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WELSH STATUTORY
INSTRUMENTS

2021 Rhif 1418 (Cy. 368)

2021 No. 1418 (W. 368)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Deddf Cydraddoldeb
2010 (Disgyblion Ysgol Anabl)
(Cymru) 2021**

**The Equality Act 2010 (Disabled
School Pupils) (Wales) Regulations
2021**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gwneud darpariaeth ynghylch dyletswyddau awdurdodau lleol yng Nghymru o dan baragraffau 6B, 6C a 6D o Atodlen 17 i Ddeddf Cydraddoldeb 2010.

Mae rheoliad 2 yn gwneud darpariaeth ynghylch y trefniadau y mae rhaid i awdurdod lleol eu gwneud i ddarparu cyngor a gwybodaeth ynghylch gwahaniaethu ar sail anabledd mewn ysgolion i ddisgyblion anabl a'u cyfeillion achos.

Mae rheoliad 3 yn gwneud darpariaeth ynghylch penodi personau annibynnol i hwyluso datrys anghydfodau ynghylch gwahaniaethu ar sail anabledd mewn ysgolion.

Mae rheoliad 4 yn gwneud darpariaeth ynghylch penodi personau i ddarparu gwasanaethau eirioli annibynnol ar gyfer disgyblion ysgol anabl.

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 Llywodraeth Cymru, Parc Cathays, Caerdydd CF10 3NQ.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about the duties of local authorities in Wales under paragraphs 6B, 6C and 6D of Schedule 17 to the Equality Act 2010.

Regulation 2 makes provision about the arrangements a local authority must make to provide advice and information about disability discrimination in schools to disabled pupils and their case friends.

Regulation 3 makes provision about the appointment of independent persons to facilitate the resolution of disputes about disability discrimination in schools.

Regulation 4 makes provision about the appointment of persons to provide independent advocacy services for disabled school pupils.

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 Welsh Government, Cathays Park, Cardiff CF10 3NQ.

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Gwnaed 13 Rhagfyr 2021

Made 13 December 2021

Gosodwyd gerbron *Senedd*
Cymru 14 Rhagfyr 2021

Laid before Senedd Cymru 14 December 2021

Yn dod i rym 5 Ionawr 2022

Coming into force 5 January 2022

Mae Gweinidogion Cymru, drwy arfer y pwerau ym mharagraffau 6B(3), 6C(4) a 6D(4) o Atodlen 17 i Ddeddf Cydraddoldeb 2010(1) yn gwneud y Rheoliadau a ganlyn.

The Welsh Ministers in exercise of the powers in paragraphs 6B(3), 6C(4) and 6D(4) of Schedule 17 to the Equality Act 2010(1) make the following Regulations.

Enwi, cychwyn a dehongli

Title, commencement and interpretation

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Deddf Cydraddoldeb 2010 (Disgyblion Ysgol Anabl) (Cymru) 2021.

1.—(1) The title of these Regulations is the Equality Act 2010 (Disabled School Pupils) (Wales) Regulations 2021.

(2) Daw'r Rheoliadau hyn i rym ar 5 Ionawr 2022.

(2) These Regulations come into force on 5 January 2022.

(3) Yn y Rheoliadau hyn, ystyr "Deddf 2010" yw Deddf Cydraddoldeb 2010.

(3) In these Regulations, "the 2010 Act" means the Equality Act 2010.

(4) Mae i eiriau ac ymadroddion Cymraeg yn y Rheoliadau hyn sy'n cyfateb i eiriau ac ymadroddion Saesneg a ddefnyddir yn Neddf 2010 yr un ystyr â'r geiriau a'r ymadroddion hynny yn y Ddeddf honno, ac eithrio i'r graddau yr ymddengys bwriad i'r gwrthwyneb.

(4) Words and expressions used in these Regulations and in the 2010 Act have the same meaning as in that Act, except so far as a contrary intention appears.

Cyngor a gwybodaeth

Advice and information

2.—(1) Wrth wneud trefniadau o dan baragraff 6B(1) o Atodlen 17 i Ddeddf 2010 i ddarparu cyngor a gwybodaeth i ddisgyblion ysgol anabl yn ei ardal, ac i gyfeillion achos(2) disgyblion o'r fath, rhaid i

2.—(1) When making arrangements under paragraph 6B(1) of Schedule 17 to the 2010 Act to provide advice and information to disabled school pupils in its area, and the case friends(2) of such pupils, a local

(1) 2010 p. 15.

(2) Mae paragraff 6A o Atodlen 17 i Ddeddf 2010 yn darparu ar gyfer penodi cyfeillion achos.

(1) 2010 c. 15.

(2) Paragraph 6A of Schedule 17 to the 2010 Act provides for the appointment of case friends.

awdurdod lleol sicrhau bod y cyngor a'r wybodaeth hefyd yn cael eu darparu i rieni disgyblion ysgol anabl yn ei ardal.

