OFFERYNNAU STATUDOL CYMRU

WELSH STATUTORY INSTRUMENTS

2015 Rhif 1599 (Cy. 198)

ADDYSG, CYMRU

Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 2015

2015 No. 1599 (W. 198)

EDUCATION, WALES

The Education (Inspection of Nursery Education) (Wales) Regulations 2015

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn gymwys mewn perthynas â darpariaeth addysg feithrin yng Nghymru.

Mae'r Rheoliadau hyn yn atgynhyrchu Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 1999 ("Rheoliadau 1999") i raddau helaeth. Fodd bynnag, mae'r Rheoliadau hyn yn cynyddu'r cyfnod amser rhagnodedig ar gyfer cwblhau adroddiad arolygu i 45 o ddiwrnodau gwaith o'r dyddiad y dechreuodd yr arolygiad. Mae Rheoliadau 1999 wedi eu dirymu (rheoliad 1(3)).

Mae'r Rheoliadau hyn yn rhagnodi'r cyfnod y mae rhaid i adroddiad ar arolygiad o addysg feithrin o dan Atodlen 26 i Ddeddf Safonau a Fframwaith Ysgolion 1998 gael ei wneud ynddo; yr awdurdodau a'r personau y mae rhaid anfon copi o'r adroddiad atynt; a'r ysbeidiau sydd rhwng arolygiadau addysg feithrin o dan yr Atodlen honno (rheoliadau 3 a 4).

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.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations apply in relation to nursery education provision in Wales.

These Regulations largely replicate the Education (Inspection of Nursery Education) (Wales) Regulations 1999 ("the 1999 Regulations"). However, these Regulations do increase the time period prescribed for when the completion of an inspection report to 45 working days from the date on which the inspection began. The 1999 Regulations are revoked (regulation 1(3)).

These Regulations prescribe the period within which a report of an inspection of nursery education under Schedule 26 to the School Standards and Framework Act 1998 must be made; the authorities and persons to whom a copy of the report must be sent; and the intervals at which nursery education is to be inspected under that Schedule (regulations 3 and 4).

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.

2015 Rhif 1599 (Cy. 198)

ADDYSG, CYMRU

Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 2015

Gwnaed	*5 Awst 2015*
Gosodwyd gerbron Cynulliad Cenedlaethol Cymru	*10 Awst 2015*
Yn dod i rym	*1 Medi 2015*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 122(1) a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(**1**), a pharagraffau 6B(1)(a) a 13B o Atodlen 26 iddi, ac a freiniwyd bellach ynddynt hwy, yn gwneud y Rheoliadau a ganlyn:

Enwi, cychwyn, cymhwyso a dirymu

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 2015 a deuant i rym ar 1 Medi 2015.

(2) Mae'r Rheoliadau hyn yn gymwys mewn perthynas ag addysg feithrin a ddarperir yng Nghymru.

(3) Mae'r rheoliadau a ganlyn wedi eu dirymu—

(a) Rheoliadau Addysg (Arolygu Addysg Feithrin) (Cymru) 1999(**2**);

(**1**) 1998 p. 31. Diwygiwyd adran 122(1) gan baragraff 33(1) a (3) o Atodlen 2 i Ddeddf Gofal Plant 2006 (p. 21), a rhoddwyd paragraff 6B yn lle paragraff 6 o Atodlen 26, fel y'i deddfwyd yn wreiddiol, gan baragraffau 8 a 12 o Ran 2 o Atodlen 7 i Ddeddf Addysg 2005 (p. 18). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol o dan adran 138 ac Atodlen 26 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

(**2**) O.S. 1999/1441.

2015 No. 1599 (W. 198)

EDUCATION, WALES

The Education (Inspection of Nursery Education) (Wales) Regulations 2015

Made	*5 August 2015*
Laid before the National Assembly for Wales	*10 August 2015*
Coming into force	*1 September 2015*

The Welsh Ministers in exercise of the powers conferred on the Secretary of State by sections 122(1) and 138(7) and (8) of, and paragraphs 6B(1)(a) and 13B of Schedule 26 to, the School Standards and Framework Act 1998(**1**), and now vested in them make the following Regulations:

Title, commencement, application and revocation

1.—(1) The title of these Regulations is the Education (Inspection of Nursery Education) (Wales) Regulations 2015 and they come into force on 1 September 2015.

