honno cyn iddo ei wneud.

### **Application to vary or set aside a condition in a suspension order**

**39.**—(1) An application by a person who has received a suspension order to vary or revoke a condition specified in the order must—

- (a) be made in writing;
- (b) specify the grounds on which the person seeks to have any condition specified in the order varied or revoked, and
- (c) be accompanied by every document relied upon in support of the application.

(2) Where an application is made under paragraph (1) the Fitness to Practice Committee considering that application must not include as a member any person who was a member of the committee which made the order to which the application relates.

### **Application to review a prohibition order**

**40.**—(1) An application by a person who has received a prohibition order from the Council to determine whether they are eligible for registration must—

- (a) be made in writing;
- (b) specify the grounds on which the person seeks to have any condition specified in the order varied or revoked; and
- (c) be accompanied by every document relied upon in support of the application.

(2) Where an application is made under paragraph (1) the Fitness to Practice Committee considering that application must not include as a member any person who was a member of the committee which made the order to which the application relates.

### **Review of disciplinary orders**

**41.** A Fitness to Practice Committee may at any time revoke a disciplinary order made by it 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 Fitness to Practice Committee obtain evidence not considered by it before they made the order, and it is satisfied that had it been aware of that evidence before it made the order it would not have made it.

## Cyflwyno hysbysiadau a gorchmynion

42. Rhaid i hysbysiad y mae'n ofynnol ei gyflwyno i berson at ddibenion achos disgyblu gael ei gyflwyno yn unol â rheoliad 54.

## Cyhoeddi a darparu copiâu o ddogfennau

43.—(1) Rhaid i'r Cyngor gyhoeddi unrhyw reolau gweithredu a wneir o dan reoliad 28(6) neu 34—

(a) ar wefan y mae'n ei chynnal ar y rhyngwrwyd; a

(b) mewn unrhyw ddull arall y gwêl yn addas.

(2) Rhaid i'r Cyngor, ar gais unrhyw berson cofrestredig, ddarparu copi o reolau gweithredu a wnaed o dan reoliad 28(6) neu 34 i'r person hwnnw.

(3) Caiff y Cyngor godi ffi resymol am ddarparu rheolau gweithredu yn unol â pharagraff (2) ond ni chaiff ffi o'r fath fod yn uwch na chost eu cyflenwi.

(4) Rhaid i'r Cyngor gyhoeddi unrhyw ddatganiad y mae'n ofynnol iddo ei gyhoeddi o dan reoliad 28(5), 29(3) neu 35(6) ar wefan y mae'n ei chynnal ar y rhyngwrwyd, a chaiff gyhoeddi'r datganiad mewn unrhyw ddull arall y gwêl yn addas os yw'n dymuno gwneud hynny.

## RHAN 6

### Cynnal cofnodion

#### Cofnodion

44.—(1) Mae Atodlen 4 (sy'n gwneud darpariaeth mewn perthynas â chofnodion a gynhelir gan y Cyngor) yn cael effaith.

(2) Rhaid i'r Cyngor gynnal cofnodion sy'n ymwneud â'r categorïau o bersonau a restrir yn Rhan 2 o Atodiad 4.

(3) Rhaid i'r cofnodion a grybwyllir ym mharagraff (2) gynnwys yr wybodaeth a restrir yn Rhan 3 o Atodlen 4 am gyfnod y mae'r Cyngor yn penderfynu arno neu fel a bennir yn y Rhan honno (os o gwbl) mewn perthynas â'r person dan sylw.

(4) Rhaid i'r cofnodion a grybwyllir ym mharagraff (2) gael eu cadw ar ffurf ysgrifenedig neu ar ffurf electronig.

## Service of notices and orders

42. A notice required to be served on a person for the purposes of disciplinary proceedings must be served in accordance with regulation 54.

## Publication and provision of copies of documents

43.—(1) The Council must publish any rules of procedure made under regulation 28(6) or 34—

(a) on a website which it maintains on the internet; and

(b) in such other manner as it sees fit.

(2) The Council must at the request of any registered person provide that person with a copy of such rules of procedure made under regulation 28(6) or 34.

(3) The Council may charge a reasonable fee for the provision of the rules of procedure in accordance with paragraph (2) but such charge must not exceed the cost of supply.

(4) The Council must publish any statement they are required to publish under regulation 28(5), 29(3) or 35(6) on a website which it maintains on the internet, and if it so wishes it may publish the statement in such other manner as it sees fit.

## PART 6

### Maintenance of records

#### Records

44.—(1) Schedule 4 (which makes provision in relation to records maintained by the Council) has effect.

(2) The Council must maintain records relating to the categories of persons listed in Part 2 of Schedule 4.

(3) The records mentioned in paragraph (2) must contain the information listed in Part 3 of Schedule 4 for such period as the Council determines or as is specified in that Part (if any) in relation to the person concerned.

(4) The records mentioned in paragraph (2) must be kept in written or electronic form.

## RHAN 7

Rhoi gwybodaeth: cyflogwyr, asiantau a chontractwyr

### Adroddiadau cyflogwyr

45.—(1) Mae Atodlen 5 (sy'n gwneud darpariaeth mewn perthynas â gwybodaeth a roddir i'r Cyngor) yn cael effaith.

(2) Rhaid i gyflogwr perthnasol hysbysu'r Cyngor am ffeithiau achos a darparu'r holl wybodaeth a restrir yn Rhan 1 o Atodlen 5 sydd ar gael i'r cyflogwr perthnasol mewn perthynas â pherson cofrestredig—

- (a) pan fo'r cyflogwr hwnnw wedi peidio â defnyddio gwasanaeth person cofrestredig ar sail—
  - (i) camymddwyn;
  - (ii) anghymhwysedd proffesiynol; neu
  - (iii) collfarn am drosedd berthnasol o fewn ystyr adran 27 o Ddeddf 2014; neu

- (b) pan allai'r cyflogwr hwnnw fod wedi peidio â defnyddio gwasanaeth person cofrestredig ar sail o'r fath, oni bai bod y person cofrestredig wedi peidio â darparu'r gwasanaethau hynny.

(3) Rhaid i'r Cyngor sicrhau bod yr holl wybodaeth a ddarperir iddo o dan y rheoliad hwn ar gael i—

- (a) Pwyllgor Ymchwilio; a
- (b) Pwyllgor Addasrwydd i Ymarfer pan fo'n ystyried bod yr wybodaeth yn berthnasol i'r achos a atgyfeiriwyd ato gan y cyflogwr yn unol â pharagraff (1).

### Adroddiadau asiant

46.—(1) Rhaid i asiant hysbysu'r Cyngor am ffeithiau achos a darparu'r holl wybodaeth a restrir yn Rhan 2 o Atodlen 5 sydd ar gael i'r asiant mewn perthynas â pherson cofrestredig—

- (a) pan fo'r asiant hwnnw wedi terfynu'r trefniadau ar sail—
  - (i) camymddwyn;
  - (ii) anghymhwysedd proffesiynol; neu
  - (iii) collfarn am drosedd berthnasol o fewn ystyr adran 27 o Ddeddf 2014;
- (b) pan allai'r asiant hwnnw fod wedi terfynu trefniadau ar sail o'r fath oni bai bod y person cofrestredig wedi eu terfynu; neu

## PART 7

Supply of information: employers, agents and contractors

### Employer's reports

45.—(1) Schedule 5 (which makes provision in relation to information supplied to the Council) has effect.

(2) A relevant employer must report to the Council the facts of a case and provide all the information listed in Part 1 of Schedule 5 that is available to the relevant employer in relation to a registered person where that employer—

- (a) has ceased to use the services of a registered person on the ground of—
  - (i) misconduct;
  - (ii) professional incompetence; or
  - (iii) conviction of a relevant offence within the meaning of section 27 of the 2014 Act; or

- (b) may have ceased to use a registered person's services on such a ground had the registered person not ceased to provide those services.

(3) The Council must make all information provided to it under this regulation available to—

- (a) an Investigating Committee; and
- (b) a Fitness to Practice Committee where it considers that information is relevant to the case referred to it by the employer pursuant to paragraph (1).

### Agent's reports

46.—(1) An agent must report the facts of a case to the Council and provide all the information listed in Part 2 of Schedule 5 that is available to the agent in relation to a registered person where that agent—

- (a) has terminated arrangements on the ground of—
  - (i) misconduct;
  - (ii) professional incompetence; or
  - (iii) conviction of a relevant offence within the meaning of section 27 of the 2014 Act;
- (b) may have terminated arrangements on such a ground if the registered person had not terminated them; or

- (c) pan allai'r asiant fod wedi ymatal rhag gwneud trefniadau newydd ar gyfer person cofrestredig ar sail o'r fath oni bai bod y person cofrestredig wedi peidio â bod ar gael i weithio.

(2) Rhaid i'r Cyngor drefnu bod yr holl wybodaeth a ddarperir iddo o dan y rheoliad hwn ar gael i—

- (a) Pwyllgor Ymchwilio; a  
(b) Pwyllgor Addasrwydd i Ymarfer pan fo'n ystyried bod gwybodaeth yn berthnasol i'r achos a atgyfeiriwyd ato gan y cyflogwr yn unol â pharagraff (1).

## RHAN 8

### Rhoi gwybodaeth: y Cyngor

#### Rhoi gwybodaeth i bersonau cofrestredig ac eraill

**47.—**(1) Rhaid i'r Cyngor ddarparu i berson cofrestredig gopi o'r wybodaeth a gofnodwyd ar y Gofrestr yn erbyn enw'r person hwnnw, pan fo'n derbyn cais.

(2) Rhaid i'r Cyngor ddarparu, i berson y mae'n cynnal cofnodion amdano yn unol â'r Rheoliadau hyn, gopi o'r cofnodion hyn pan fo'n derbyn cais.

(3) At ddibenion y Rhan hon, mae cyfeiriad at berson cofrestredig yn Atodlen 2 i'w ystyried fel cyfeiriad at berson anghofrestredig y mae'r Cyngor yn cynnal cofnodion amdano yn unol â'r Rheoliadau hyn.

#### Rhoi gwybodaeth i gyflogwyr

**48.—**(1) Mae'r rheoliad hwn yn gymwys i gyflogwr sy'n—

- (a) awdurdod lleol;  
(b) corff llywodraethu ysgol a gynhelir gan awdurdod lleol;  
(c) corff llywodraethu ysgol arbennig nas cynhelir;  
(d) perchennog ysgol arbennig;  
(e) sefydliad o fewn y sector addysg uwch;  
(f) sefydliad o fewn y sector addysg bellach;  
(g) asiantaeth athrawon cyflenwi; neu  
(h) Addysg Plant y Lluoedd Arfog.

(2) Rhaid trin y canlynol fel cyflogwr neu ddarpar gyflogwr—

- (c) may have refrained from making new arrangements for a registered person on such a ground if the registered person had not ceased to make themselves available for work.

