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WELSH STATUTORY
INSTRUMENTS

2022 Rhif 178 (Cy. 58)

2022 No. 178 (W. 58)

ADDYSG, CYMRU

EDUCATION, WALES

**Rheoliadau Llacio'r Gofynion
Adrodd mewn Ysgolion (Cymru)
(Coronafeirws) 2022**

**The Relaxation of School Reporting
Requirements (Wales)
(Coronavirus) Regulations 2022**

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio nifer o reoliadau er mwyn llacio nifer o ofynion ar ysgolion o ganlyniad i bandemig y coronafeirws.

Mae Rheoliadau Adroddiadau Blynyddol Llywodraethwyr Ysgolion (Cymru) 2011 ("y Rheoliadau Adroddiadau Blynyddol") yn nodi'r wybodaeth y mae rhaid i gorff llywodraethu ysgol ei chyhoeddi mewn adroddiad blynyddol. Mae rheoliad 2(2) o'r Rheoliadau hyn yn mewnosod rheoliad newydd yn y Rheoliadau Adroddiadau Blynyddol ac effaith hynny yw nad yw'n ofynnol cyhoeddi'r wybodaeth a ganlyn ar gyfer y flwyddyn ysgol 2021-2022 mewn unrhyw adroddiad blynyddol llywodraethwyr—

- (a) paragraff 6 o Atodlen 2 i'r Rheoliadau Adroddiadau Blynyddol (y crynodeb o berfformiad yr ysgol uwchradd),
- (b) paragraff 7 o Atodlen 2 i'r Rheoliadau Adroddiadau Blynyddol (nifer absenoldebau awdurdodedig disgyblion a nifer absenoldebau anawdurdodedig disgyblion), ac
- (c) paragraff 8(b) o Atodlen 2 i'r Rheoliadau Adroddiadau Blynyddol (gwybodaeth bellach sy'n ymwneud ag absenoldebau awdurdodedig ac anawdurdodedig disgyblion).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend a number of regulations so as to relax a number of requirements on schools as a result of the coronavirus pandemic.

The School Governors' Annual Reports (Wales) Regulations 2011 ("the Annual Report Regulations") set out the information that must be published by a school governing body in an annual report. Regulation 2(2) of these Regulations inserts a new regulation into the Annual Report Regulations the effect of which is that the following information for the 2021-2022 school year is not required to be published in any governors' annual report—

- (a) paragraph 6 of Schedule 2 to the Annual Report Regulations (the summary of secondary school performance),
- (b) paragraph 7 of Schedule 2 to the Annual Report Regulations (the numbers of authorised and unauthorised pupil absences), and
- (c) paragraph 8(b) of Schedule 2 to the Annual Report Regulations (further information relating to authorised and unauthorised pupils absences).

Mae diwygiad canlyniadol wedi ei wneud hefyd i reoliad 5(2)(a) o'r Rheoliadau Adroddiadau Blynyddol mewn perthynas â gofynion ffurf fer yr adroddiad blynyddol.

Mae Rheoliadau Gwybodaeth Ysgolion (Cymru) 2011 ("y Rheoliadau Gwybodaeth Ysgolion") yn rhagnodi'r wybodaeth ysgol y mae rhaid i awdurdodau lleol ac ysgolion ei chyhoeddi mewn prospectws ysgol. Nid yw pob plentyn wedi mynychu'r ysgol drwy gydol y flwyddyn ac mae llawer o ddisgyblion ac athrawon wedi gweithio ac wedi astudio o bell am gyfnodau. Mae'n debygol y bydd hynny yn cael effaith negyddol ar ansawdd rhywfaint o'r data a reoleiddir gan y Rheoliadau Gwybodaeth Ysgolion. Ystyrir yr effeithir yn benodol ar y data ynghylch absenoldebau disgyblion ac felly ni ddylid eu cyhoeddi mewn prospectws ysgol. Felly, mae rheoliad 3 o'r Rheoliadau hyn yn mewnosod darpariaeth yn y Rheoliadau Gwybodaeth Ysgolion ac effaith hynny yw datgymhwyso'r rhwymedigaeth ar gorff llywodraethu ysgol i gynnwys mewn unrhyw brospectws ysgol y data a nodir ym mharagraff 30 o Atodlen 3 i'r Rheoliadau hynny (data sy'n ymwneud ag absenoldebau disgyblion) mewn cysylltiad â'r flwyddyn ysgol 2021-2022.