(2) These Regulations apply in relation to nursery education provided in Wales.

(3) The following regulations are revoked—

(a) the Education (Inspection of Nursery Education) (Wales) Regulations 1999(**2**);

(**1**) 1998 c. 31. Section 122(1) was amended by paragraph 33(1) and (3) of Schedule 2 to the Childcare Act 2006 (c. 21), and paragraph 6, as originally enacted, of Schedule 26 was substituted for paragraph 6B by paragraphs 8 and 12 of Part 2 of Schedule 7 to the Education Act 2005 (c. 18). The functions of the Secretary of State under section 138 and Schedule 26 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 virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(**2**) S.I. 1999/1441.

(b) rheoliad 23 o Reoliadau Deddf Addysg 2002 (Darpariaethau Trosiannol a Diwygiadau Canlyniadol) (Cymru) 2005(**1**);

(c) rheoliad 2 o Reoliadau Addysg (Diwygiadau ynglŷn â'r Ysbeidiau rhwng Arolygiadau Addysg a Hyfforddiant) (Cymru) 2010(**2**); a

(d) rheoliad 2 o Reoliadau Addysg (Diwygiadau sy'n Ymwneud ag Arolygu Addysg a Hyfforddiant) (Cymru) 2014(**3**).

Dehongli

2. Yn y Rheoliadau hyn—

mae i "Brif Arolygydd Cymru" yr ystyr a roddir iddo yn adran 6 o Ddeddf Addysg 1996;

ystyr "y cofrestrydd ysgolion annibynnol" ("*the registrar of independent schools*") yw Gweinidogion Cymru;

ystyr "diwrnod gwaith" ("*working day*") yw diwrnod nad yw'n ddydd Sadwrn, yn ddydd Sul, yn ŵyl banc nac yn rhan o wyliau sy'n hwy nag wythnos a gymerir gan yr ysgol o dan sylw;

ystyr "y Ddeddf" ("*the Act*") yw Deddf Safonau a Fframwaith Ysgolion 1998;

ystyr "gŵyl banc" ("*bank holiday*") yw diwrnod sy'n ŵyl banc yng Nghymru o dan Ddeddf Bancio a Thrafodion Ariannol 1971(**4**);

mae i "ysgol feithrin" yr ystyr a roddir i "nursery school" yn adran 6 o Ddeddf Addysg 1996(**5**).

Adroddiadau arolygu

3.—(1) At ddibenion paragraff 13B(1) o Atodlen 26 i'r Ddeddf, y cyfnod y mae adroddiad ar arolygiad o dan baragraff 6B o'r Atodlen honno i gael ei wneud ynddo yw 45 o ddiwrnodau gwaith o'r diwrnod y dechreuodd yr arolygiad.

(2) At ddibenion paragraff 13B(2) o Atodlen 26 i'r Ddeddf, yr awdurdodau a'r personau y mae rhaid anfon copi o'r adroddiad ar arolygiad o dan baragraff 6B o'r Atodlen honno atynt yw—

(a) yn achos addysg feithrin a ddarperir mewn ysgol a gynhelir gan awdurdod lleol—

(i) pennaeth yr ysgol;

(ii) corff llywodraethu'r ysgol; a

(b) regulation 23 of the Education Act 2002 (Transitional Provisions and Consequential Amendments) (Wales) Regulations 2005(**1**);

(c) regulation 2 of the Education (Amendments Relating to the Intervals for the Inspection of Education and Training) (Wales) Regulations 2010(**2**); and

(d) regulation 2 of the Education (Amendments Relating to the Inspection of Education and Training) (Wales) Regulations 2014(**3**).