(2) The Council must make all information provided to it under this regulation available to—

- (a) an Investigating Committee; and  
(b) a Fitness to Practice Committee where it considers that information is relevant to the case referred to it by the employer pursuant to paragraph (1).

## PART 8

### Supply of information: the Council

#### Supply of information to registered persons and others

**47.—**(1) The Council must supply to a registered person, on request, a copy of the information entered on the Register against that person's name.

(2) The Council must supply to a person about whom they maintain records in accordance with these Regulations, on request, a copy of those records.

(3) For the purposes of this Part a reference to a registered person in Schedule 2 is to be taken to be a reference to an unregistered person about whom the Council maintains records in accordance with these Regulations.

#### Supply of information to employers

**48.—**(1) This regulation applies to an employer who is—

- (a) a local authority;  
(b) the governing body of a school maintained by a local authority;  
(c) the governing body of a non-maintained special school;  
(d) the proprietor of an independent school;  
(e) an institution within the higher education sector;  
(f) an institution within the further education sector;  
(g) a supply teacher agency; or  
(h) the Service Children's Education.

(2) The following are to be treated as an employer or prospective employer—



- (a) awdurdod lleol pan mai'r cyflogwr neu'r darpar gyflogwr yw corff llywodraethu ysgol a gynhelir gan yr awdurdod hwnnw (pa un ai yw'r corff llywodraethu wedi gwneud cais o dan baragraff (3) ai peidio);
- (b) yr awdurdod esgobaethol priodol mewn perthynas ag ysgol yr Eglwys yng Nghymru neu ysgol yr Eglwys Gatholig (o fewn ystyr adran 142 o Ddeddf Safonau a Fframwaith Ysgolion 1998(1)) pan mai'r cyflogwr neu'r darpar gyflogwr yw corff llywodraethu'r ysgol neu'r awdurdod lleol sy'n cynnal yr ysgol (pa un ai yw'r corff llywodraethu wedi gwneud cais o dan baragraff (3) ai peidio); ac
- (c) y Weinyddiaeth Amddiffyn mewn perthynas â pherson a benodir, neu yr ystyrir ei benodi, yn athro neu'n athrawes mewn ysgol a gynhelir neu a gynorthwyir gan y Weinyddiaeth Amddiffyn.

(3) Rhaid i'r Cyngor, pan fo cyflogwr neu ddarpar gyflogwr yn gwneud cais, ddarparu'r wybodaeth a nodir ym mharagraff (4) ynglŷn â'r person cofrestredig neu anghofrestredig dan sylw i gyflogwr neu ddarpar gyflogwr—

- (a) person cofrestredig; neu
- (b) person anghofrestredig y mae'n cynnal cofnodion amdano yn unol â'r Rheoliadau hyn.

(4) Yr wybodaeth y cyfeirir ati ym mharagraff (3) yw—

- (a) pan ganfyddir bod person yn anghymwys i gofrestru yn unol ag adran 10(3)(b) o Ddeddf 2014, y ffaith honno a phan fo'r wybodaeth honno yn cael ei darparu i Gyngor Addysgu Cyffredinol yr Alban, An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu, neu Gyngor Addysgu Cyffredinol Gogledd Iwerddon (ond nid fel arall), manylion am sail y penderfyniad a wnaed i wrthod cais y person i gofrestru;
- (b) paragraffau 1, 2, 15, 16 a 18 i 25 o Atodlen 2 ym mhob achos; ac
- (c) paragraffau 26 i 36 o Atodlen 2 (pan fo'r person cofrestredig yn athro neu'n athrawes ysgol).

(5) Ni chaniateir i berson y rhoddwyd gwybodaeth iddo yn unol â pharagraff (3) ddatgelu gwybodaeth a roddwyd o dan y rheoliad hwn i unrhyw berson ar wahân i un o'r personau a nodir ym mharagraff (3)(a) neu (b) y mae'r wybodaeth yn ymwneud â hwy.

- (a) a local authority where the employer or prospective employer is the governing body of a school maintained by that authority (whether or not the governing body has made a request under paragraph (3));
- (b) the appropriate diocesan authority in relation to a Church in Wales or Roman Catholic Church school (within the meaning of section 142 of the School Standards and Framework Act 1998(1)) where the employer or prospective employer is the governing body of the school or the local authority maintaining the school (whether or not the governing body or the authority have made a request under paragraph (3)); and
- (c) the Ministry of Defence in relation to a person appointed, or being considered for appointment, as a teacher at a school maintained or assisted by the Ministry of Defence.

(3) The Council must if requested by an employer or prospective employer supply the information set out in paragraph (4) in respect of the registered or unregistered person concerned to that employer or prospective employer of—

- (a) a registered person; or
- (b) an unregistered person about whom they maintain records in accordance with these Regulations.

(4) The information referred to in paragraph (3) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(5) A person to whom information is supplied pursuant to (3) applies must not disclose information supplied under this regulation to any person other than one of the persons set out in paragraph (3)(a) or (b) to whom the information relates.

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(1) 1998 p. 31.

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(1) 1998 c. 31.

(6) Nid yw paragraff (5) yn atal awdurdod lleol rhag datgelu gwybodaeth a roddwyd iddo o dan y rheoliad hwn i gorff llywodraethu'r ysgol neu'r sefydliad sy'n cyflogi neu'n bwriadu cyflogi'r person dan sylw.

(7) Wrth roi gwybodaeth o dan baragraff (3) rhaid cadw at yr amod na chaniateir defnyddio'r wybodaeth ond at ddibenion canfod a yw'r person cofrestredig neu anghofrestredig yn addas i gael ei gyflogi neu i barhau i gael ei gyflogi (yn ôl y digwydd).

### **Rhoi gwybodaeth i'r Ysgrifennydd Gwladol**

**49.**—(1) Rhaid i'r Cyngor, pan fo'n derbyn cais, roi i'r Ysgrifennydd Gwladol yr wybodaeth a nodir ym mharagraff (2) mewn perthynas ag—

- (a) person cofrestredig; neu
- (b) person anghofrestredig y cynhelir cofnodion ynglŷn ag ef yn unol â'r Rheoliadau hyn.

(2) Yr wybodaeth y cyfeirir ati ym mharagraff (1) yw—

- (a) pan ganfyddir bod person yn anghymwys i gofrestru yn unol ag adran 10(3)(b) o Ddeddf 2014, y ffaith honno a phan fo'r wybodaeth honno yn cael ei darparu i Gyngor Addysgu Cyffredinol yr Alban, An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu, neu Gyngor Addysgu Cyffredinol Gogledd Iwerddon (ond nid fel arall), manylion am sail y penderfyniad a wnaed i wrthod cais y person i gofrestru;
- (b) paragraffau 1, 2, 15, 16 a 18 i 25 o Atodlen 2 ym mhob achos; ac
- (c) paragraffau 26 i 36 o Atodlen 2 (pan fo'r person cofrestredig yn athro neu'n athrawes ysgol).

(3) Pan fo gwybodaeth yn cael ei rhoi o dan baragraff (1), rhaid gosod amod sy'n ei gwneud yn ofynnol i'r Ysgrifennydd Gwladol beidio â datgelu'r wybodaeth honno i unrhyw bersonau ar wahân i'r personau a nodir ym mharagraff (2)(a) neu (b) y mae'r wybodaeth yn ymwneud â hwy.

### **Rhoi gwybodaeth i Gyngor Addysgu Cyffredinol yr Alban**

**50.**—(1) Rhaid i'r cyngor, pan fo'n derbyn cais, roi i Gyngor Addysgu Cyffredinol yr Alban yr wybodaeth a nodir ym mharagraff (2) mewn perthynas ag—

- (a) person cofrestredig; neu
- (b) person anghofrestredig y cynhelir cofnodion ynglŷn ag ef yn unol â'r Rheoliadau hyn.

(6) Paragraph (5) does not prevent a local authority from disclosing information supplied to them under this regulation to the governing body of the school or institution at which the person concerned is or is proposed to be employed.

(7) The supply of any information under paragraph (3) must be subject to the condition that the information is only to be used for the purposes of ascertaining the suitability of the registered or unregistered person for employment or continued employment (as the case may be).

### **Supply of information to the Secretary of State**

**49.**—(1) The Council must on request supply to the Secretary of State the information set out in paragraph (2) in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the Secretary of State not to disclose that information to any person other than one of the persons set out in paragraph (2)(a) or (b) to whom the information relates.

### **Supply of information to the General Teaching Council for Scotland**

**50.**—(1) The Council must on request supply to the General Teaching Council for Scotland the information set out in paragraph (2) in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) Yr wybodaeth y cyfeirir ati ym mharagraff (1) yw—

- (a) pan ganfyddir bod person yn anghymwys i gofrestru yn unol ag adran 10(3)(b) o Ddeddf 2014, y ffaith honno a phan fo'r wybodaeth honno yn cael ei darparu i Gyngor Addysgu Cyffredinol yr Alban, An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu, neu Gyngor Addysgu Cyffredinol Gogledd Iwerddon (ond nid fel arall), manylion am sail y penderfyniad a wnaed i wrthod cais y person i gofrestru;
- (b) paragraffau 1, 2, 15, 16 a 18 i 25 o Atodlen 2 ym mhob achos; ac
- (c) paragraffau 26 i 36 o Atodlen 2 (pan fo'r person cofrestredig yn athro neu'n athrawes ysgol).

(3) Pan fo gwybodaeth yn cael ei rhoi o dan baragraff (1), rhaid gosod amod sy'n ei gwneud yn ofynnol i Gyngor Addysgu Cyffredinol yr Alban beidio â datgelu'r wybodaeth honno i unrhyw berson ar wahân i'r personau a nodir ym mharagraff (1)(a) neu (b) y mae'r wybodaeth yn ymwneud â hwy.

### **Rhoi gwybodaeth i Gyngor Addysgu Cyffredinol Gogledd Iwerddon**

**51.**—(1) Rhaid i'r cyngor, pan fo'n derbyn cais, roi i Gyngor Addysgu Cyffredinol Gogledd Iwerddon yr wybodaeth a nodir ym mharagraff (2) mewn perthynas ag—

- (a) person cofrestredig; neu
- (b) person anghofrestredig y cynhelir cofnodion ynglŷn ag ef yn unol â'r Rheoliadau hyn.

(2) Yr wybodaeth y cyfeirir ati ym mharagraff (1) yw—

- (a) pan ganfyddir bod person yn anghymwys i gofrestru yn unol ag adran 10(3)(b) o Ddeddf 2014, y ffaith honno a phan fo'r wybodaeth honno yn cael ei darparu i Gyngor Addysgu Cyffredinol yr Alban, An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu, neu Gyngor Addysgu Cyffredinol Gogledd Iwerddon (ond nid fel arall), manylion am sail y penderfyniad a wnaed i wrthod cais y person i gofrestru;
- (b) paragraffau 1, 2, 15, 16 a 18 i 25 o Atodlen 2 ym mhob achos; a
- (c) paragraffau 26 i 36 o Atodlen 2 (pan fo'r person cofrestredig yn athro neu'n athrawes ysgol).