Ystyriwyd Cod Ymarfer Gweinidogion Cymru ar gynnal Asesiadau 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.

A consequential amendment is also made to regulation 5(2)(a) of the Annual Report Regulations in relation to the requirements of the short form of the annual report.

The School Information (Wales) Regulations 2011 ("the School Information Regulations") prescribe the school information that must be published by local authorities and schools in a school prospectus. Not all children have attended school throughout the year and many pupils and teachers have worked and studied remotely for periods of time. It is likely that will have a negative impact on the quality of some of the data regulated by the School Information Regulations. It is considered that the data on pupil absences is particularly affected and should not therefore be published in a school prospectus. Therefore, regulation 3 of these Regulations inserts a provision into the School Information Regulations the effect of which is to disapply the obligation on a school governing body to include in any school prospectus the data set out in paragraph 30 of Schedule 3 to those Regulations (data relating to pupil absences) in respect of the 2021-2022 school year.

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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**The Relaxation of School Reporting
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(Coronavirus) Regulations 2022**

Gwnaed 23 Chwefror 2022
Gosodwyd gerbron *Senedd*
Cymru 25 Chwefror 2022
Yn dod i rym 1 Ebrill 2022

Made 23 February 2022
Laid before Senedd Cymru 25 February 2022
Coming into force 1 April 2022

Mae Gweinidogion Cymru drwy arfer y pwerau a roddir i'r Ysgrifennydd Gwladol gan adrannau 537 a 569(4) o Ddeddf Addysg 1996(1), ac a freiniwyd bellach ynddynt hwy(2), a thrwy arfer y pwerau a roddir i Gynulliad Cenedlaethol Cymru gan adrannau 30(1) a 210(7) o Ddeddf Addysg

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 537 and 569(4) of the Education Act 1996(1), and now vested in them(2), and in exercise of the powers conferred on the National Assembly for Wales by sections 30(1)

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- (1) 1996 p. 56. Diwygiwyd adran 537(1) gan baragraff 152(a) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998, gan baragraff 9(1) a (15) o Atodlen 13 i Ddeddf Addysg 2011 a chan O.S. 2010/1158. Diwygiwyd is-adran (4) gan baragraff 37 o Atodlen 7 i Ddeddf Addysg 1997. Diwygiwyd is-adran (7) gan baragraff 152(b) o Atodlen 30 ac Atodlen 31 i Ddeddf Safonau a Fframwaith Ysgolion 1998, gan baragraffau 1 a 60 o Atodlen 9 i Ddeddf Dysgu a Sgiliau 2000, gan baragraff 6(1) a (5) o Ran 2 o Atodlen 7 i Ddeddf Addysg 2002 a chan O.S. 2010/1158. Diddymwyd is-adrannau (9) a (10) gan Ran 3 o Atodlen 22 i Ddeddf Addysg 2002. Diwygiwyd adran 569(4) gan adran 8(1) a (5) o Fesur Addysg (Cymru) 2009 (mccc 5). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Am y diffiniadau o "prescribed" a "regulations" gweler adran 579(1) o Ddeddf Addysg 1996.
- (2) Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan yr adrannau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weindogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

