OFFERYNNAU STATUDOL CYMRU

2019 Rhif 993 (Cy. 174)

ADDYSG, CYMRU

Rheoliadau Perfformiad Ysgol a Thargedau Absenoldeb (Cymru) (Diwygio) 2019

NODYN ESBONIADOL

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

Mae Rheoliadau Perfformiad Ysgol a Thargedau Absenoldeb (Cymru) 2011 ("Rheoliadau 2011") yn ei gwneud yn ofynnol i gyrff llywodraethu ysgolion a gynhelir yng Nghymru osod targedau sy'n ymwneud â pherfformiad yr ysgol a chyfraddau absenoldeb anawdurdodedig y disgyblion.

Mae rheoliad 5(4) o Reoliadau 2011 (*targedau perfformiad ar gyfer disgyblion a fydd ym Mlwyddyn 11*) yn ei gwneud yn ofynnol i gyrff llywodraethu osod targedau perfformiad ar gyfer disgyblion cyfnod allweddol pedwar ym Mlwyddyn 11 (gweler Rheoliadau 2011 am ddiffiniadau o "Blwyddyn 11" a "disgyblion cyfnod allweddol pedwar"). Yn benodol, mae rheoliad 5 o Reoliadau 2011 yn ei gwneud yn ofynnol i'r corff llywodraethu osod targedau mewn perthynas ag—

(a) tri chyflawniad i'w penderfynu gan y corff llywodraethu ar sail ei werthusiad o berfformiad disgyblion ("targedau nas pennir"); a

(b) y ganran o'r disgyblion ym Mlwyddyn 11 sy'n cyflawni'r trothwy lefel 1 a'r trothwy lefel 2 ("targedau a bennir").

O'r flwyddyn ysgol 2019/2020 ymlaen, a chan gynnwys y flwyddyn honno, ni fydd ysgolion yn defnyddio'r targedau a bennir. Yn lle hynny, bydd yn ofynnol i gyrff llywodraethu ysgolion osod rhagor o dargedau nas pennir. Yn unol â hynny, mae'r Rheoliadau hyn yn diwygio rheoliad 5(4) o Reoliadau 2011 er mwyn (rheoliad 4(3))—

(a) cynyddu nifer y targedau nas pennir o dri i chwech; a

(b) hepgor y gofyniad i osod y targedau a bennir.

WELSH STATUTORY INSTRUMENTS

2019 No. 993 (W. 174)

EDUCATION, WALES

The School Performance and Absence Targets (Wales) (Amendment) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

The School Performance and Absence Targets (Wales) Regulations 2011 ("the 2011 Regulations") require governing bodies of maintained schools in Wales to set targets relating to school performance and unauthorised absence rates of pupils.

Regulation 5(4) of the 2011 Regulations (*performance targets for pupils who will be in Year 11*) requires governing bodies to set performance targets for fourth key stage pupils in Year 11 (see the 2011 Regulations for definitions of "Year 11" and the "fourth key stage pupils"). In particular, regulation 5 of the 2011 Regulations requires the governing body to set targets in relation to—

(a) three achievements to be determined by governing body based on its evaluation of pupils performance ("non-specified targets"); and

(b) for the percentage of pupils in Year 11 to achieve the level 1 threshold and the level 2 threshold ("specified targets").

From and including the 2019/2020 school year the specified targets will not be used by schools. Instead school governing bodies will be required to set more non-specified targets. Accordingly these Regulations amend regulation 5(4) of the 2011 Regulations so as to (regulation 4(3))—

(a) increase the number of non-specified targets from three to six; and

(b) omit the requirement to set the specified targets.

Mae'r Rheoliadau hyn hefyd yn diwygio rheoliad 2(1) o Reoliadau 2011 er mwyn hepgor rhai diffiniadau nad ydynt ond yn berthnasol i'r targedau a bennir (rheoliad 4(2)).

Mae rheoliad 8 o Reoliadau 2011 (*cyhoeddi gwybodaeth*) yn ei gwneud yn ofynnol i gyrff llywodraethu gyhoeddi, yn adroddiad blynyddol yr ysgol, y ganran o'r disgyblion ym Mlwyddyn 11 sydd (gweler Rheoliadau 2011 am y diffiniad o "adroddiad blynyddol yr ysgol") (rheoliad 4(4))—

(a) yn cyflawni'r tri tharged nas pennir; a

(b) yn cyflawni'r targedau a bennir.

O ganlyniad i'r diwygiad i reoliad 5(4) o Reoliadau 2011, mae'r Rheoliadau hyn hefyd yn diwygio rheoliad 8(3) o Reoliadau 2011—

(a) fel bod rhaid i'r corff llywodraethu adrodd am y ganran o'r disgyblion ym Mlwyddyn 11 sy'n cyflawni'r chwe tharged nas pennir; a

(b) fel na fydd rhaid i'r corff llywodraethu adrodd mwyach am y ganran o'r disgyblion sy'n cyflawni'r targedau a bennir.