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Scotland not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

### **Supply of information to the General Teaching Council for Northern Ireland**

**51.**—(1) The Council must on request supply to the General Teaching Council for Ireland the information set out in paragraph (2) below in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintain records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Pan fo gwybodaeth yn cael ei rhoi o dan baragraff (1), rhaid gosod amod sy'n ei gwneud yn ofynnol i Gyngor Addysgu Cyffredinol Gogledd Iwerddon beidio â datgelu'r wybodaeth honno i unrhyw berson ar wahân i'r personau a nodir ym mharagraff (1)(a) neu (b) y mae'r wybodaeth yn ymwneud â hwy.

### **Rhoi gwybodaeth i An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu**

**52.**—(1) Rhaid i'r cyngor, pan fo'n derbyn cais, roi i An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu yr wybodaeth a nodir ym mharagraff (2) mewn perthynas ag—

- (a) person cofrestredig; neu
- (b) person anghofrestredig y cynhelir cofnodion ynglŷn ag ef yn unol â'r Rheoliadau hyn.

(2) Yr wybodaeth y cyfeirir ati ym mharagraff (1) yw—

- (a) pan ganfyddir bod person yn anghymwys i gofrestru yn unol ag adran 10(3)(b) o Ddeddf 2014, y ffaith honno a phan fo'r wybodaeth honno yn cael ei darparu i Gyngor Addysgu Cyffredinol yr Alban, An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu, neu Gyngor Addysgu Cyffredinol Gogledd Iwerddon (ond nid fel arall), manylion am sail y penderfyniad a wnaed i wrthod cais y person i gofrestru;
- (b) paragraffau 1, 2, 15, 16 a 18 i 25 o Atodlen 2 ym mhob achos; ac
- (c) paragraffau 26 i 36 o Atodlen 2 (pan fo'r person cofrestredig yn athro neu'n athrawes ysgol).

(3) Pan fo gwybodaeth yn cael ei rhoi o dan baragraff (1), rhaid gosod amod sy'n ei gwneud yn ofynnol i An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu beidio â datgelu'r wybodaeth honno i unrhyw berson ar wahân i'r personau a nodir ym mharagraff (1)(a) neu (b) y mae'r wybodaeth yn ymwneud â hwy.

### **Rhoi gwybodaeth i gyrff priodol**

**53.**—(1) Rhaid i'r Cyngor, pan fo'n derbyn cais, roi i gorff priodol yr wybodaeth a nodir ym mharagraff 34 o Ran 2 o Atodlen 2 mewn perthynas ag—

- (a) person cofrestredig; neu
- (b) person anghofrestredig y mae'n cynnal cofnodion ynglŷn ag ef yn unol â'r Rheoliadau hyn.

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring the General Teaching Council for Northern Ireland not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

### **Supply of information to An Chomhairle Mhúinteoireachta or the Teaching Council**

**52.**—(1) The Council must on request supply to An Chomhairle Mhúinteoireachta or the Teaching Council the information set out in paragraph (2) below in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) The information referred to in paragraph (1) is—

- (a) where a person is found to be ineligible for registration pursuant to section 10(3)(b) of the 2014 Act, that fact and, where that information is provided to the General Teaching Council for Scotland, An Chomhairle Mhúinteoireachta or the Teaching Council, or the General Teaching Council for Northern Ireland (but not otherwise), particulars of the grounds on which the decision to refuse the person's application for registration was taken;
- (b) paragraphs 1, 2, 15, 16 and 18 to 25 of Schedule 2 in all cases; and
- (c) paragraphs 26 to 36 of Schedule 2 (where the registered person is a school teacher).

(3) Where information is supplied under paragraph (1), a condition must be imposed requiring An Chomhairle Mhúinteoireachta or the Teaching Council not to disclose that information to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

### **Supply of information to appropriate bodies**

**53.**—(1) The Council must on request supply to an appropriate body the information contained in paragraph 34 of Part 2 of Schedule 2 in relation to—

- (a) a registered person; or
- (b) an unregistered person about whom it maintains records in accordance with these Regulations.

(2) Ni chaniateir rhoi gwybodaeth yn unol â pharagraff (1) ond ar yr amod nad yw'r corff priodol yn datgelu gwybodaeth a roddir o dan y rheoliad hwn i unrhyw berson ar wahân i un o'r personau a nodir ym mharagraff (1)(a) neu (b) y mae'r wybodaeth yn ymwneud â hwy.

## RHAN 9

### Darpariaethau amrywiol

#### Cyflwyno hysbysiadau

**54.**—(1) Caniateir cyflwyno hysbysiad y mae'n ofynnol ei gyflwyno i berson o dan y Rheoliadau hyn drwy—

- (a) ei ddanfôn i'r person hwnnw yn bersonol;
- (b) y post i'r cyfeiriad a roddir i'r Cyngor gan y person; neu
- (c) post electronig, pan fo'r person yn gwneud cais am hynny.

(2) Ystyrir bod hysbysiad a gyflwynir yn unol â'r rheoliad hwn wedi ei gyflwyno—

- (a) yn achos ei gyflwyno o dan baragraff (1)(a) ar y diwrnod y cafodd ei ddanfôn;
- (b) yn achos ei gyflwyno o dan baragraff (1)(b) ar y diwrnod gwaith nesaf; ac
- (c) yn achos ei gyflwyno o dan baragraff (1)(c) ar y diwrnod y cafodd ei anfon.

(2) Information is only to be supplied pursuant to paragraph (1) on condition that the appropriate body does not disclose information supplied under this regulation to any person other than one of the persons set out in paragraph (1)(a) or (b) to whom the information relates.

## PART 9

### Miscellaneous provisions

#### Service of notices

**54.**—(1) A notice required to be served on a person under these Regulations may be served by—

- (a) delivery to that person personally;
- (b) post to the address notified by the person to the Council; or
- (c) electronic mail, where that person so requests it.

(2) A notice served in accordance with this regulation is deemed to have been served—

- (a) in the case of service under paragraph (1)(a) on the day it was delivered;
- (b) in the case of service under paragraph (1)(b) the next working day; and
- (c) in the case of service under paragraph (1)(c) on the day it was sent.

*Huw Lewis*

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru

3 Chwefror 2015

Minister for Education and Skills, one of the Welsh Ministers

3 February 2015

RHEOLIADAU A DDIRYMIR

REGULATIONS REVOKED

RHAN 1  
Dirymiadau

PART 1  
Revocations

<i>Rheoliadau a ddirymir</i>	<i>Cyfeiriadau</i>	<i>Graddau'r dirymu</i>	<i>Regulations revoked</i>	<i>References</i>	<i>Extent of revocation</i>
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) 2000	O.S. 2000/1979 (Cy. 140)	Yn llwyr	General Teaching Council for Wales (Functions) Regulations 2000	S.I. 2000/1979 (W. 140)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001	O.S. 2001/1424 (Cy. 99)	Yn llwyr	General Teaching Council for Wales (Disciplinary Functions) Regulations 2001	S.I. 2001/1424 (W. 99)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2001	O.S. 2001/2496 (Cy. 200)	Yn llwyr	General Teaching Council for Wales (Functions) (Amendment) Regulations 2001	S.I. 2001/2496 (W. 200)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2003	O.S. 2003/503 (Cy. 71)	Yn llwyr	General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2003	S.I. 2003/503 (W. 71)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2004	O.S. 2004/1741 (Cy. 180)	Yn llwyr	General Teaching Council for Wales (Functions) (Amendment) Regulations 2004	S.I. 2004/1741 (W. 180)	Fully

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2005	O.S. 2005/69 (Cy. 7)	Yn llwyr	General Teaching Council for Wales (Functions) (Amendment) Regulation 2005	S.I. 2005/69 (W. 7)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2006	O.S. 2006/1343 (Cy. 133)	Yn llwyr	General Teaching Council for Wales (Functions) (Amendment) Regulation 2006	S.I. 2006/1343 (W. 133)	Fully
Rheoliadau Addysg (Cyflenwi Gwybodaeth) (Cymru) 2009	O.S. 2009/1350 (Cy. 126)	Yn llwyr	Education (Supply of Information) (Wales) Regulations 2009	S.I. 2009/1350 (W. 126)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2009	O.S. 2009/1353 (Cy. 129)	Yn llwyr	General Teaching Council for Wales (Functions) (Amendment) Regulation 2009	S.I. 2009/1353 (W. 129)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2009	O.S. 2009/1354 (Cy. 130)	Yn llwyr	General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2009	S.I. 2009/1354 (W. 130)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio Rhif 2) 2009	O.S. 2009/2161 (Cy. 184)	Yn llwyr	General Teaching Council for Wales (Disciplinary Functions) (Amendment No 2) Regulations 2009	S.I. 2009/2161 (W. 184)	Fully
Rheoliadau Addysg (Gwaith Penodedig a Chofrestru) (Cymru) 2010	O.S. 2010/2710 (Cy. 227)	Yn llwyr	The Education (Specified Work and Registration) (Wales) Regulations 2010	S.I. 2010/2710 (W. 227)	Fully

Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2011	O.S. 2011/2908 (Cy. 312)	Yn llwyr	General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2011	S.I. 2011/2908 (W. 312)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau) (Diwygio) 2012	O.S. 2012/166 (Cy. 25)	Yn llwyr	General Teaching Council for Wales (Functions) (Amendment) Regulation 2012	S.I. 2012/166 (W. 25)	Fully
Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) (Diwygio) 2012	O.S. 2012/170 (Cy. 29)	Yn llwyr	General Teaching Council for Wales (Disciplinary Functions) (Amendment) Regulations 2012	S.I. 2012/170 (W. 29)	Fully

## RHAN 2

Arbedion a darpariaethau trosiannol cyffredinol

### Penderfyniadau ynghylch cyfnod prawf

1. Yn achos person a oedd, ar 1 Medi 1992, wedi cychwyn ond heb gwblhau cyfnod prawf o dan reoliad 14 o Reoliadau 1989 ac Atodlen 6 iddynt, mae rheoliad 14 o Reoliadau 1989 ac Atodlen 6 iddynt i barhau i gael effaith hyd oni chydymffurfwyd â'r holl ddarpariaethau.

2. O ran athrawon—

- (a) y dyfarnwyd eu bod yn anaddas i gael eu cyflogi ymhellach fel athrawon cymwysedig yn unol â pharagraff 2(c) o Atodlen 2 i Reoliadau 1959; neu
- (b) a gafodd hysbysiad ysgrifenedig o dan baragraff 5(2) o Atodlen 6 i Reoliadau 1982,

nid ydynt i gyflawni gwaith a bennwyd yn rheoliad 16 heb gydsyniad Gweinidogion Cymru.

