OFFERYNNAU STATUDOL ACYMRU

WELSH STATUTORY INSTRUMENTS

2021 Rhif 209 (Cy. 51)

2021 No. 209 (W. 51)

ADDYSG, CYMRU

EDUCATION, WALES

Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) (Diwygio) 2021

The Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014 ("Rheoliadau 2014"). Mae angen y diwygiad o ganlyniad i weithredu Deddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018 ("Deddf 2018").

Yn benodol, mae'r Rheoliadau hyn yn diwygio rheoliad 22 o Reoliadau 2014 (dirprwyo swyddogaethau) i ddarparu bod rhaid i awdurdod lleol ddirprwyo'r swyddogaethau penodedig i bwyllgor rheoli uned cyfeirio disgyblion ("UCD").

Y swyddogaethau penodedig yw swyddogaethau'r corff llywodraethu o dan Ddeddf 2018 sydd, yn unol â pharagraff 1 o Atodlen 1 i Ddeddf Addysg 1996 ("Deddf 1996"), yn swyddogaethau sydd gan yr awdurdod lleol mewn perthynas ag UCD.

Mae paragraff 15 o Atodlen 1 i Ddeddf 1996 yn darparu y caiff rheoliadau wneud darpariaeth sy'n ei gwneud yn ofynnol i unrhyw awdurdod lleol sy'n cynnal UCD sefydlu pwyllgor rheoli ar gyfer yr UCD. Caiff y rheoliadau hefyd wneud darpariaeth sy'n ei gwneud yn ofynnol i bwyllgor gyflawni unrhyw swyddogaethau sydd gan yr awdurdod mewn cysylltiad ag UCD a ddirprwyir iddo gan yr awdurdod, yn unol â rheoliadau.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014 ("the 2014 Regulations"). The amendment is required as a result of the implementation of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 ("the 2018 Act").

Specifically, these Regulations amend regulation 22 of the 2014 Regulations (delegation of functions) to provide that a local authority must delegate the specified functions to a management committee of a pupil referral unit ("PRU").

The specified functions are the functions of the governing body under the 2018 Act which, in accordance with paragraph 1 of Schedule 1 to the Education Act 1996 ("the 1996 Act"), are functions of the local authority in relation to a PRU.

Paragraph 15 of Schedule 1 to the 1996 Act provides that regulations may make provision requiring any local authority who maintains a PRU to establish a management committee for the PRU. The regulations may also make provision requiring a committee to discharge such of the authority's functions in connection with the PRU as are delegated to them by the authority, in accordance with regulations.

Y bwriad yw i bwyllgor rheoli gael yr un swyddogaethau o dan Ddeddf 2018 mewn perthynas ag UCD ag sydd gan gorff llywodraethu mewn perthynas ag ysgol a gynhelir. Er mwyn sicrhau mai dim ond y swyddogaethau hyn a gwmpesir gan y gofyniad i ddirprwyo, mae'r diwygiad i reoliad 22 a wneir gan y Rheoliadau hyn yn cyfeirio at swyddogaethau cyrff llywodraethu. Mae hyn yn sicrhau nad oes unrhyw swyddogaeth sydd wedi ei gosod yn uniongyrchol ar yr awdurdod lleol gan Ddeddf 2018 yn cael ei dirprwyo i bwyllgor rheoli.

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.

The intention is for a management committee to have the same functions under the 2018 Act in relation to a PRU that a governing body does in relation to a maintained school. To ensure that only these functions are captured by the requirement to delegate, the amendment to regulation 22 made by these Regulations refers to governing body functions. This makes sure that no function which has been placed on the local authority directly by the 2018 Act is delegated to a management committee.

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.

2021 Rhif 209 (Cy. 51)

ADDYSG, CYMRU

Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) (Diwygio) 2021

Gwnaed	*26 Chwefror 2021*
Gosodwyd gerbron Senedd Cymru	*2 Mawrth 2021*
Yn dod i rym	*1 Medi 2021*

Mae Gweinidogion Cymru, drwy arfer y pwerau a roddir iddynt gan adran 569(4) a (5) o Ddeddf Addysg 1996(**1**), a pharagraff 15 o Atodlen 1 iddi, yn gwneud y Rheoliadau a ganlyn:

Enwi a chychwyn

1.—(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) (Diwygio) 2021.