Interpretation

2. In these Regulations—

"the Act" ("*y Ddeddf*") means the School Standards and Framework Act 1998;

"bank holiday" ("*gŵyl banc*") means a day which is a bank holiday in Wales under the Banking and Financial Dealings Act 1971(**4**);

"Chief Inspector for Wales" has the meaning given to it in section 122(4) of the Act;

"nursery school" ("*ysgol feithrin*") has the meaning given to it in section 6 of the Education Act 1996(**5**);

"the registrar of independent schools" ("*y cofrestrydd ysgolion annibynnol*") means the Welsh Ministers;

"working day" ("*diwrnod gwaith*") means a day which is not a Saturday, Sunday, a bank holiday or part of a holiday longer than a week taken by the school in question.

Inspection reports

3.—(1) For the purposes of paragraph 13B(1) of Schedule 26 to the Act the period within which a report of an inspection under paragraph 6B of that Schedule is to be made is 45 working days from the day on which the inspection began.

(2) For the purposes of paragraph 13B(2) of Schedule 26 to the Act the authorities and persons to whom a copy of the report of an inspection under paragraph 6B of that Schedule must be sent are—

(a) in the case of nursery education provided at a school maintained by a local authority—

(i) the head teacher of the school;

(ii) the school's governing body; and

(**1**) O.S. 2005/2913 (Cy. 210).
(**2**) O.S. 2010/1436 (Cy. 127).
(**3**) O.S. 2014/1212 (Cy. 128).
(**4**) 1971 p. 80.
(**5**) 1996 p. 56.

(**1**) S.I. 2005/2913 (W. 210).
(**2**) S.I. 2010/1436 (W. 127).
(**3**) S.I. 2014/1212 (W. 128).
(**4**) 1971 c. 80.
(**5**) 1996 c. 56.

(iii) yr awdurdod lleol;

(b) yn achos addysg feithrin a ddarperir mewn ysgol ag iddi lywodraethwyr sefydledig, y person sy'n penodi'r llywodraethwyr hynny;

(c) yn achos addysg feithrin a ddarperir mewn ysgol annibynnol—

(i) pennaeth yr ysgol;

(ii) perchenogion yr ysgol;

(iii) y cofrestrydd ysgolion annibynnol; a

(iv) pan fo'r ysgol wedi ei chymeradwyo o dan adran 347 o Ddeddf Addysg 1996(**1**) (cymeradwyo ysgolion annibynnol sy'n darparu addysg arbennig), awdurdod lleol sy'n talu'r ffioedd mewn cysylltiad â phresenoldeb disgybl cofrestredig yn yr ysgol;

(d) yn achos addysg feithrin a ddarperir mewn ysgol arbennig nas cynhelir gan awdurdod lleol—

(i) pennaeth yr ysgol;

(ii) perchenogion yr ysgol; a

(iii) awdurdod lleol sy'n talu ffioedd mewn cysylltiad â phresenoldeb disgybl cofrestredig yn yr ysgol;

(e) yn achos addysg feithrin a ddarperir gan awdurdod lleol o dan adran 18 o Ddeddf Plant 1989(**2**), yr awdurdod lleol hwnnw a'r person sydd â gofal am y man lle y darperir yr addysg;

(f) yn achos addysg feithrin a ddarperir gan berson sydd wedi ei gofrestru gan awdurdod lleol o dan adrannau 20 a 22 o Fesur Plant a Theuluoedd (Cymru) 2010(**3**), y person hwnnw a'r awdurdod lleol a'i cofrestrodd;

(g) yn achos addysg feithrin a ddarperir gan berson y byddai'n ofynnol iddo fod wedi ei gofrestru felly pe bai'r Ddeddf yn gymwys i'r Goron, y person hwnnw a Gweinidogion Cymru(**4**); ac

(h) yn achos addysg feithrin a ddarperir gan awdurdod lleol mewn cartref i blant sydd ag anghenion addysgol arbennig, yr awdurdod lleol hwnnw.