## PART 2

Savings and general transitional provisions

### Probation decisions

1. In the case of a person who on 1 September 1992 had commenced but not completed a period of probation under regulation 14 of, and Schedule 6 to, the 1989 Regulations, regulation 14 of, and Schedule 6 to, the 1989 Regulations are to continue to have effect until all their provisions have been complied with.

2. Teachers who—

- (a) have been determined to be unsuitable for further employment as qualified teachers pursuant to paragraph 2(c) of Schedule 2 to the 1959 Regulations; or
- (b) have received written notice under paragraph 5(2) of Schedule 6 to the 1982 Regulations,

are not to carry out specified work in regulation 16 without the consent of the Welsh Ministers.



### **Achos disgyblu**

**3.** Er gwaethaf dirymu Rheoliadau Cyngor Addysgu Cyffredinol Cymru (Swyddogaethau Disgyblu) 2001(1) (“Rheoliadau 2001”)—

- (a) mae person sy'n destun achos disgyblu yn union cyn 1 Ebrill 2015 yn unol â Rheoliadau 2001 i gael ei drin fel pe bai yn destun achos disgyblu yn unol â Rhan 5 o'r Rheoliadau hyn; a
- (b) mae unrhyw orchymyn disgyblu a wnaed yn unol â Rheoliadau 2001 ac sydd mewn grym yn union cyn 1 Ebrill 2015 i barhau i gael effaith fel pe bai wedi ei wneud yn unol â Rhan 5 o'r Rheoliadau hyn.

### **Disciplinary proceedings**

**3.** Notwithstanding the revocation of the General Teaching Council for Wales (Disciplinary Functions) Regulations 2001(1) (“the 2001 Regulations”)—

- (a) a person who is subject to disciplinary proceedings immediately before 1 April 2015 pursuant to the 2001 Regulations is to be treated as if they are subject to disciplinary proceedings in accordance with Part 5 of these Regulations; and
- (b) any disciplinary order made pursuant to the 2001 Regulations and in force immediately before 1 April 2015 is to continue to have effect as if it was made pursuant to Part 5 of these Regulations.

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(1) O.S. 2001/1424 (Cy. 99).

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(1) S.I. 2001/1424 (W. 99).

MATERION SYDD I'W COFNODI AR  
Y GOFRESTR

MATTERS TO BE RECORDED IN  
THE REGISTER

RHAN 1

PART 1

Pob person cofrestredig

All registered persons

1. Pan fo'r person yn gofrestredig, dyddiad y cofrestriad cyntaf.

1. Where the person is registered, the date of first registration.

2. Y categori neu'r categorïau cofrestru y mae'r person wedi cofrestru ynddo/ynddynt.

2. The category or categories of registration the person is registered in.

3. Enw llawn y person cofrestredig.

3. The registered person's full name.

4. Y cyfeirnod swyddogol a neilltuwyd i'r person cofrestredig hwnnw, os o gwbl.

4. The official reference number, if any, assigned to that registered person.

5. Mynegiant a yw'r person cofrestredig wedi talu unrhyw ffi cofrestru.

5. An indication of whether or not the registered person has paid any registration fee.

6. Pa un ai dyn ynteu fenyw yw'r person cofrestredig.

6. Whether the registered person is male or female.

7. Dyddiad geni'r person cofrestredig.

7. The registered person's date of birth.

8. Os yw'n hysbys, unrhyw enw yr arferai'r person cofrestredig gael ei alw.

8. If known, any name by which the registered person was formerly known.

9. Os yw'n hysbys, y grŵp hiliol y mae'r person cofrestredig yn perthyn iddo.

9. If known, the racial group to which registered person belongs.

10. Os yw'n hysbys, pa un ai yw'r person cofrestredig yn anabl.

10. If known, whether the registered person is disabled.

11. Cyfeiriad cartref y person cofrestredig, neu gyfeiriad cyswllt arall ac, os yw'n hysbys, rhif ffôn a chyfeiriad post electronig y person cofrestredig.

11. The registered person's home address, or other contact address, and if known the registered person's telephone number and electronic mail address.

12. Rhif yswiriant gwladol y person cofrestredig.

12. The registered person's national insurance number.

13.—(1) Os yw'n hysbys, mewn perthynas â phob un o'r ysgolion neu'r sefydliadau pan fo'r person cofrestredig yn gyflogedig neu wedi bod yn gyflogedig neu wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol—

13.—(1) If known, in relation to each of the schools or institutions where the registered person is or has been employed or otherwise engaged to provide relevant services—

(a) enw, cyfeiriad, rhif ffôn a chyfeiriad post electronig yr ysgolion neu'r sefydliadau lle mae'r person cofrestredig yn gyflogedig neu wedi bod yn gyflogedig;

(a) the name, address, telephone and electronic mail address of the schools or institutions at which the registered person is or has been employed;

- (b) manylion pob un o'r mathau o ysgolion neu sefydliadau lle mae'r person cofrestredig yn gyflogedig neu wedi bod yn gyflogedig neu wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol gan gynnwys a oedd yr ysgol yn un a gynhelir neu'n ysgol annibynnol;
- (c) enwau'r awdurdodau lleol a oedd yn cynnal neu sy'n cynnal yr ysgol neu'r sefydliad os yn gymwys;
- (d) a oedd neu a yw'r person cofrestredig yn gyflogedig neu wedi ei gymryd ymlaen yn amser llawn neu'n rhan-amser;
- (e) y swyddi a ddaliwyd gan y person cofrestredig; ac
- (f) y dyddiadau y cychwynnodd y person cofrestredig ar ei swydd bresennol.

(2) Os yw'n hysbys, pan nad yw'r person cofrestredig yn gyflogedig ar hyn o bryd nac wedi ei gymryd ymlaen fel arall i ddarparu gwasanaethau perthnasol, y dyddiad yr oedd wedi ei gymryd ymlaen ddiwethaf i wneud hynny, a'r manylion a nodir ym mharagraffau (a) i (f) o is-baragraff (1) mewn perthynas â'i swydd fwyaf diweddar.

**14.** Os yw'n hysbys, pan fo person cofrestredig wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol drwy asiantaeth—

- (a) enw, cyfeiriad, rhif ffôn a chyfeiriad post electronig yr asiantaeth honno;
- (b) y dyddiad y cofrestrodd y person cofrestredig gyntaf â'r asiantaeth neu'r sefydliad lle y mae neu yr oedd y person cofrestredig wedi ei gymryd ymlaen i ddarparu gwasanaethau perthnasol; ac
- (c) pan fo'r person cofrestredig yn darparu gwasanaethau perthnasol mewn ysgol neu sefydliad—
  - (i) enw, cyfeiriad, rhif ffôn a chyfeiriad post electronig yr ysgol neu'r sefydliad lle y mae'r person yn darparu gwasanaethau perthnasol;
  - (ii) a oedd yn darparu gwasanaethau perthnasol mewn ysgol a gynhelir neu mewn ysgol annibynnol;
  - (iii) enwau'r awdurdodau lleol a oedd yn cynnal neu sy'n cynnal yr ysgol neu'r sefydliad os yn gymwys;
  - (iv) a oedd neu a yw'r person cofrestredig yn gyflogedig neu wedi ei gymryd ymlaen fel arall yn amser llawn neu'n rhan-amser;

- (b) details of each of the types of school or institution at which the registered person is or has been employed or otherwise engaged to provide relevant services including whether the school was a maintained school or an independent school;
- (c) the names of the local authorities who maintained or are maintaining the school or institution if applicable;
- (d) whether the registered person was or is employed or otherwise engaged on a full-time or part-time basis;
- (e) the posts held by the registered person; and
- (f) the dates on which the registered person took up their current post.

(2) If known, where the registered person is not currently employed or otherwise engaged to provide relevant services, the date on which they were last so engaged, and the details specified in paragraphs (a) to (f) of sub-paragraph (1) in relation to their most recent post.

**14.** If known, where a registered person is engaged to provide relevant services through an agency—

- (a) the name, address, telephone and electronic mail address of that agency;
- (b) the date upon which the registered person first registered with the agency or institution at which the registered person is or has been engaged to provide relevant services; and
- (c) where the registered person is providing relevant services at a school or institution—
  - (i) the name, address, telephone number and electronic mail address of the school or institution at which the person is providing relevant services;
  - (ii) whether they were providing relevant services at a maintained school or an independent school;
  - (iii) the names of the local authorities who maintained or are maintaining the school or institution, if applicable;
  - (iv) whether the registered person was or is employed or otherwise engaged on a full-time or part-time basis;

- (v) y swyddi a ddaliwyd gan y person cofrestredig; a
- (vi) y dyddiad y cychwynnodd y person cofrestredig ar ei swydd bresennol.

**15.** Os yw'n hysbys, a yw'r person cofrestredig—

- (a) wedi ymddeol;
- (b) yn cael seibiant gyrfa;
- (c) yn ddi-waith; neu
- (d) wedi ei gyflogi neu ei gymryd ymlaen fel arall i ddarparu gwasanaethau perthnasol.

**16.** Os yw'n hysbys, pan fo gan y person cofrestredig radd neu gymhwyster cyfwerth—

- (a) dyddiad ei ddyfarnu;
- (b) ei deitl;
- (c) y sefydliad a'i dyfarnodd;
- (d) dosbarth y radd neu'r cymhwyster; ac
- (e) y pwnc.

**17.** Os yw'n hysbys, manylion am unrhyw gymhwyster academaidd neu broffesiynol arall sydd gan y person cofrestredig ac y mae'r Cyngor yn ei ystyried yn berthnasol i ddarparu gwasanaethau perthnasol gan berson cofrestredig.

**18.** Os yw'n hysbys, pa wybodaeth bynnag o blith y canlynol y mae'r Cyngor yn ei hystyried yn briodol mewn perthynas â'r person cofrestredig a pha un ai yw—

- (a) wedi derbyn hyfforddiant i'w alluogi i ddarparu gwasanaethau perthnasol drwy gyfrwng y Gymraeg;
- (b) yn gallu rhoi gwersi Cymraeg ail iaith;
- (c) wedi ennill cymhwyster Cymraeg ac os felly, math a lefel y cymhwyster hwnnw;
- (d) yn siaradwr Cymraeg;
- (e) wedi ei gyflogi neu ei gymryd ymlaen fel arall i ddarparu gwasanaethau mewn ysgol sy'n darparu addysg drwy gyfrwng y Gymraeg, ac os felly, y categori iaith a ddefnyddir gan gorff llywodraethu'r ysgol ym mhrosbectws yr ysgol i'w disgrifio; ac
- (f) yn siaradwr rhugl neu iaith gyntaf mewn iaith ar wahân i Gymraeg neu Saesneg, ac os felly, yr iaith a siaredir.