(2) Rhaid i'r trefniadau ei gwneud yn ofynnol i'r cyngor a'r wybodaeth gynnwys y canlynol—

- (a) hawliau disgyblion ysgol anabl o dan Ddeddf 2010 sy'n ymwneud â gwahaniaethu ar sail anabledd mewn ysgolion,
- (b) dyletswyddau'r awdurdod lleol o dan Ddeddf 2010 sy'n ymwneud â gwahaniaethu ar sail anabledd mewn ysgolion,
- (c) sut i gael mynediad at drefniadau'r awdurdod lleol ar gyfer datrys anghydfodau,
- (d) sut i gael mynediad at wasanaethau eirioli annibynnol, ac
- (e) sut i ddod â hawliad gwahaniaethu ar sail anabledd gerbron Tribiwnlys Addysg Cymru.

(3) Rhaid i'r trefniadau sicrhau bod y cyngor a'r wybodaeth—

- (a) yn glir, yn ffeithiol ac yn gywir, a
- (b) yn cael eu cadw'n gyfredol.

Datrys anghydfodau

3. Cyn penodi person at ddibenion paragraff 6C(2) o Atodlen 17 i Ddeddf 2010, rhaid i awdurdod lleol fod wedi ei fodloni bod y person y mae'n bwriadu ei benodi—

- (a) yn ddigon gwybodus ynghylch pwnc Pennod 1 o Ran 6 o Ddeddf 2010, a
- (b) yn annibynnol ar yr awdurdod lleol a'r personau sy'n ymwneud ag unrhyw anghydfod.

Gwasanaethau eirioli annibynnol

4.—(1) Cyn gwneud trefniadau â darparwr at ddibenion paragraff 6D o Atodlen 17 i Ddeddf 2010, rhaid i awdurdod lleol fod wedi ei fodloni—

- (a) bod y darparwr yn ddigon gwybodus ynghylch pwnc Pennod 1 o Ran 6 o Ddeddf 2010,
- (b) bod y darparwr yn meddu ar y sgiliau y mae eu hangen i gyfathrebu'n effeithiol â disgyblion ysgol anabl, gan gynnwys y rheini sydd ag anawsterau cyfathrebu,
- (c) nad yw'r darparwr ar y rhestr wahardd ar gyfer plant, neu, yn achos darparwr sy'n gweithio gyda phobl ifanc, y rhestr wahardd ar gyfer oedolion, a

authority must ensure that the advice and information is also provided to the parents of disabled school pupils in its area.

(2) The arrangements must require the advice and information to include—

- (a) the rights of disabled school pupils under the 2010 Act relating to disability discrimination in schools,
- (b) the local authority's duties under the 2010 Act relating to disability discrimination in schools,
- (c) how to access the local authority's arrangements for resolving disagreements,
- (d) how to access independent advocacy services, and
- (e) how to bring a disability discrimination claim to the Education Tribunal for Wales.

(3) The arrangements must ensure the advice and information is—

- (a) clear, factual and accurate, and
- (b) kept up to date.

Dispute resolution

3. Before appointing a person for the purposes of paragraph 6C(2) of Schedule 17 to the 2010 Act, a local authority must be satisfied that the person they propose to appoint is—

- (a) sufficiently knowledgeable about the subject matter of Chapter 1 of Part 6 of the 2010 Act, and
- (b) independent of the local authority and the persons involved in any dispute.

Independent advocacy services

4.—(1) Before making arrangements with a provider for the purposes of paragraph 6D of Schedule 17 to the 2010 Act, a local authority must be satisfied that the provider—

- (a) is sufficiently knowledgeable about the subject matter of Chapter 1 of Part 6 of the 2010 Act,
- (b) has the skills needed to communicate effectively with disabled school pupils, including those with communication difficulties,
- (c) is not on the children's barred list, or, in the case of a provider working with young people, the adults' barred list, and

- (d) y bydd y darparwr yn cadw cofnodion cyfrinachol o'r gwasanaethau a ddarperir o dan y trefniant.
- (2) At ddibenion y rheoliad hwn—
- (a) ystyr “darparwr” yw person sy'n darparu gwasanaethau eirioli annibynnol,
- (b) ystyr “rhestr wahardd ar gyfer plant” a “rhestr wahardd ar gyfer oedolion” yw'r rhestrau a gynhelir gan y Gwasanaeth Datgelu a Gwahardd o dan adran 2 o Ddeddf Diogelu Grwpiau Hyglwyf 2006(1).

- (d) will keep confidential records of the services provided under the arrangement.

(2) For the purposes of this regulation—

- (a) “provider” means a person providing independent advocacy services;
- (b) “children’s barred list” and “adults’ barred list” mean the lists maintained by the Disclosure and Barring Service under section 2 of the Safeguarding Vulnerable Groups Act 2006(1).

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
13 Rhagfyr 2021

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Minister for Education and Welsh Language, one of the Welsh Ministers
13 December 2021

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(1) 2006 p. 47.

(1) 2006 c. 47.

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