Bydd y newidiadau a wneir gan y Rheoliadau hyn yn cymryd effaith am y tro cyntaf yn y flwyddyn ysgol 2019 i 2020 ("y flwyddyn drosiannol"). Felly, ni fydd cyrff llywodraethu wedi gosod targedau yn y flwyddyn ysgol flaenorol sy'n gallu ffurfio'r sail ar gyfer eu targedau adolygedig a'u targedau terfynol yn y flwyddyn drosiannol. Bydd y targedau blaenorol wedi cael eu gosod yn erbyn mesurau perfformiad nad ydynt yn cael eu defnyddio mwyach. Mae rheoliad 3 yn gwneud darpariaeth drosiannol sy'n caniatáu i'r corff llywodraethu osod targedau dros dro a thargedau terfynol ar gyfer y flwyddyn drosiannol nad ydynt yn seiliedig ar dargedau a osodwyd mewn blynyddoedd ysgol blaenorol.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, lluniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn. Gellir cael copi oddi wrth yr Is-adran Cwricwlwm ac Asesu yn yr Adran Addysg a Gwasanaethau Cyhoeddus yn Llywodraeth Cymru, Parc Cathays, Caerdydd, CF10 3NQ.

These Regulations also amend regulation 2(1) of the 2011 Regulations so as to omit some definitions relevant only to the specified targets (regulation 4(2)).

Regulation 8 of the 2011 Regulations (*publication of information*) requires governing bodies to publish in the school's annual report the percentage of pupils in Year 11 who (see the 2011 Regulations for the definition of "school's annual report") (regulation 4(4))—

(a) achieve the three non-specified targets; and

(b) achieve the specified targets.

As a consequence of the amendment to regulation 5(4) of the 2011 Regulations these Regulations also amend regulation 8(3) of the 2011 Regulations so that the governing body—

(a) must report the percentage of pupils in Year 11 who achieve the six non-specified targets; and

(b) will no longer have to report on the percentage of pupils to achieve the specified targets.

The changes made by these Regulations will take effect for the first time in the school year 2019 to 2020 ("the transitional year"). Therefore governing bodies will not have set targets in the previous school year which can form the basis of its reviewed and final targets in the transitional year. The previous targets will have been set against performance measures which are no longer used. Regulation 3 makes transitional provision which allows the governing body to set provisional and final targets for the transitional year which are not based on targets set in previous school years.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Curriculum and Assessment Division in the Department for Education and Public Services in the Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

OFFERYNNAU STATUDOL CYMRU

2019 Rhif 993 (Cy. 174)

ADDYSG, CYMRU

Rheoliadau Perfformiad Ysgol a Thargedau Absenoldeb (Cymru) (Diwygio) 2019

Gwnaed *5 Mehefin 2019*

Gosodwyd gerbron Cynulliad Cenedlaethol Cymru *6 Mehefin 2019*

Yn dod i rym *1 Medi 2019*

Mae Gweinidogion Cymru drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 19 a 54(3) a (4) o Ddeddf Addysg 1997(**1**) ac adrannau 30(1) a (2) a 210 o Ddeddf Addysg 2002(**2**), ac a freiniwyd bellach ynddynt hwy(**3**), yn gwneud y Rheoliadau a ganlyn:

Enwi a cychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Perfformiad Ysgol a Thargedau Absenoldeb (Cymru) (Diwygio) 2019.

(2) Daw'r Rheoliadau hyn i rym ar 1 Medi 2019.

(**1**) 1997 p. 44. Diddymwyd adran 19 o ran Lloegr gan adran 66(1) o Ddeddf Dadreoleiddio 2015 (p. 20). Amnewidiwyd is-adran (3) o adran 19 gan adran 140(1) o Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31) a pharagraff 213 o Atodlen 30 iddi.

(**2**) 2002 p. 32.

(**3**) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn adrannau 19 a 54 o Ddeddf Addysg 1997 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 (p. 32) a pharagraffau 30 a 32 o Atodlen 11 iddi. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru yn Neddf Addysg 2002 i Weinidogion Cymru gan adran 162 o Ddeddf Llywodraeth Cymru 2006 a pharagraffau 30 a 32 o Atodlen 11 iddi.

WELSH STATUTORY INSTRUMENTS

2019 No. 993 (W. 174)

EDUCATION, WALES

The School Performance and Absence Targets (Wales) (Amendment) Regulations 2019

Made *5 June 2019*

Laid before the National Assembly for Wales *6 June 2019*

Coming into force *1 September 2019*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 19 and 54(3) and (4) of the Education Act 1997(**1**) and sections 30(1) and (2) and 210 of the Education Act 2002(**2**) and now vested in them(**3**), make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the School Performance and Absence Targets (Wales) (Amendment) Regulations 2019.

(2) These Regulations come into force on 1 September 2019.

(**1**) 1997 c. 44. Section 19 has been repealed in relation to England by section 66(1) of the Deregulation Act 2015 (c. 20). Subsection (3) of section 19 was substituted by section 140(1) of, and paragraph 213 of Schedule 30 to, the School Standards and Framework Act 1998 (c. 31).