**19.** Telerau unrhyw orchymyn disgyblu a wnaed gan y Cyngor, ar wahân i gerydd, sydd mewn grym am y tro.

**20.** Telerau unrhyw gerydd a gyflwynwyd gan y Cyngor am gyfnod o ddwy flynedd o'r dyddiad y cyflwynwyd y cerydd.

- (v) the posts held by the registered person; and
- (vi) the date on which the registered person took up their current post.

**15.** If known, if the registered person is—

- (a) retired;
- (b) on a career break;
- (c) unemployed; or
- (d) employed or otherwise engaged to provide relevant services.

**16.** If known, where the registered person holds a degree or equivalent qualification—

- (a) the date of its award;
- (b) its title;
- (c) the institution by which it was awarded;
- (d) the class of the degree or qualification; and
- (e) the subject.

**17.** If known particulars of any other academic or professional qualification held by the registered person which the Council considers relevant to the provision of relevant services by a registered person.

**18.** If known, such of the following information as the Council considers appropriate in relation to whether the registered person—

- (a) has received training to enable them to provide relevant services through the medium of Welsh;
- (b) is able to teach Welsh second language;
- (c) has gained a Welsh language qualification and if so the type and level of that qualification;
- (d) is a Welsh speaker;
- (e) is employed or otherwise engaged to provide relevant services at a school which provides education through the medium of Welsh, and if so the language category used by the school governing body in its school prospectus to describe the school; and
- (f) is fluent or first language speaker in a language other than English or Welsh, and if so, the language spoken.

**19.** The terms of any disciplinary order, other than a reprimand, for the time being in force, made by the Council.

**20.** The terms of any reprimand issued by the Council for a period of two years from the date the reprimand was issued.

21. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person cofrestredig o ganlyniad i gyfarwyddyd a roddwyd o dan adran 142 o Ddeddf 2002.

22. Telerau unrhyw orchymyn gwahardd sydd mewn grym am y tro mewn perthynas â'r person cofrestredig a wnaed gan yr Ysgrifennydd Gwladol o dan adran 141B o Ddeddf 2002(1).

23. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person cofrestredig o ganlyniad i gamau disgyblu a gymerwyd gan Gyngor Addysgu Cyffredinol yr Alban.

24. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person cofrestredig o ganlyniad i gamau disgyblu a gymerwyd gan Gyngor Addysgu Cyffredinol Gogledd Iwerddon.

25. Telerau unrhyw gyfyngiad neu fanylion unrhyw waharddiad sydd mewn grym am y tro mewn perthynas â'r person cofrestredig o ganlyniad i gamau disgyblu a gymerwyd gan Gyngor An Chomhairle Mhúinteoireachta neu'r Cyngor Addysgu.

21. The terms of any restriction or particulars of any prohibition for the time being in force in relation to the registered person as the result of a direction given under section 142 of the 2002 Act.

22. The terms of any prohibition order for the time being in force in relation to the registered person made by the Secretary of State under section 141B of the 2002 Act(1).

23. The terms of any restriction or particulars of prohibition for the time being in force in relation to the registered person as a result of disciplinary action taken by the General Teaching Council for Scotland.

24. The terms of any restriction or particulars of prohibition for the time being in force in relation to the registered person as a result of any disciplinary action taken by the General Teaching Council for Northern Ireland.

25. The terms of any restriction or particulars of prohibition for the time being in force in relation to the registered person as a result of any disciplinary action taken by An Chomhairle Mhúinteoireachta or the Teaching Council.

## RHAN 2

### Athrawon ysgol

26. Y dyddiad y cymhwysodd y person yn athro neu'n athrawes ysgol.

27. Os yw'n hysbys y dyddiad y cychwynnodd yr athro neu'r athrawes ysgol ei swydd gyntaf fel athro neu athrawes gymwysedig.

28. Pan fo'r athro neu'r athrawes ysgol wedi cwblhau cwrs hyfforddiant cychwynnol athrawon yn llwyddiannus—

- (a) enw'r sefydliad a oedd yn darparu'r cwrs;
- (b) teitl y cwrs neu ddisgrifiad ohono;
- (c) y pwnc neu'r pynciau a astudiwyd gan yr athro neu'r athrawes ysgol; a
- (d) oedrannau'r disgyblion y cynlluniwyd y cwrs i baratoi'r athro neu'r athrawes ysgol ar gyfer eu haddysgu.

29. Pan fo'r athro neu'r athrawes ysgol wedi cymhwyso fel athro neu athrawes ysgol mewn modd ar wahân i gwblhau cwrs hyfforddiant cychwynnol athrawon—

## PART 2

### School teachers

26. The date on which the person qualified as a school teacher.

27. If known the date on which the school teacher took up their first post as a qualified teacher.

28. Where the school teacher has successfully completed a course for the initial training of teachers—

- (a) the name of the institution providing the course;
- (b) the title or description of the course;
- (c) the subject or subjects studied by the school teacher; and
- (d) the ages of pupils the course was designed to prepare the school teacher to teach.

29. Where the school teacher qualified as a school teacher other than by successfully completing a course for the initial training of teachers—

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(1) Mewnosodwyd gan adran 8(1) o Ddeddf Addysg 2011 (p. 21).

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(1) Inserted by section 8(1) of the Education Act 2011 (c. 21).

- (a) y math o raglen hyfforddi a gwblhawyd;
- (b) enw'r ysgol neu'r sefydliad lle y dilynwyd yr hyfforddiant athrawon ysgol; ac
- (c) y dyddiad y cwblhawyd y rhaglen hyfforddi.

**30.** Os yw'n hysbys—

- (a) manylion unrhyw gymhwyster sydd gan yr athro neu'r athrawes ysgol i addysgu pobl â nam ar eu golwg neu ar eu clyw fel y cyfeirir ato yn rheoliad 11, 12 neu 13 o Reoliadau Addysg (Cymwysterau a Safonau Iechyd Athrawon) (Cymru) 1999(1); a
- (b) pan fo'r athro neu'r athrawes ysgol wedi ennill Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth, mynegiant o'r ffaith honno a dyddiad y dyfarniad.

**31.** Os yw'n hysbys, pan fo'r athro neu'r athrawes ysgol—

- (a) yn athro neu'n athrawes ôl-drothwy neu'n arfer bod yn athro neu'n athrawes ôl-drothwy, mynegiant o'r ffaith honno, y dyddiad y cychwynnodd yr athro neu'r athrawes ysgol yn y swydd honno ac enw'r ysgol yr oedd yr athro neu'r athrawes ysgol yn gyflogedig ynddi pan gafodd ei benodi gyntaf neu ei phenodi gyntaf i'r swydd honno;
- (b) yn athro neu'n athrawes uwch-sgiliau, mynegiant o'r ffaith honno, y dyddiad y cafodd yr athro neu'r athrawes ysgol ei ardystio neu ei hardystio yn athro neu'n athrawes o'r fath, a'r ysgol yr oedd yr athro neu'r athrawes ysgol yn gyflogedig ynddi pan gafodd ei ardystio neu ei hardystio yn athro neu'n athrawes uwch-sgiliau; ac
- (c) yn ymarferydd arweiniol, mynegiant o'r ffaith honno, y dyddiad y cychwynnodd yr athro neu'r athrawes ysgol ar y swydd honno, a'r ysgol yr oedd yr athro neu'r athrawes ysgol yn gyflogedig ynddi pan gafodd ei benodi gyntaf neu ei phenodi gyntaf i'r swydd honno.

**32.** A yw'r athro neu'r athrawes ysgol neu a oedd yr athro neu'r athrawes ysgol yn ddirprwy bennaeth, yn bennaeth neu'n bennaeth cynorthwyol, ac os felly—

- (a) y dyddiad y'i penodwyd gyntaf i'r swydd honno; a
- (b) enw'r ysgol yr oedd yn gyflogedig ynddi pan gafodd ei benodi gyntaf neu ei phenodi gyntaf i'r swydd honno.

- (a) the type of training programme completed;
- (b) the name of the school or institution at which the school teacher training was undertaken; and
- (c) the date on which the training programme was completed.

**30.** If known—

- (a) particulars of any qualification held by the school teacher for teaching the visually or hearing impaired such as is referred to in regulation 11, 12 or 13 of the Education (Teachers' Qualifications and Health Standards) (Wales) Regulations 1999(1); and
- (b) where the school teacher has been awarded the National Professional Qualification for Headship, an indication of that fact and the date of the award.

**31.** If known, where the school teacher—

- (a) is or was a post-threshold teacher an indication of that fact, the date from which the school teacher held that post and the name of the school at which the school teacher was employed when they were first appointed to that post;
- (b) is an advanced skills teacher, an indication of that fact, the date on which the school teacher was certified as such, and the school at which the school teacher was employed when they were certified as an advanced skills teacher; and
- (c) is a leading practitioner, an indication of that fact, the date from which the school teacher held that post, and the school at which the school teacher was employed when they first appointed to that post.

**32.** Whether the school teacher is or was a deputy head teacher, head teacher or assistant head teacher, and if so—

- (a) the date on which they were first appointed to that post; and
- (b) the name of the school at which they were employed when first appointed to that post.

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(1) O.S. 1999/2817 (Cy. 18).

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(1) S.I. 1999/2817 (W. 18).

**33.** Pan fo'r person yn gyflogedig fel athro neu athrawes ysgol mewn ysgol a gynhelir, mynegiant a yw'r person hwnnw—

- (a) wedi ei gyflogi ar y brif ystod cyflog; neu
- (b) wedi ei gyflogi ar yr ystod cyflog uwch.

**34.—(1)** Pan fo'r athro neu'r athrawes ysgol wedi gweithio cyfnod sefydlu neu ran o gyfnod sefydlu, pa un ai yw hynny yng Nghymru neu Loegr—

- (a) enw'r corff priodol;
- (b) y dyddiad y cychwynnodd yr athro neu'r athrawes ysgol y cyfnod sefydlu;
- (c) pan fo'n gymwys, mynegiant bod yr athro neu'r athrawes ysgol wedi cwblhau'r cyfnod sefydlu yn llwyddiannus, a dyddiad ei gwblhau;
- (d) pan fo'n gymwys, mynegiant bod yr athro neu'r athrawes ysgol wedi cael ymestyn y cyfnod sefydlu, a chyfnod yr estyniad;
- (e) pan fo'n gymwys, mynegiant bod yr athro neu'r athrawes ysgol wedi cwblhau rhan o gyfnod sefydlu yn unig, a'r cyfnod a weithiwyd; ac
- (f) pan fo'n gymwys, mynegiant bod y person wedi methu â chwblhau'r cyfnod sefydlu yn llwyddiannus.

**(2)** Pan fo'r person yn athro neu'n athrawes ysgol ac nad yw wedi gweithio cyfnod sefydlu—

- (a) os yw'r athro neu'r athrawes ysgol wedi ei eithrio neu ei heithrio o'r gofyniad i weithio cyfnod sefydlu, y rheswm dros yr eithriad; neu
- (b) os nad oedd yn ofynnol i'r athro neu'r athrawes ysgol weithio cyfnod sefydlu ar yr adeg berthnasol, datganiad o'r ffaith honno.

