CYNULLIAD CENEDLAETHOL CYMRU

OFFERYNNAU STATUDOL

2006 Rhif 125 (Cy.18)

ADDYSG, CYMRU

Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb heb Awdurdod) (Cymru) (Diwygio) 2006

NODYN ESBONIADOL

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

Mae'r Rheoliadau hyn yn diwygio'r darpariaethau sy'n ymwneud â thargedau absenoldeb yn Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb heb Awdurdod) (Cymru) 1999 ("Rheoliadau 1999").

Mae Rheoliad 2 o'r Rheoliadau hyn yn newid enw Rheoliadau 1999 i "The Education (School Performance and Absence Targets) (Wales) Regulations 1999" (Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb) (Cymru) 1999) ac yn gwneud darpariaeth ar gyfer rheoliadau 7 ac 8 newydd yn Rheoliadau 1999. Mae'r rheoliadau newydd hyn yn ei gwneud yn ofynnol i bob ysgol a gynhelir (ac eithrio ysgolion arbennig a sefydlir mewn ysbytai) osod targedau absenoldeb. Yn flaenorol, o dan Reoliadau 1999 nid oedd yn ofynnol ond i ysgolion a gynhelir ac sy'n darparu addysg uwchradd osod targedau absenoldeb.

NATIONAL ASSEMBLY FOR WALES

STATUTORY INSTRUMENTS

2006 No. 125 (W.18)

EDUCATION, WALES

The Education (School Performance and Unauthorised Absence Targets) (Wales) (Amendment) Regulations 2006

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the provisions relating to absence targets in the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999 ("the 1999 Regulations").

Regulation 2 of these Regulations amends the citation of the 1999 Regulations to the Education (School Performance and Absence Targets) (Wales) Regulations 1999 and makes provision for new regulations 7 and 8 of the 1999 Regulations. These new regulations require all maintained schools (except special schools established in hospitals) to set absence targets. Previously, under the 1999 Regulations only maintained schools providing secondary education were required to set absence targets.

2006 Rhif 125 (Cy.18)

ADDYSG, CYMRU

Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb heb Awdurdod) (Cymru) (Diwygio) 2006

Wedi'u gwneud	*24 Ionawr 2006*
Yn dod i rym	*1 Chwefror 2006*

Mae Cynulliad Cenedlaethol Cymru yn gwneud y Rheoliadau canlynol drwy arfer y pwerau a roddwyd i'r Ysgrifennydd Gwladol gan adrannau 63 a 138(7) ac (8) o Ddeddf Safonau a Fframwaith Ysgolion 1998(**1**) ac sy'n arferadwy bellach gan Gynulliad Cenedlaethol Cymru:

Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb heb Awdurdod) (Cymru) (Diwygio) 2006 a deuant i rym ar 1 Chwefror 2006.

Diwygio Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb heb Awdurdod) (Cymru) 1999

2.-(1) Diwygir Rheoliadau Addysg (Perfformiad Ysgol a Thargedau Absenoldeb heb Awdurdod) (Cymru) 1999(**2**) fel a ganlyn.

(2) Mae'r gair "unauthorised" yn cael ei hepgor ym mhob un o'r mannau lle y mae'n ymddangos yn y darpariaethau canlynol-

(a) rheoliad 1(1);

(b) rheoliad 9(1)(c) a (d); ac

(c) paragraffau 1(c), (d) ac (e)(ii) a 3(c), (d) ac (e)(ii) o Atodlen 2 a phennawd yr Atodlen.

(**1**) 1998 p.31. Mae swyddogaethau'r Ysgrifennydd Gwladol o dan Ddeddf 1998 yn arferadwy gan Gynulliad Cenedlaethol Cymru o ran Cymru: *gweler* Erthygl 2(a) o Orchymyn Cynulliad Cenedlaethol Cymru (Trosglwyddo Swyddogaethau) 1999 (O.S. 1999/672) a'r cofnod o ran Deddf 1998 yn Atodlen 1 iddo. Diwygiwyd adran 63 o Ddeddf 1998 gan adran 53 o Ddeddf Addysg 2002 (p.32).

(**2**) O.S. 1999/1811, fel y'i diwygiwyd gan O.S. 2004/2914 (Cy.253).

2006 No. 125 (W.18)

EDUCATION, WALES

The Education (School Performance and Unauthorised Absence Targets) (Wales) (Amendment) Regulations 2006

Made	*24 January 2006*
Coming into force	*1 February 2006*

The National Assembly for Wales makes the following Regulations in exercise of the powers conferred on the Secretary of State by sections 63 and 138(7) and (8) of the School Standards and Framework Act 1998(**1**) and now exercisable by the National Assembly for Wales:

Title, commencement and application

1.-1. The title of these Regulations is the Education (School Performance and Unauthorised Absence Targets) (Wales) (Amendment) Regulations 2006 and they come into force on 1 February 2006.

Amendment of the Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999

2.-(1) The Education (School Performance and Unauthorised Absence Targets) (Wales) Regulations 1999(**2**) are amended as follows.

(2) The word "unauthorised" is omitted wherever it occurs in the following provisions-

(a) regulation 1(1);

(b) regulation 9(1)(c) and (d); and

(c) paragraphs 1(c), (d) and (e)(ii) and 3(c), (d) and (e)(ii) of Schedule 2 and the Schedule's heading.