(**2**) 2002 c. 32.

(**3**) The functions of the Secretary of State in sections 19 and 54 of the Education Act 1997 were transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and then to the Welsh Ministers by section 162 of, and paragraphs 30 and 32 of Schedule 11 to, the Government of Wales Act 2006 (c. 32). The functions of the National Assembly for Wales in the Education Act 2002 were transferred to the Welsh Ministers by section 162 of, and paragraphs 30 and 32 of Schedule 11, to the Government of Wales Act 2006.

Dehongli

2. Yn y Rheoliadau hyn, ystyr “Rheoliadau 2011” yw Rheoliadau Perfformiad Ysgol a Thargedau Absenoldeb (Cymru) 2011(**1**).

Trosiannol

3. Yn rheoliad 5(3) o Reoliadau 2011—

(a) yn is-baragraff (a), mae’r geiriau “, sef y targedau adolygedig a osodwyd yn y flwyddyn ysgol flaenorol” i’w trin fel pe baent wedi eu hepgor ar gyfer y flwyddyn ysgol(**2**) 2019 i 2020; a

(b) yn is-baragraff (b), mae’r geiriau “sef y targedau dros dro a osodwyd yn y flwyddyn ysgol flaenorol ond a ddiwygir os yw’r corff llywodraethu yn barnu ei bod yn angenrheidiol gwneud hynny” i’w trin fel pe baent wedi eu hepgor ar gyfer y flwyddyn ysgol 2019 i 2020.

Diwygio

4.—(1) Mae Rheoliadau 2011 wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 2—

(a) ym mharagraff (1), hepgorer y diffiniadau o “arholiad TGAU”, “FfCC”, “lefel FfCC”, “TGAU”, “trothwy lefel 1” a “trothwy lefel 2”; a

(b) hepgorer paragraff (2).

(3) Yn rheoliad 5—

(a) yn lle paragraff (4) rhodder—

“(4) Y chwe chyflawniad a osodwyd gan y corff llywodraethu ar sail ei werthusiad o berfformiad disgyblion yn yr ysgol mewn perthynas â’r flwyddyn ysgol flaenorol.”; a

(b) hepgorer paragraff (5).

(4) Yn rheoliad 8, yn lle paragraff (3) rhodder—

“(3) Yn y rheoliad hwn, ystyr “canlyniadau cyrhaeddiad disgyblion” yw’r ganran sy’n cyflawni’r chwe chyflawniad a osodwyd gan y corff llywodraethu yn unol â rheoliad 5(4).”

(**1**) O.S. 2011/1945 (Cy. 212), a ddiwygiwyd gan O.S. 2016/236 (Cy. 88) ac O.S. 2018/766 (Cy. 153).

(**2**) Mae adran 56(2) o Ddeddf Addysg 1997 (“Deddf 1997”) yn darparu bod rhaid i Ddeddf 1997 gael ei dehongli yn gytûn â Deddf Addysg 1996 ac felly mae i’r term “blwyddyn ysgol” yr ystyr a roddir i “school year” yn adran 579(1) o Ddeddf Addysg 1996 (p. 56).

Interpretation

2. In these Regulations, “the 2011 Regulations” means the School Performance and Absence Targets (Wales) Regulations 2011(**1**).

Transitional

3. In regulation 5(3) of the 2011 Regulations—

(a) in sub-paragraph (a), the words “, being the reviewed targets set in the previous school year” are to be treated as if they were omitted for the school year(**2**) 2019 to 2020; and

(b) in sub-paragraph (b), the words “, being the provisional targets set in the previous school year but revised if the governing body deem it necessary to do so” are to be treated as if they were omitted for the school year 2019 to 2020.

Amendment

4.—(1) The 2011 Regulations are amended as follows.

(2) In regulation 2—

(a) in paragraph (1), omit the definitions of “GCSE”, “GCSE examination”, “level 1 threshold”, “level 2 threshold”, “NQF” and “NQF level”; and

(b) omit paragraph (2).

(3) In regulation 5—

(a) for paragraph (4) substitute—

“(4) The six achievements set by the governing body based on its evaluation of the performance of pupils at the school in relation to the previous school year.”; and

(b) omit paragraph (5).

(4) In regulation 8, for paragraph (3) substitute—

“(3) In this regulation, “pupils’ attainment results” means the percentage who achieve the six achievements set by the governing body in accordance with regulation 5(4).”

(**1**) S.I. 2011/1945 (W. 212), amended by S.I. 2016/236 (W. 88) and S.I. 2018/766 (W. 153).

(**2**) Section 56(2) of the Education Act 1997 (“the 1997 Act”) provides that the 1997 Act must be construed as one with the Education Act 1996 and as such the term “school year” has the meaning given to it in section 579(1) of the Education Act 1996 (c. 56).

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru

5 Mehefin 2019

Minister for Education, one of the Welsh Ministers

5 June 2019

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