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INSTRUMENTS

2020 Rhif 1328 (Cy. 294)

2020 No. 1328 (W. 294)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Ffedereiddio Ysgolion a
Gynhelir (Cymru) (Diwygio) 2020**

**The Federation of Maintained
Schools (Wales) (Amendment)
Regulations 2020**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014 (O.S. 2014/1132 (Cy. 111)).

Mae'r Rheoliadau hyn yn darparu y caniateir cynnal cyfarfodydd cyrff llywodraethu a phwyllgorau cyrff llywodraethu drwy fynediad o bell os yw'r amodau angenrheidiol wedi eu bodloni.

Maent yn dileu'r gofyniad i'r clerc, neu berson sy'n gweithredu fel clerc i gorff llywodraethu neu bwyllgor corff llywodraethu, gofnodi cofnodion y trafodion mewn llyfr neu ar dudalennau a gedwir at y diben hwnnw.

Maent hefyd yn dileu'r gofyniad i'r clerc gofnodi enwau'r aelodau ac unrhyw berson arall sy'n bresennol yn y cyfarfod o dan sylw yn y llyfr neu ar y tudalennau a ddefnyddir at y diben hwnnw.

Mae'r Rheoliadau hyn yn galluogi cyrff llywodraethu a phwyllgorau i gadw'r cofnodion a'r agenda ar ffurf electronig ac i'r cofnodion gael eu llofnodi'n electronig.

Mae'r Rheoliadau hyn yn dileu'r ddarpariaeth sy'n anghymhwyso person rhag dal swydd neu barhau i ddal swydd fel llywodraethwr pan fo'n agored i gael ei gadw'n gaeth o dan Ddeddf Iechyd Meddwl 1983.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau Effaith Rheoleiddiol mewn perthynas â'r Rheoliadau hyn. O ganlyniad, ni luniwyd asesiad effaith rheoleiddiol o'r costau a'r manteision sy'n debygol o ddeillio o gydymffurfio â'r Rheoliadau hyn.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Federation of Maintained Schools (Wales) Regulations 2014 (S.I. 2014/1132 (W. 111)).

These Regulations provide that meetings of governing bodies and of governing body committees may be held by remote access if the requisite conditions are met.

They remove the requirement for the clerk, or a person acting as clerk to a governing body or a governing body committee, to enter minutes of proceedings in a book or pages kept for that purpose.

They also remove the requirement for the clerk to record the names of members and of any other person present at the meeting concerned in the book or pages used for that purpose.

These Regulations enable governing bodies and committees to keep the minutes and agenda in electronic form and for the minutes to be signed electronically.

These Regulations remove the provision disqualifying a person from holding or continuing in office as a governor when he or she is liable to be detained under the Mental Health Act 1983.

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 not been prepared as to the likely cost and benefit of complying with these Regulations.

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ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Ffedereiddio Ysgolion a
Gynhelir (Cymru) (Diwygio) 2020

The Federation of Maintained
Schools (Wales) (Amendment)
Regulations 2020

Gwnaed 20 Tachwedd 2020

Made 20 November 2020

Gosodwyd gerbron Senedd
Cymru 23 Tachwedd 2020

Laid before Senedd Cymru 23 November 2020

Yn dod i rym 18 Rhagfyr 2020

Coming into force 18 December 2020

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir gan adrannau 19(3) a (9) a 210(7) o Ddeddf Addysg 2002(1), ac a freiniwyd bellach ynddynt hwy(2) yn gwneud y Rheoliadau a ganlyn:

The Welsh Ministers, in exercise of the powers conferred by sections 19(3) and (9) and 210(7) of the Education Act 2002(1), and now vested in them(2) make the following Regulations:

Enwi a chychwyn

1. Enw'r Rheoliadau hyn yw Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) (Diwygio) 2020 a deuant i rym ar 18 Rhagfyr 2020.

Title and commencement

1. The title of these Regulations is the Federation of Maintained Schools (Wales) (Amendment) Regulations 2020 and they come into force on 18 December 2020.

Dehongli

2. Yn y Rheoliadau hyn, ystyr “mynediad o bell” yw mynediad i gyfarfod i alluogi'r rheini nad ydynt i gyd yn bresennol gyda'i gilydd yn yr un man i fynd i'r cyfarfod a chymryd rhan ynddo ar yr un pryd drwy ddulliau electronig, gan gynnwys drwy gyswllt sain byw a chyswllt fideo byw.

Interpretation

2. In these Regulations, “remote access” means access to a meeting to enable those who are not all present together at the same place to attend and participate simultaneously by electronic means, including by live audio and live video link.

(1) 2002 p. 32. Mewnosodwyd adran 19(9) gan adran 19(2)(b) o Fesur Addysg (Cymru) 2011 (mccc 7). Diwygiwyd adran 210(7) gan adran 21(3) o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2). Gweler adran 212(1) am y diffiniad o “regulations”.

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

(1) 2002 c. 32. Section 19(9) was inserted by section 19(2)(b) of the Education (Wales) Measure 2011 (nawm 7). Section 210(7) was amended by section 21(3) of the Learner Travel (Wales) Measure 2008 (nawm 2). See section 212(1) for the definition of “regulations”.

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

Diwygio Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014

3.—(1) Mae Rheoliadau Ffedereiddio Ysgolion a Gynhelir (Cymru) 2014(1) wedi eu diwygio fel a ganlyn.