**35.** Os yw'n gymwys, mynegiant bod yr athro neu'r athrawes ysgol wedi methu cyfnod prawf, ac a yw Gweinidogion Cymru neu'r Ysgrifennydd Gwladol wedi cydsynio i'r athro hwnnw neu'r athrawes honno gyflawni gwaith penodedig o dan reoliadau a wnaed o dan—

- (a) adran 133 o Ddeddf 2002; neu
- (b) adran 14 o Ddeddf 2014.

**36.** Os yw'n gymwys, mynegiant bod yr athro neu'r athrawes ysgol wedi ymdeol o dan achos C ym mharagraff 3 o Atodlen 7 i Reoliadau Pensiynau Athrawon 2010(1) (ymddeoliad ar sail afiechyd).

**33.** Where the person is employed as a school teacher in a maintained school an indication of whether that person is—

- (a) employed on the main range of pay; or
- (b) employed on the upper range of pay.

**34.—(1)** Where the school teacher has served an induction period or part of an induction period, whether in England or Wales—

- (a) the identity of the appropriate body;
- (b) the date on which the school teacher started the induction period;
- (c) where applicable, an indication that the school teacher successfully completed the induction period, and the date of its completion;
- (d) where applicable, an indication that the school teacher has had the induction period extended, and the period of the extension;
- (e) where applicable, an indication that the school teacher has completed only part of an induction period, and the period served; and
- (f) where applicable, an indication that the person has failed to successfully complete the induction period.

**(2)** Where the person is a school teacher and has not served an induction period—

- (a) if the school teacher is exempt from the requirement to serve an induction period, the reason for the exemption; or
- (b) if there was no requirement for the school teacher to serve an induction period at the relevant time, a statement of that fact.

**35.** If applicable, an indication that the school teacher has failed a period of probation, and whether the Welsh Ministers have or the Secretary of State has consented to that teacher carrying out specified work under regulations made under—

- (a) section 133 of the 2002 Act; or
- (b) section 14 of the 2014 Act.

**36.** If applicable, an indication that the school teacher has retired under case C in paragraph 3 of Schedule 7 to the Teachers' Pensions Regulations 2010(1) (ill-health retirement).

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(1) O.S. 2010/990.

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(1) S.I. 2010/990.

GOFYNION SYDD I'W BODLONI  
GAN BERSONAU NAD YDYNT YN  
ATHRAWON CYMWYSEDIG ER  
MWYN CYFLAWNI GWAITH  
PENODEDIG

**Dehongli**

1. Yn yr Atodlen hon—

ystyr “cynllun hyfforddi athrawon ar sail cyflogaeth” (“*employment-based teacher training scheme*”) yw cynllun a sefydlwyd gan Weinidogion Cymru o dan reoliad 8 o Reoliadau 2004; ac

ystyr “sefydliad achrededig” (“*accredited institution*”) yw sefydliad sydd wedi ei achredu gan Gyngor Cyllido Addysg Uwch Cymru o dan reoliad 7 o Reoliadau 2004 neu gan yr Asiantaeth Hyfforddi a Datblygu ar gyfer Ysgolion o dan reoliad 11 o Reoliadau Addysg (Cymwysterau Athrawon Ysgol) (Lloegr) 2003(1).

**Athrawon sy'n dysgu dosbarthiadau meithrin ac mewn ysgolion meithrin ar hyn o bryd nad ydynt yn athrawon cymwysedig**

2.—(1) Mae'r paragraff hwn yn gymwys yn achos—

- (a) athrawon cynorthwyol mewn ysgolion meithrin; neu
- (b) athrawon dosbarth meithrin,

y caniatwyd iddynt gael eu cyflogi fel athrawon gan baragraff 4 o Atodlen 4 i Reoliadau 1982 ac a cyflogwyd felly yn union cyn 1 Medi 1989.

(2) Caiff personau o'r fath gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol yn yr un swydd ag y cyflogwyd hwy ynddi cyn 1 Medi 1989.

REQUIREMENTS TO BE SATISFIED  
BY PERSONS WHO ARE NOT  
QUALIFIED TEACHERS IN ORDER  
TO CARRY OUT SPECIFIED WORK

**Interpretation**

1. In this Schedule—

“accredited institution” (“*sefydliad achrededig*”) means an institution accredited by the Higher Education Funding Council for Wales under regulation 7 of the 2004 Regulations or by the Training and Development Agency for Schools under regulation 11 of the Education (School Teachers' Qualifications) (England) Regulations 2003(1); and

“employment-based teacher training scheme” (“*cynllun hyfforddi athrawon ar sail cyflogaeth*”) means a scheme established by the Welsh Ministers under regulation 8 of the 2004 Regulations.

**Existing teachers of nursery classes and at nursery schools who are not qualified teachers**

2.—(1) This paragraph applies in the case of—

- (a) assistant teachers at a nursery school; or
- (b) teachers of a nursery class,

who were permitted to be employed as teachers by paragraph 4 of Schedule 4 to the 1982 Regulations and who were so employed immediately before 1 September 1989.

(2) Such persons may carry out work specified in regulation 17 in a school in the same capacity as they were employed before 1 September 1989.

(1) O.S. 2003/1662 fel y'i diwygiwyd gan Ddeddf Addysg 2005 (p. 18) a chan O.S. 2007/2782, O.S. 2009/3156, O.S. 2010/1172 ac O.S. 2012/431.

(1) S.I. 2003/1662 as amended by the Education Act 2005 (c. 18) and by S.I. 2007/2782, S.I. 2009/3156, S.I. 2010/1172 and S.I. 2012/431.



### **Personau â chymwysterau arbennig neu brofiad arbennig**

3.—(1) Mae'r paragraff hwn yn gymwys yn achos personau nad ydynt yn athrawon cymwysedig a benodir, neu y bwriedir eu penodi, i gyflawni gwaith a bennir yn rheoliad 17 mewn cysylltiad ag unrhyw gelfyddyd neu sgil neu mewn unrhyw bwnc neu grŵp o bynciau, pan fo angen cymwysterau arbennig neu brofiad arbennig neu'r ddau i wneud hynny.

(2) Caiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol os, ar adeg eu penodi—

- (a) yw'r awdurdod lleol (yn achos ysgol nad oes ganddi gyllideb ddirprwyedig neu yn achos uned cyfeirio disgyblion), y corff llywodraethu sy'n gweithredu â chydysyniad yr awdurdod lleol (yn achos ysgol sydd â chyllideb ddirprwyedig), neu'r corff llywodraethu (yn achos ysgol arbennig nad yw'n cael ei chynnal gan awdurdod lleol), yn ôl y digwydd, yn fodlon ynglŷn â'u cymwysterau neu brofiad neu'r ddau; a
- (b) nad oes athro neu athrawes gymwysedig addas nac athro neu athrawes ar gynllun hyfforddi athrawon ar sail cyflogaeth ar gael i'w benodi neu i'w phenodi i'r swydd; neu
- (c) mewn cysylltiad â gwaith a ddisgrifir ym mharagraff 6(2) o'r Atodlen hon, nad oes person addas â'r cymwysterau sy'n ofynnol o dan reoliad 3 o Reoliadau 2002 ar gael i'w benodi i swydd o'r fath.

(3) Caiff personau a benodir â chymwysterau neu brofiad arbennig fel y'i disgrifir yn is-baragraff (1) ac sy'n cyflawni gwaith a bennir yn rheoliad 17 fel y'i caniateir gan is-baragraff (2) wneud hynny, yn ddarostyngedig i is-baragraff (4)—

- (a) dim ond am y cyfnod hwnnw o amser nad oes athro neu athrawes gymwysedig addas neu athro neu athrawes ar gynllun hyfforddi athrawon ar sail cyflogaeth ar gael i'w benodi neu i'w phenodi i'r swydd; neu
- (b) mewn cysylltiad â gwaith a ddisgrifir ym mharagraff 6(2) o'r Atodlen hon, dim ond am y cyfnodau hynny o amser nad oes person addas sydd â'r cymwysterau sy'n ofynnol o dan reoliad 3 o Reoliadau 2002 ar gael i'w benodi i swydd o'r fath.

(4) Nid yw is-baragraff (3) yn gymwys yn achos personau o'r fath a benodwyd cyn 8 Ebrill 1982 pan oedd—

### **Persons with special qualifications or special experience**

3.—(1) This paragraph applies in the case of persons who are not qualified teachers appointed, or proposed to be appointed, to carry out work specified in regulation 17 in respect of any art or skill or in any subject or group of subjects, where special qualifications or special experience or both are required in order to do so.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school if at the time of their appointment—

- (a) the local authority (in the case of a school which has no delegated budget or in the case of a pupil referral unit) the governing body acting with the consent of the local authority (in the case of a school which has a delegated budget), or the governing body (in the case of a special school not maintained by a local authority), as the case may be, is satisfied as to their qualifications or experience or both; and
- (b) no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for such appointment; or
- (c) in respect of work described in paragraph 6(2) of this Schedule, no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(3) Persons appointed with special qualifications or experience described in sub-paragraph (1) carrying out work specified in regulation 17 as permitted by sub-paragraph (2) may do so, subject to sub-paragraph (4)—

- (a) only for such period of time as no suitable qualified teacher or teacher on an employment-based teacher training scheme is available for appointment; or
- (b) in respect of work described in paragraph 6(2) of this Schedule, only for such periods of time as no suitable person who holds qualifications required under regulation 3 of the 2002 Regulations is available for such appointment.

(4) Sub-paragraph (3) does not apply in the case of such persons appointed before 8 April 1982 where—

- (a) y penodiad yn un am gyfnod penodedig, os a chyn belled nad yw'r cyfnod hwnnw wedi dod i ben; neu
- (b) y penodiad yn un am gyfnod amhenodol, os na fynegwyd fel arall ei fod yn benodiad dros dro yn unig.

- (a) the appointment was for a specified period, if and so long as that period has not expired; or
- (b) the appointment was for an unspecified period, if it was not otherwise expressed to be temporary only.

### **Athrawon a Hyfforddwyd Dramor**

4.—(1) Mae'r paragraff hwn yn gymwys yn achos personau sydd wedi cwblhau yn llwyddiannus raglen hyfforddiant proffesiynol i athrawon mewn unrhyw wlad y tu allan i'r Deyrnas Unedig, y mae'r awdurdod cymwys yn y wlad honno yn cydnabod ei bod yn rhaglen o'r fath.

(2) Caiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol (ar wahân i uned cyfeirio disgyblion) am gyfnod o hyd at ddwy flynedd yn cychwyn ar y dyddiad y maent yn cyflawni'r gwaith a bennir yn rheoliad 17 mewn ysgol gyntaf.