(2) Daw'r Rheoliadau hyn i rym ar 1 Medi 2021.

(**1**) 1996 p. 56; gweler adran 579(1) am y diffiniad o "regulations". Mewnosodwyd paragraff 15 o Atodlen 1 gan adran 48 o Ddeddf Addysg 1997 (p. 44), ac fe'i diwygiwyd gan baragraff 184(c) o Atodlen 30 i Ddeddf Safonau a Fframwaith Ysgolion 1998 (p. 31), O.S. 2002/808 (Cy. 89), O.S. 2010/1158 ac yna gan baragraff 9 o Atodlen 13 i Ddeddf Addysg 2011 (p. 21). Trosglwyddwyd swyddogaethau'r Ysgrifennydd Gwladol yn Atodlen 1 i Ddeddf Addysg 1996 i Gynulliad Cenedlaethol Cymru gan Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) ac yna i Weinidogion Cymru gan baragraff 30 o Atodlen 11 i Ddeddf Llywodraeth Cymru 2006 (p. 32).

2021 No. 209 (W. 51)

EDUCATION, WALES

The Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021

Made	*26 February 2021*
Laid before Senedd Cymru	*2 March 2021*
Coming into force	*1 September 2021*

The Welsh Ministers, in exercise of the powers conferred on them by section 569(4) and (5) of, and paragraph 15 of Schedule 1 to, the Education Act 1996(**1**), make the following Regulations:

Title and commencement

1.—(1) The title of these Regulations is the Education (Pupil Referral Units) (Management Committees etc.) (Wales) (Amendment) Regulations 2021.

(2) These Regulations come into force on 1 September 2021.

(**1**) 1996 c. 56; see section 579(1) for the definition of "regulations". Paragraph 15 of Schedule 1 was inserted by section 48 of the Education Act 1997 (c. 44), and amended by paragraph 184(c) of Schedule 30 to the School Standards and Framework Act 1998 (c. 31), S.I. 2002/808 (W. 89), S.I. 2010/1158 and then by paragraph 9 of Schedule 13 to the Education Act 2011 (c. 21). The functions of the Secretary of State in Schedule 1 to the Education Act 1996 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 paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

Diwygio Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014

2. Yn Rheoliadau Addysg (Unedau Cyfeirio Disgyblion) (Pwyllgorau Rheoli etc.) (Cymru) 2014(**1**), yn rheoliad 22 (dirprwyo swyddogaethau), ar ôl paragraff (2)(d) mewnosoder—

"(e) swyddogaethau'r awdurdod yn rhinwedd paragraff 1 o Atodlen 1 i Ddeddf Addysg 1996, pan fo'r swyddogaethau hynny wedi eu rhoi gan Ddeddf Anghenion Dysgu Ychwanegol a'r Tribiwnlys Addysg (Cymru) 2018(**2**) neu o dan y Ddeddf honno."

Amendment to the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014

2. In the Education (Pupil Referral Units) (Management Committees etc.) (Wales) Regulations 2014(**1**), in regulation 22 (delegation of functions), after paragraph (2)(d) insert—

"(e) the authority's functions by virtue of paragraph 1 of Schedule 1 to the Education Act 1996, where those functions are conferred by, or under, the Additional Learning Needs and Education Tribunal (Wales) Act 2018(**2**)."

Kirsty Williams

Y Gweinidog Addysg, un o Weinidogion Cymru
26 Chwefror 2021

Minister for Education, one of the Welsh Ministers
26 February 2021

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(**1**) O.S. 2014/2709 (Cy. 270).
(**2**) 2018 dccc 2.

(**1**) S.I. 2014/2709 (W. 270).
(**2**) 2018 anaw 2.

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