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- (1) 1996 c. 56. Section 537(1) was amended by paragraph 152(a) of Schedule 30 to the School Standards and Framework Act 1998, by paragraph 9(1) and (15) of Schedule 13 to the Education Act 2011 and by S.I. 2010/1158. Subsection (4) was amended by paragraph 37 of Schedule 7 to the Education Act 1997. Subsection (7) was amended by paragraph 152(b) of Schedule 30 and Schedule 31 to the School Standards and Framework Act 1998, by paragraphs 1 and 60 of Schedule 9 to the Learning and Skills Act 2000, by paragraph 6(1) and (5) of Part 2 of Schedule 7 to the Education Act 2002 and by S.I. 2010/1158. Subsections (9) and (10) were repealed by Part 3 of Schedule 22 to the Education Act 2002. Section 569(4) was amended by section 8(1) and (5) of the Education (Wales) Measure 2009 (nawm 5). There are other amendments which are not relevant to these Regulations. For the definitions of "prescribed" and "regulations" see section 579(1) of the Education Act 1996.
- (2) The functions of the Secretary of State under these sections 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 under paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

2002(1) ac a freiniwyd bellach ynddynt hwy(2), yn gwneud y Rheoliadau a ganlyn:

Enwi a dod i rym

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Llacio'r Gofynion Adrodd mewn Ysgolion (Cymru) (Coronafeirws) 2022.

(2) Daw'r Rheoliadau hyn i rym ar 1 Ebrill 2022.

Diwygio Rheoliadau Adroddiadau Blynyddol Llywodraethwyr Ysgolion (Cymru) 2011

2.—(1) Mae Rheoliadau Adroddiadau Blynyddol Llywodraethwyr Ysgolion (Cymru) 2011(3) wedi eu diwygio fel a ganlyn.

(2) Ar ôl rheoliad 1B mewnosoder—

“Datgymhwyso gofynion penodol ar gyfer y flwyddyn ysgol 2021-2022

1C. Ni chaniateir i'r wybodaeth a bennir ym mharagraffau 6, 7 ac 8(b) o Atodlen 2 ac sy'n ymwneud â'r flwyddyn ysgol 2021-2022(4) gael ei chynnwys mewn unrhyw adroddiad llywodraethwyr.”

(3) Yn rheoliad 5(2)(a), ar ôl “rheoliad 1B” mewnosoder “neu 1C”.

Diwygio Rheoliadau Gwybodaeth Ysgolion (Cymru) 2011

3. Ar ôl rheoliad 1B o Reoliadau Gwybodaeth Ysgolion (Cymru) 2011(5) mewnosoder—

and 210(7) of the Education Act 2002(1) and now vested in them(2), make the following Regulations:

Title and coming into force

1.—(1) The title of these Regulations is the Relaxation of School Reporting Requirements (Wales) (Coronavirus) Regulations 2022.

(2) These Regulations come into force on 1 April 2022.

Amendment of the School Governors' Annual Reports (Wales) Regulations 2011

2.—(1) The School Governors' Annual Reports (Wales) Regulations 2011(3) are amended as follows.

(2) After regulation 1B insert—

“Disapplication of certain requirements for the 2021-2022 school year

1C. The information specified in paragraphs 6, 7 and 8(b) of Schedule 2 and relating to the 2021-2022 school year(4) must not be included in any governors' report.”

(3) In regulation 5(2)(a), after “regulation 1B” insert “or 1C”.

Amendment of the School Information (Wales) Regulations 2011

3. After regulation 1B of the School Information (Wales) Regulations 2011(5) insert—

(1) 2002 p. 32.

(2) Diwygiwyd is-adrannau (1), (2) a (3) o adran 30 gan adran 103(1)(a) a (b) o Ddeddf Addysg 2005 (p. 18). Diwygiwyd is-adran (7) o adran 210 gan adran 21(1) a (3)(c)(i) o Fesur Teithio gan Ddysgwyr (Cymru) 2008 (mccc 2). Mae diwygiadau eraill nad ydynt yn berthnasol i'r Rheoliadau hyn. Trosglwyddwyd swyddogaethau Cynulliad Cenedlaethol Cymru o dan adran 30 o Ddeddf Addysg 2002 i Weinidogion Cymru o dan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006. Am y diffiniadau o “prescribed” a “regulations” gweler adran 212(1) o Ddeddf Addysg 2002.