### **Hyfforddeion ar gyrsiau hyfforddiant cychwynnol athrawon**

5.—(1) Mae'r paragraff hwn yn gymwys yn achos personau sy'n dilyn cwrs hyfforddiant cychwynnol athrawon mewn ysgolion mewn sefydliad achrededig yng Nghymru neu Loegr.

(2) Caiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol (ar wahân i uned cyfeirio disgyblion) o dan oruchwyliaeth athro neu athrawes gymwysedig yn ystod unrhyw gyfnod y maent yn cael profiad ymarferol o addysgu at ddibenion y cwrs hwnnw.

### **Athrawon addysg bellach cymwysedig sy'n dysgu cyrsiau galwedigaethol o fewn y cwricwlwm lleol**

6.—(1) Mae'r paragraff hwn yn gymwys yn achos personau sydd â chymwysterau sy'n ofynnol o dan reoliad 3 o Reoliadau 2002.

(2) Caiff personau a grybwyllir yn is-baragraff (1) gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol i'r graddau y mae'r gwaith yn golygu cyflwyno cyrsiau astudiaeth galwedigaethol sy'n ffurfio cwricwlwm lleol cyfan neu ran o gwricwlwm o'r fath a ffurfwyd gan awdurdod lleol yn unol ag adran 116A o Ddeddf 2002(1), neu gan Weinidogion Cymru yn unol ag adran 33A o Ddeddf Dysgu a Sgiliau 2000.

### **Overseas Trained Teachers**

4.—(1) This paragraph applies in the case of persons who have successfully completed a programme of professional training for teachers in any country outside the United Kingdom, which programme is recognised as such by the competent authority in that country.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school (other than a pupil referral unit) for a period of up to two years commencing on the day on which they first carry out work specified in regulation 17 in a school.

### **Trainees on initial teacher training courses**

5.—(1) This paragraph applies in the case of persons who are undertaking a course of initial training for teachers in schools at an accredited institution in Wales or England.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school (other than a pupil referral unit) under the supervision of a qualified teacher during any period in which they are undertaking practical teaching experience for the purposes of that course.

### **Qualified further education teachers teaching vocational courses within the local curriculum**

6.—(1) This paragraph applies in the case of persons who hold qualifications required under regulation 3 of the 2002 Regulations.

(2) Persons mentioned in sub-paragraph (1) may carry out work specified in regulation 17 in a school to the extent that the work comprises the delivery of vocational courses of study forming a part or the whole of a local curriculum that has been formed by a local authority pursuant to section 116A of the 2002 Act 2002(1), or by the Welsh Ministers pursuant to section 33A of the Learning and Skills Act 2000.

(1) Fel y'i mewnosodwyd gan adran 4 o Fesur Dysgu a Sgiliau (Cymru) 2009 (2009 mccc 1).

(1) As inserted by section 4 of the Learning and Skills (Wales) Measure 2009 (2009 nawm 1).

### **Cynllun hyfforddi athrawon ar sail cyflogaeth**

7.—(1) Mae'r paragraff hwn yn gymwys yn achos personau sy'n dilyn hyfforddiant at ddibenion cynllun hyfforddi athrawon ar sail cyflogaeth.

(2) Caiff personau o'r fath gyflawni'r gwaith a bennir yn rheoliad 17 mewn ysgol hyd oni fyddant yn cwblhau'r hyfforddiant hwnnw yn llwyddiannus neu yn peidio â'i ddilyn.

### **Personau eraill y caniateir iddynt gyflawni gwaith penodedig**

8.—(1) Mae'r paragraff hwn yn gymwys yn achos personau nad ydynt yn athrawon cymwysedig ac na chrybwyllir hwy ym mharagraffau 2 i 7 o'r Atodlen hon.

(2) Caiff personau o'r fath gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol, dim ond os bodlonir yr amodau a ganlyn—

- (a) maent yn cyflawni gwaith a bennir yn rheoliad 17 er mwyn cynorthwyo neu gefnogi gwaith athrawon cymwysedig neu athrawon enwebedig yn yr ysgol;
- (b) maent yn ddarostyngedig i gyfarwyddyd a goruchwyliaeth athrawon cymwysedig neu athrawon enwebedig o'r fath yn unol â threfniadau a wneir gan bennaeth yr ysgol; ac
- (c) mae'r pennaeth yn fodlon eu bod yn meddu ar y sgiliau, yr arbenigedd a'r profiad sy'n ofynnol er mwyn cyflawni gwaith a bennir yn rheoliad 17.

(3) Caniateir i brifathrawon, os byddant yn ystyried yr enwebiad yn briodol o dan yr amgylchiadau, enwebu personau a grybwyllir ym mharagraffau 3, 4, 5, 6 neu 7 o'r Atodlen hon fel athrawon enwebedig at ddiben is-baragraff (2).

(4) Wrth benderfynu a oes gan y personau a grybwyllir yn is-baragraff (1) y sgiliau, yr arbenigedd a'r profiad sy'n ofynnol i gyflawni gwaith a bennir yn rheoliad 17 mewn ysgol, caiff penaethiaid roi ystyriaeth i—

- (a) y safonau hynny ar gyfer cynorthwywyr addysgu lefel uwch, neu'r canllawiau hynny sy'n ymwneud â staff cymorth ysgolion, y gellir eu cyhoeddi o bryd i'w gilydd gan Weinidogion Cymru; a
- (b) y canllawiau hynny ar faterion cytundebol sy'n ymwneud â staff cymorth ysgolion, y gellir eu cyhoeddi o bryd i'w gilydd gan unrhyw awdurdod lleol neu gyflogwr arall.

### **Employment-based teacher training scheme**

7.—(1) This paragraph applies in the case of persons who are undertaking training for the purposes of an employment-based teacher training scheme.

(2) Such persons may carry out work specified in regulation 17 in a school until they successfully complete or cease to undertake that training.

### **Other persons who may carry out specified work**

8.—(1) This paragraph applies in the case of persons who are not qualified teachers and who are not mentioned in paragraphs 2 to 7 of this Schedule.

(2) Such persons may carry out work specified in regulation 17 in a school only if the following conditions are satisfied—

- (a) they carry out work specified in regulation 17 in order to assist or support the work of qualified teachers or nominated teachers in the school;
- (b) they are subject to the direction and supervision of such qualified teachers or nominated teachers in accordance with arrangements made by the head teacher of the school; and
- (c) the head teacher is satisfied that they have the skills, expertise and experience required to carry out work specified in regulation 17.

(3) Head teachers may, if they consider the nomination appropriate in the circumstances, nominate persons who are mentioned in paragraphs 3, 4, 5, 6 or 7 of this Schedule as nominated teachers for the purpose of sub-paragraph (2).

(4) In determining whether the persons mentioned in sub-paragraph (1) have the skills, expertise and experience required to carry out work specified in regulation 17 in a school, head teachers may have regard to—

- (a) such standards for higher-level teaching assistants, or guidance concerning school support staff, as may be published from time to time by the Welsh Ministers; and
- (b) such guidance as to contractual matters relating to school support staff as may be published from time to time by any local authority or other employer.

COFNODION A GYNHELIR GAN Y  
CYNGOR

RHAN 1

Dehongli

1. At ddibenion yr Atodlen hon mae cyfeiriad at berson cofrestredig yn Atodlen 2 i'w gymryd fel cyfeiriad at un o'r personau hynny a nodir yn Rhan 2 o'r Atodlen hon.

RHAN 2

Personau y mae'n ofynnol i'r Cyngor gynnal  
cofnodion ar eu cyfer

2. Personau y mae eu henwau wedi eu tynnu oddi ar y Gofrestr heblaw am y rhai hynny y tynnwyd eu henwau oddi arni ar eu cais hwy eu hunain neu a fu farw.

3. Personau sy'n anghymwys i gofrestru yn rhinwedd adran 10(3) o Ddeddf 2014.

4. Athrawon cymwysedig nad ydynt yn athrawon cofrestredig.

5. Personau nad ydynt yn athrawon cofrestredig ac sydd wedi cychwyn cwrs hyfforddiant cychwynnol athrawon, pa un ai ydynt wedi cwblhau cwrs o'r fath ai peidio.

6. Personau nad ydynt yn athrawon cymwysedig sydd wedi eu cyflogi fel athrawon mewn ysgolion a gynhelir gan awdurdod lleol.

7. Personau nad ydynt yn athrawon cymwysedig sy'n paratoi ar gyfer Cymhwyster Proffesiynol Cenedlaethol ar gyfer Prifathrawiaeth neu sydd wedi ei ennill.

8. Personau nad ydynt yn dod o fewn yr un o'r categorïau a grybwyllwyd uchod ac nad ydynt yn bersonau cofrestredig—

(a) y neilltuwyd rhif cyfeirnod swyddogol ar eu cyfer; a

(b) sy'n gyflogedig, neu sydd wedi bod yn gyflogedig ar un adeg, fel athro neu athrawes mewn ysgol neu sefydliad addysgol arall.

(2) Personau nad ydynt wedi eu cofrestru o dan unrhyw gategori cofrestru ond sy'n gymwys i gael eu cofrestru ac y mae'r Cyngor yn ei hystyried yn briodol cofnodi'r wybodaeth a nodir yn Rhan 2 amdanynt.

RECORDS MAINTAINED BY THE  
COUNCIL

PART 1

Interpretation

1. For the purposes of this Schedule a reference to a registered person in Schedule 2 is to be taken to be a reference to one of the persons set out in Part 2 of this Schedule.

PART 2

Persons the Council is required to maintain  
records for

2. Persons whose names have been removed from the Register other than those whose names were removed at their own request or who have died.

3. Persons who are ineligible for registration by virtue of section 10(3) of the 2014 Act.

4. Qualified teachers who are not registered teachers.

5. Persons who are not registered teachers and who have started a course for the initial training of teachers, whether or not they have completed such course.

6. Persons who are not qualified teachers who are employed as teachers in schools maintained by a local authority.

7. Persons who are not registered teachers who are preparing for, or who have obtained, the National Professional Qualification for Headship.

8.—(1) Persons not falling within any of the above mentioned categories and who are not registered persons, who—

(a) have had an official reference number assigned to them; and

(b) are, or have at any time been, employed as a teacher at a school or other educational institution.

(2) Persons who are not registered in any category of registration but are eligible to be so registered and about whom the Council consider it appropriate to record the information set out in Part 2.

### RHAN 3

#### Gwybodaeth sydd i'w chynnwys yn y cofnodion

**9.** Yr wybodaeth a nodir ym mharagraffau 3 i 25 o Ran 1 o Atodlen 2.

**10.** Pan fo'r person wedi ei gofrestru'n flaenorol ond wedi ei dynnu oddi ar y Gofrestr ers hynny—

- (a) y categori neu gategoriâu cofrestru yr oeddent wedi eu cofrestru ynndo/ynddynt yn flaenorol;
- (b) dyddiad eu cofrestrriad cyntaf; ac
- (c) y dyddiad diweddaraf y bu iddynt gael eu tynnu oddi ar y Gofrestr.