(**1**) 1998 c.31. The functions of the Secretary of State under the 1998 Act are exercisable by the National Assembly for Wales in relation to Wales: *see* Article 2(a) of, and the entry in respect of the 1998 Act in Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672). Section 63 of the 1998 Act was amended by section 53 of the Education Act 2002 (c. 32).

(**2**) S.I. 1999/1811, as amended by S.I. 2004/2914 (W.253).

(3) Hepgorir y diffiniad o "unauthorised absence targets" yn rheoliad 3(1).

(4) Yn lle rheoliadau 7 ac 8 rhoddir y canlynol-

"**Absence Targets**

7.-(1) By no later than 31 December in every school year, the governing body of every maintained school (other than a special school established in a hospital) must set and submit to the local education authority the targets specified in paragraph (2) for the level to which the absence rate on the part of relevant day pupils at the school is to be reduced.

(2) Subject to paragraph (3), the targets referred to in paragraph (1) are-

(a) a final target for the following school year, being the reviewed target set in the previous school year but revised if the governing body deem it necessary to do so;

(b) a reviewed target for the school year next but one, being the provisional target set in the previous school year but revised if the governing body deem it necessary to do so; and

(c) a provisional target for the school year next but two.

(3) Where a governing body has not previously set absence targets under these regulations, paragraph (2) above shall be modified as follows in respect of the first occasion on which targets are required to be set-

(a) in sub-paragraph (a), the word "final" and the words following "school year" to the end of the sub-paragraph are omitted; and

(b) in sub-paragraph (b), the word "reviewed" and the words following "but one" to the end of the sub-paragraph are omitted.

(4) Where the local education authority is not satisfied with any target submitted by a governing body under paragraph (2), it must forthwith give notice to the governing body of that fact; and the governing body must submit a revised target within 21 days of receipt of such a notice.

(5) Where the local education authority is not satisfied with a revised target submitted under paragraph (4), it must set the target.

(6) In this regulation and in regulation 9-

(a) "absence" means an occasion when a relevant day pupil is recorded as absent from a school in accordance with the Education (Pupil Registration)

(3) The definition of "unauthorised absence targets" is omitted from regulation 3(1).

(4) Regulations 7 and 8 are substituted by the following-

"**Absence Targets**

7.-(1) By no later than 31 December in every school year, the governing body of every maintained school (other than a special school established in a hospital) must set and submit to the local education authority the targets specified in paragraph (2) for the level to which the absence rate on the part of relevant day pupils at the school is to be reduced.

(2) Subject to paragraph (3), the targets referred to in paragraph (1) are-

(a) a final target for the following school year, being the reviewed target set in the previous school year but revised if the governing body deem it necessary to do so;

(b) a reviewed target for the school year next but one, being the provisional target set in the previous school year but revised if the governing body deem it necessary to do so; and

(c) a provisional target for the school year next but two.

(3) Where a governing body has not previously set absence targets under these regulations, paragraph (2) above shall be modified as follows in respect of the first occasion on which targets are required to be set-

(a) in sub-paragraph (a), the word "final" and the words following "school year" to the end of the sub-paragraph are omitted; and

(b) in sub-paragraph (b), the word "reviewed" and the words following "but one" to the end of the sub-paragraph are omitted.

(4) Where the local education authority is not satisfied with any target submitted by a governing body under paragraph (2), it must forthwith give notice to the governing body of that fact; and the governing body must submit a revised target within 21 days of receipt of such a notice.

(5) Where the local education authority is not satisfied with a revised target submitted under paragraph (4), it must set the target.

(6) In this regulation and in regulation 9-

(a) "absence" means an occasion when a relevant day pupil is recorded as absent from a school in accordance with the Education (Pupil Registration)

Regulations 1995(**1**);

(b) "relevant day pupil" means a registered pupil of compulsory school age apart from a boarder;

(c) "the absence rate" means the total number of absences expected in the applicable period during the school year, expressed as a percentage of the total possible attendances by pupils in that period;

(d) "the applicable period" means the period starting with the beginning of a school year and finishing with the end of the school day falling on the Friday before the last Monday in May in that school year; and

(e) "the total possible attendances" means the number produced by multiplying the number of relevant day pupils at a school by the number of school sessions in the applicable period in a school year.

Alteration of final targets

8.-(1) A final performance target may not be modified after it has been set.

(2) A final absence target set by a governing body under regulation 7 must not be modified by the governing body with the agreement of the local education authority.".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(**2**).

24 Ionawr 2006

Llywydd y Cynulliad Cenedlaethol

(**1**) O.S. 1995/2089.

(**2**) 1998 p.38.

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Regulations 1995(**1**);

(b) "relevant day pupil" means a registered pupil of compulsory school age apart from a boarder;

(c) "the absence rate" means the total number of absences expected in the applicable period during the school year, expressed as a percentage of the total possible attendances by pupils in that period;

(d) "the applicable period" means the period starting with the beginning of a school year and finishing with the end of the school day falling on the Friday before the last Monday in May in that school year; and

(e) "the total possible attendances" means the number produced by multiplying the number of relevant day pupils at a school by the number of school sessions in the applicable period in a school year.

Alteration of final targets

8.-(1) A final performance target may not be modified after it has been set.

(2) A final absence target set by a governing body under regulation 7 must not be modified by the governing body without the agreement of the local education authority.".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**2**).

24 January 2006

D. Elis-Thomas

The Presiding Officer of the National Assembly

(**1**) S.I. 1995/2089.

(**2**) 1998 c.38.

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