(3) O.S. 2011/1939 (Cy. 207), a ddiwygiwyd gan O.S. 2013/437 (Cy. 53), O.S. 2013/1561 (Cy. 142), O.S. 2014/2677 (Cy. 265), O.S. 2018/766 (Cy. 153), O.S. 2020/729 (Cy. 164) ac O.S. 2021/612 (Cy. 163).

(4) Am y diffiniad o “school year” gweler adran 579 o Ddeddf Addysg 1996. Mewnosodwyd y diffiniad gan baragraff 43 o Atodlen 7 i Ddeddf Addysg 1997.

(5) O.S. 2011/1944 (Cy. 211), a ddiwygiwyd gan O.S. 2013/437 (Cy. 53), O.S. 2016/211 (Cy. 84), O.S. 2018/766 (Cy. 153), O.S. 2020/729 (Cy. 164) ac O.S. 2021/612 (Cy. 163).

(1) 2002 c. 32.

(2) Subsections (1), (2) and (3) of section 30 were amended by section 103(1)(a) and (b) of the Education Act 2005 (c. 18). Subsection (7) of section 210 was amended by section 21(1) and (3)(c)(i) of the Learner Travel (Wales) Measure 2008 (nawm 2). There are other amendments which are not relevant to these Regulations. The functions of the National Assembly for Wales under section 30 of the Education Act 2002 were transferred to the Welsh Ministers under paragraph 30 of Schedule 11 to the Government of Wales Act 2006. For the definitions of “prescribed” and “regulations” see section 212(1) of the Education Act 2002.

(3) S.I. 2011/1939 (W. 207), amended by S.I. 2013/437 (W. 53), S.I. 2013/1561 (W. 142), S.I. 2014/2677 (W. 265), S.I. 2018/766 (W. 153), S.I. 2020/729 (W. 164) and S.I. 2021/612 (W. 163).

(4) For the definition of “school year” see section 579 of the Education Act 1996. The definition was inserted by paragraph 43 of Schedule 7 to the Education Act 1997.

(5) S.I. 2011/1944 (W. 211), amended by S.I. 2013/437 (W. 53), S.I. 2016/211 (W. 84), S.I. 2018/766 (W. 153), S.I. 2020/729 (W. 164) and S.I. 2021/612 (W. 163).

“Datgymhwyso dyletswyddau penodol ar gyfer y flwyddyn ysgol 2021-2022

1C. Ni chaniateir i'r wybodaeth a bennir ym mharagraff 30 o Atodlen 3 ac sy'n ymwneud â'r flwyddyn ysgol 2021-2022(1) gael ei chynnwys mewn unrhyw brospectws ysgol.”

“Disapplication of certain duties for the 2021-2022 school year

1C. The information specified in paragraph 30 of Schedule 3 and relating to the 2021-2022 school year(1) must not be included in any school prospectus.”

Jeremy Miles

Gweinidog y Gymraeg ac Addysg, un o Weinidogion Cymru
23 Chwefror 2022

Minister for Education and Welsh Language, one of the Welsh Ministers
23 February 2022

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Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament.

(1) Am y diffiniad o “school year” gweler adran 579 o Ddeddf Addysg 1996. Mewnosodwyd y diffiniad gan baragraff 43 o Atodlen 7 i Ddeddf Addysg 1997.

(1) For the definition of “school year” see section 579 of the Education Act 1996. The definition was inserted by paragraph 43 of Schedule 7 to the Education Act 1997.

£4.90

<http://www.legislation.gov.uk/id/wsi/2022/178>

ISBN 978-0-348-39254-8



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