**11.** Yr wybodaeth a nodir yn Rhan 2 o Atodlen 2.

**12.** Pan fo'r person yn anghymwys i gofrestru yn unol ag adran 10 a rheoliadau a wnaed o dan adrannau 12 neu 13 o Ddeddf 2014, manylion y cyfarwyddyd, y gorchymyn disgyblu neu'r gwaharddiad arall y mae'r person yn anghymwys i gofrestru o'i herwydd.

**13.** Pan fo person yn anghymwys i gofrestru yn unol ag adran 10 o Ddeddf 2014 am nad yw'r Cyngor yn fodlon bod y person yn addas i gael ei gofrestru, manylion ynghylch y sail dros wneud y penderfyniad i wrthod y cais.

**14.** Pan fo enw'r person wedi ei dynnu oddi ar y Gofrestr, manylion ynghylch y sail dros dynnu enw'r person oddi ar y Gofrestr.

**15.** Os yw'r person wedi ei wahardd rhag cyflawni gweithgaredd a reoleiddir yn ymwneud â phlant (o fewn ystyr adran 3(2) o Ddeddf Diogelu Grwpiau Hyglwyf 2006), datganiad o'r ffaith honno.

**16.** Os yw'r person wedi ei wahardd rhag cyflawni gweithgaredd a reoleiddir yn ymwneud ag oedolion hygllwyf (o fewn ystyr adran 3(3) o Ddeddf Diogelu Grwpiau Hyglwyf 2006), datganiad o'r ffaith honno.

### PART 3

#### Information to be contained in the records

**9.** The information set out in paragraphs 3 to 25 of Part 1 of Schedule 2.

**10.** Where the person has been registered previously but has since been removed from the Register—

- (a) the category or categories of registration they were previously registered in;
- (b) the date of their first registration; and
- (c) the date they were last removed from the Register.

**11.** The information set out in Part 2 of Schedule 2.

**12.** Where the person is ineligible for registration pursuant to section 10 and regulations made under sections 12 or 13 of the 2014 Act, particulars of the direction, disciplinary order or other prohibition by virtue of which the person is ineligible for registration.

**13.** Where a person is ineligible for registration pursuant to section 10 of the 2014 Act because the Council are not satisfied as to the person's suitability to be registered, particulars of the grounds on which the decision to refuse the application was taken.

**14.** Where the person's name has been removed from the Register, particulars of the grounds on which the person's name was removed from the Register.

**15.** If the person has been barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.

**16.** If the person has been barred from regulated activity relating to vulnerable adults (within the meaning of section 3(3) of the Safeguarding Vulnerable Groups Act 2006), a statement of that fact.

GWYBODAETH SYDD I'W RHOI I'R  
CYNGOR

RHAN 1

Gwybodaeth sydd i'w rhoi gan gyflogwr  
perthnasol

1. Datganiad o resymau am beidio â defnyddio gwasanaethau'r person.
2. Cofnodion y cyflogwr sy'n ymwneud â pheidio â defnyddio gwasanaethau'r person neu unrhyw ystyriaeth a roddwyd i beidio â'u defnyddio, gan gynnwys nodiadau a chofnodion cyfarfodydd, nodiadau cyfweiliadau, a thystiolaeth a roddwyd i'r cyflogwr neu a gafwyd ganddo.
3. Cofnodion y cyflogwr ynglŷn â'r ymddygiad a arweiniodd yn y pen draw at beidio â defnyddio gwasanaethau'r person neu a allai fod wedi peri i'r cyflogwr beidio â defnyddio'r gwasanaethau'r person pe na byddai'r person wedi peidio â darparu'r gwasanaethau hynny, gan gynnwys nodiadau a chofnodion cyfarfodydd, nodiadau cyfweiliadau, a thystiolaeth a roddwyd i'r cyflogwr neu a gafwyd ganddo.
4. Llythyrau, rhybuddion neu hysbysiadau a roddwyd gan y cyflogwr i berson mewn perthynas â pheidio â defnyddio gwasanaethau'r person hwnnw neu ystyriaeth a roddwyd i beidio â'i ddefnyddio, neu'r ymddygiad a arweiniodd yn y pen draw at beidio â defnyddio gwasanaethau'r person neu a allai fod wedi peri i'r cyflogwr beidio â defnyddio gwasanaethau'r person pe na byddai'r person wedi peidio â darparu'r gwasanaethau hynny, ac atebion neu sylwadau'r person mewn ymateb.
5. Unrhyw ddatganiadau, sylwadau a thystiolaeth arall a gyflwynwyd gan berson i'r cyflogwr mewn perthynas â pheidio â defnyddio gwasanaethau'r person hwnnw neu ystyriaeth a roddwyd i beidio â'i ddefnyddio, neu'r ymddygiad a arweiniodd yn y pen draw at beidio â defnyddio gwasanaethau'r person neu a allai fod wedi peri i'r cyflogwr beidio â defnyddio gwasanaethau'r person hwnnw pe na byddai'r person wedi peidio â darparu'r gwasanaethau hynny.
6. Llythyr yn rhoi gwybod ynglŷn â bwriad person i beidio â darparu gwasanaethau.

INFORMATION TO BE SUPPLIED  
TO THE COUNCIL

PART 1

Information to be supplied by a relevant  
employer

1. A statement of reasons for ceasing to use the person's services.
2. Employer's records relating to the cessation of the use of the person's services or any contemplated cessation, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the employer.
3. Employer's records relating to the conduct which eventually led to the cessation of the use of the person's services or might, but for the person having ceased to provide those services, have led the employer to cease to use that person's services, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the employer.
4. Employer's letters, warnings or notices issued to a person in relation to the cessation of the use of that person's services or contemplated cessation, or the conduct which eventually led to the cessation of the use of the person's services or might, but for the person having ceased to provide those services, have led the employer to cease to use that person's services, and the person's replies or representations in response.
5. Any other statements, representations and evidence submitted by a person to the employer in relation to the cessation of the use that person's services or contemplated cessation, or the conduct which eventually led to the cessation of the use of the person's services or might, but for the person having ceased to provide those services, have led the employer to cease to use that person's services.
6. Letter advising of a person's intention to cease to provide services.

7. Unrhyw ddogfen neu wybodaeth arall y mae'r cyflogwr yn ei hystyried yn berthnasol i unrhyw ymchwiliad y caiff Pwyllgor Ymchwilio ei gynnal neu unrhyw achos y caiff Pwyllgor Ymchwilio neu Bwyllgor Addasrwydd i Ymarfer ei ddwyn yn erbyn person cofrestredig.

## RHAN 2

### Gwybodaeth sydd i'w rhoi gan asiant

8. Datganiad o'r rhesymau dros derfynu'r trefniadau.

9. Unrhyw gofnodion sy'n ymwneud â therfynu'r trefniadau neu unrhyw ystyriaeth a roddwyd i'w terfynu, gan gynnwys nodiadau a chofnodion cyfarfodydd, nodiadau cyfweiliadau, a thystiolaeth a roddwyd i'r asiant neu a gafwyd ganddo.

10. Unrhyw gofnodion sy'n ymwneud â'r ymddygiad a arweiniodd yn y pen draw at derfynu trefniadau neu a allai fod wedi peri i'r asiant eu derfynu, pe na bai'r person wedi derfynu'r trefniadau, neu a allai fod wedi peri i'r asiant ymatal rhag gwneud trefniadau newydd, pe na bai'r person wedi peidio â bod ar gael i weithio, gan gynnwys nodiadau a chofnodion cyfarfodydd, nodiadau cyfweiliadau a thystiolaeth a roddwyd i'r asiant neu a gafwyd ganddo.

11. Llythyrau, rhybuddion neu hysbysiadau a roddwyd gan yr asiant i berson mewn perthynas â therfynu trefniadau, neu'r ymddygiad a arweiniodd yn y pen draw at derfynu trefniadau neu a allai fod wedi peri i'r asiant eu derfynu pe na bai'r person wedi derfynu'r trefniadau, neu a allai fod wedi peri i'r asiant ymatal rhag gwneud trefniadau newydd, pe na bai'r person wedi peidio â bod ar gael i weithio, ac atebion neu sylwadau'r person mewn ymateb.

12. Unrhyw ddatganiadau, sylwadau a thystiolaeth arall a gyflwynwyd gan berson i'r asiant mewn perthynas â therfynu trefniadau, neu'r ymddygiad a arweiniodd yn y pen draw at derfynu trefniadau neu a allai fod wedi peri i'r asiant eu derfynu, pe na bai'r person wedi derfynu'r trefniadau, neu a allai fod wedi peri i'r asiant ymatal rhag gwneud trefniadau newydd, pe na bai'r person wedi peidio â bod ar gael i weithio.

13. Llythyr gan y person yn derfynu trefniadau neu'n hysbysu ei fod yn peidio â bod ar gael i weithio.

7. 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 an Investigating Committee or a Fitness to Practice Committee against a registered person.

## PART 2

### Information to be supplied by an agent

8. A statement of reasons for terminating the arrangements.

9. Any records relating to the termination of the arrangements or any contemplated termination, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the agent.

10. Any records relating to the conduct which eventually led to the termination of arrangements or might, but for the person having terminated arrangements, have led the agent to terminate them, or might, but for the person having ceased to make themselves available for work, have led the agent to refrain from making new arrangements, including notes and minutes of meetings, interview notes, and evidence supplied to or obtained by the agent.

11. Agent's letters, warnings or notices issued to a person in relation to the termination of arrangements, or the conduct which eventually led to the termination of arrangements or might, but for the person having terminated arrangements, have led the agent to terminate them, or might, but for the person having ceased to make themselves available for work, have led the agent to refrain from making new arrangements, and the person's replies or representations in response.

12. Any other statements, representations and evidence submitted by a person to the agent in relation to the termination of arrangements, or the conduct which eventually led to the termination of arrangements or might, but for the person having terminated arrangements, have led the agent to terminate them, or might, but for the person having ceased to make themselves available for work, have led the agent to refrain from making new arrangements.

13. The person's letter terminating arrangements or ceasing to make themselves available for work.

**14.** Unrhyw ddogfen neu wybodaeth arall y mae'r asiant yn ei hystyried yn berthnasol i ymchwiliad y caiff Pwyllgor Ymchwilio ei gynnal neu unrhyw achosion y caiff Pwyllgor Ymchwilio neu Bwyllgor Addasrwydd i Ymarfer eu dwyn yn erbyn person cofrestredig.

**14.** Any other document or information which the agent considers is relevant to any investigation which may be carried out by an Investigating Committee or any proceedings which may be taken by an Investigating Committee or a Fitness to Practice Committee against a registered person.

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