(iii) the local authority;

(b) in the case of nursery education provided at a school having foundation governors, the person who appoints those governors;

(c) in the case of nursery education provided at an independent school—

(i) the head teacher of the school;

(ii) the proprietors of the school;

(iii) the registrar of independent schools; and

(iv) where the school is approved under section 347 of the Education Act 1996(**1**) (approval of independent schools providing special education), a local authority which is paying the fees in respect of the attendance of a registered pupil at the school;

(d) in the case of nursery education provided at a special school which is not maintained by a local authority—

(i) the head teacher of the school;

(ii) the proprietors of the school; and

(iii) a local authority which is paying fees in respect of the attendance of a registered pupil at the school;

(e) in the case of nursery education provided by a local authority under section 18 of the Children Act 1989(**2**), that local authority and the person in charge of the place at which the education is provided;

(f) in the case of nursery education provided by a person registered by a local authority under sections 20 and 22 of the Children and Families (Wales) Measure 2010(**3**), that person and the registering local authority;

(g) in the case of nursery education provided by a person who would be required to be so registered if the Act applied to the Crown, that person and the Welsh Ministers(**4**); and

(h) in the case of nursery education provided by a local authority at a home for children with special education needs, that local authority.

(**1**) 1996 p. 56.
(**2**) 1989 p. 41.
(**3**) 2010 (mccc 1).
(**4**) Sefydlwyd Cynulliad Cenedlaethol Cymru gan adran 1 o Ddeddf Llywodraeth Cymru 1998 (p. 38). Trosglwyddwyd holl swyddogaethau'r Ysgrifennydd Gwladol sy'n berthnasol i'r Rheoliadau hyn i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac maent bellach wedi eu breinio yng Ngweinidogion Cymru yn rhinwedd paragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006.

(**1**) 1996 c. 56.
(**2**) 1989 c .41.
(**3**) 2010 (nawm 1).
(**4**) The National Assembly for Wales was established by section 1 of the Government of Wales Act 1998 (c. 38). All the functions of the Secretary of State relevant to these Regulations are transferred to the National Assembly for Wales by the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) and are now vested in the Welsh Ministers by virtue of paragraph 30 of Schedule 11 to the Government of Wales Act 2006.

Ysbeidiau rhwng arolygiadau

4.—(1) Rhaid i Brif Arolygydd Cymru sicrhau bod addysg feithrin berthnasol yn cael ei harolygu o dan baragraff 6B(1)(a) o Atodlen 26 i'r Ddeddf—

(a) pan nad oes arolygiad blaenorol wedi bod o dan y paragraff hwnnw, o fewn 6 blynedd i'r dyddiad y cafodd addysg feithrin berthnasol ei darparu am y tro cyntaf yn y fangre o dan sylw; a

(b) ym mhob achos arall, o leiaf unwaith o fewn cyfnod o 6 mlynedd sy'n dechrau ar 1 Medi 2015 ac sy'n dod i ben ar 31 Awst 2021 ac o leiaf unwaith o fewn pob cyfnod dilynol o 6 mlynedd sy'n dechrau pan ddaw'r cyfnod blaenorol i ben.

(2) At ddibenion y rheoliad hwn, y dyddiad y cwblhawyd yr arolygiad diwethaf yw dyddiad yr adroddiad ar yr arolygiad diwethaf o dan baragraff 6B o Atodlen 26 i'r Ddeddf.

Inspection intervals

4.—(1) The Chief Inspector for Wales must secure that relevant nursery education is inspected under paragraph 6B(1)(a) of Schedule 26 to the Act—

(a) where there has been no previous inspection under that paragraph, within 6 years of the date on which relevant nursery education was first provided at the premises concerned; and

(b) in all other cases, at least once within a 6 year period beginning on 1 September 2015 and ending on 31 August 2021 and at least once within every subsequent 6 year period beginning on the expiry of the previous period.

(2) For the purposes of this regulation the date on which the last inspection was completed is the date of the report of the last inspection under paragraph 6B of Schedule 26 to the Act.

Huw Lewis

Y Gweinidog Addysg a Sgiliau, un o Weinidogion Cymru
5 Awst 2015

Minister for Education and Skills, one of the Welsh Ministers
5 August 2015

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