(2) Yn rheoliad 57, ar ôl paragraff (1) mewnosoder—

“(1A) Caiff y corff llywodraethu benderfynu cynnal cyfarfod drwy fynediad o bell os yw'r amodau a ganlyn wedi eu bodloni—

- (a) y bydd y cyfranogwyr yn gallu cyflwyno sylwadau neu gyflawni eu swyddogaethau yn llawn (yn ôl y digwydd);
- (b) bod y cyfranogwyr yn cytuno i'r cyfarfod gael ei gynnal gan ddefnyddio mynediad o bell;
- (c) bod gan bob cyfranogwr fynediad at y dulliau electronig er mwyn caniatáu iddo glywed a chael ei glywed, a gweld a chael ei weld (pan ddefnyddir cyswllt fideo byw), drwy gydol y cyfarfod; a
- (d) bod modd cynnal y cyfarfod yn deg ac yn dryloyw.”

(3) Yn rheoliad 59—

- (a) ym mharagraff (2), yn lle “ysgrifennu’n union cyn y nodyn sy’n cofnodi cofnodion y cyfarfod hwnnw yn y llyfr neu ar y tudalennau a ddefnyddir at y diben hwnnw” rhodder “ysgrifennu yng nghofnodion y cyfarfod hwnnw”;

(b) ar ôl paragraff (3) mewnosoder—

“(4) Caniateir i'r cofnodion a'r agenda a lunnir at ddibenion y rheoliad hwn gael eu cadw ar ffurf electronig a phan fo hynny’n digwydd caniateir i'r cofnodion gael eu llofnodi’n electronig.”

(4) Yn rheoliad 72, ar ôl paragraff (3) mewnosoder—

“(3A) Caniateir i gyfarfodydd pwyllgor gael eu cynnal drwy fynediad o bell os yw'r amodau a ganlyn wedi eu bodloni—

- (a) y bydd y cyfranogwyr yn gallu cyflwyno sylwadau neu gyflawni eu swyddogaethau yn llawn (yn ôl y digwydd);

Amendments to the Federation of Maintained Schools (Wales) Regulations 2014

3.—(1) The Federation of Maintained Schools (Wales) Regulations 2014(1) are amended as follows.

(2) In regulation 57, after paragraph (1) insert—

“(1A) The governing body may decide to hold a meeting by remote access provided that the following conditions are met—

- (a) the participants will be able to fully make representations or discharge their functions (as the case may be);
- (b) the participants agree to the meeting being held using remote access;
- (c) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting; and
- (d) the meeting is capable of being held fairly and transparently.”

(3) In regulation 59—

- (a) in paragraph (2), for “immediately before the entry recording the minutes of that meeting in the book or pages used for that purpose” substitute “in the minutes of that meeting”;

(b) after paragraph (3) insert—

“(4) The minutes and agenda drawn up for the purposes of this regulation may be kept in electronic form and where that is the case the minutes may be signed electronically.”

(4) In regulation 72, after paragraph (3) insert—

“(3A) Committee meetings may be held by remote access provided that the following conditions are met—

- (a) the participants will be able to fully make representations or discharge their functions (as the case may be);

(1) O.S. 2014/1132 (Cy. 111), y mae diwygiadau iddo nad ydynt yn berthnasol i'r Rheoliadau hyn.

(1) S.I. 2014/1132 (W. 111), to which there are amendments not relevant to these Regulations.

- (b) bod y cyfranogwyr yn cytuno i'r cyfarfod gael ei gynnal gan ddefnyddio mynediad o bell;
- (c) bod gan bob cyfranogwr fynediad at y dulliau electronig er mwyn caniatáu iddo glywed a chael ei glywed, a gweld a chael ei weld (pan ddefnyddir cyswllt fideo byw), drwy gydol y cyfarfod; a
- (d) bod modd cynnal y cyfarfod yn deg ac yn dryloyw.”

(5) Yn rheoliad 73, ar ôl paragraff (2) mewnosoder—

“(3) Caniateir i'r cofnodion a'r agenda a lunnir at ddibenion y rheoliad hwn gael eu cadw ar ffurf electronig a phan fo hynny'n digwydd caniateir i'r cofnodion gael eu llofnodi'n electronig.”

(6) Yn Atodlen 7—

- (a) hepgorer paragraff 4 (anhwylder meddyliol);
- (b) ym mharagraff 7(b), yn lle “gorchymyn anghymhwysu o dan Ran 2 o Orchymyn Cwmnïau (Gogledd Iwerddon) 1989” rhodder “gorchymyn anghymhwysu o dan Orchymyn Anghymhwysu Cyfarwyddwyr Cwmnïau (Gogledd Iwerddon) 2002(1)”.

- (b) the participants agree to the meeting being held using remote access;
- (c) each participant has access to the electronic means to allow them to hear and be heard and (where using a live video link) see and be seen, throughout the meeting; and
- (d) the meeting is capable of being held fairly and transparently.”

(5) In regulation 73, after paragraph (2) insert—

“(3) The minutes and agenda drawn up for the purposes of this regulation may be kept in electronic form and where that is the case the minutes may be signed electronically.”

(6) In Schedule 7—

- (a) omit paragraph 4 (mental disorder);
- (b) in paragraph 7(b), for “a disqualification order under Part 2 of the Companies (Northern Ireland) Order 1989” substitute “a disqualification order under the Company Directors Disqualification (Northern Ireland) Order 2002(1)”.

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
20 Tachwedd 2020

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Minister for Education, one of the Welsh Ministers
20 November 2020

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(1) S.I. 2002/3150 (N.I. 4).

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